



Development

The demolition of 2 no. two-storey habitable dwellings and associated outbuildings / structures (totalling 534 sq.m. gross floor area); and the construction of an apartment building (3,502 sq.m. gross floor area) of 4 No. storeys over basement parking in height (totalling 5 No. levels) to consist of: 28 No. residential units (6 No. one bedroom apartments, 14 No. two bedroom apartments and 8 No. three bedroom apartments); basement car park and vehicular access ramp (incorporating 43 No. car parking spaces, 32 No. bicycle parking spaces, and a communal waste storage area (46 sq.m.); and associated entrance lobbies, circulation area, lifts, stairs, internal plant and private amenity spaces. The permanent closure of the current 'Garrynock' vehicular and pedestrian access from the neighbouring 'Fairways' residential development; the permanent closure of 1 No.

existing 'Funchal' vehicular access and 1 No. dedicated pedestrian access from the N11 Stillorgan Road; upgrade and enhancement of 1 No. existing 'Funchal' vehicular access from the N11 Stillorgan Road, to provide the primary vehicular and pedestrian access to the proposed development, along with two new dedicated pedestrian entrances from the N11 Stillorgan Road; boundary treatments, hard and soft landscaping, including a playground, internal vehicle and pedestrian circulation routes, services (including 1 No. below ground attenuation tank) and all other ancillary and associated site development works above and below ground level.

Location	'Funchal' and 'Garryknock', Stillorgan Road, Foxrock, Dublin 8.
Planning Authority	Dún Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/1112
Applicant(s)	Kingscroft Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Refusal

Type of Appeal	First Party v. Decision
Appellant(s)	Kingscroft Developments Ltd.
Observer(s)	Georgina Boylan Mary & Emma Phelan Jane & Michael Donnelly Niamh Hurley Nuala Hurley Vincent Mulvey & Majella Hillery
Date of Site Inspection	29 th July, 2019
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located along the south-western (northbound carriageway) side of the N11 (Stillorgan) National Road between its signalised junctions with Kill Lane to the southeast and Leopardstown Road / Newtownpark Avenue (the R113 Regional Road) to the northwest, approximately 1.9km southeast of Stillorgan Village and 750m northeast of Leopardstown Racecourse, where it occupies a position between the 'Fairways' and 'Avonmore' housing schemes to the southeast and northwest respectively. The N11 Stillorgan Road as it passes the site comprises a dual carriageway, subject to a speed limit of 60kph, with dedicated bus lanes, cycle paths and footpaths on either side of same. In-bound and out-bound bus stops lie within the vicinity of the site with the signalised junction at Leopardstown Road / Newtownpark Avenue accommodating the crossing of pedestrians within its phasing whilst the junction with Kill Lane includes a pedestrian footbridge. The wider area is generally residential in nature and is predominantly characterised by established low-density development, although there are several instances of higher density apartment scheme several storeys in height having been permitted and / or constructed within the site surrounds (including that recently permitted under ABP Ref. No. ABP-304068-19 on lands approximately 100m north of the subject site on the opposite side of the Stillorgan Road).
- 1.2. The site itself has a stated site area of c. 0.477 hectares, is irregularly shaped, and is presently occupied by 2 No. uninhabited dwelling houses and associated outbuildings which have fallen into a state of dilapidation due to a lack of maintenance and vacancy. It is bounded by the Stillorgan Road to the northeast, two-storey housing schemes to the northwest and southeast, and by Foxrock Golf Club to the southwest. To the northeast and northwest, the site boundaries are defined by high masonry walls with the remaining of the site perimeter encompassing a variety of walls, fencing and planting.

2.0 Proposed Development

- 2.1. The proposed development consists of the demolition of 2 No. habitable dwelling houses (known as 'Garryknock' and 'Funchal') and associated outbuildings / structures (total floor area: 534m²) with the subsequent construction of a three / four

storey-over-basement apartment building (floor area: 3,502m²) comprising 6 No. one-bedroom units, 14 No. two-bedroom units and 8 No. three-bedroom units (a total of 28 No. residential units) with associated basement level car parking (incorporating 43 No. car parking spaces, 32 No. bicycle parking spaces, and a communal waste storage area) and private / communal amenity spaces.

2.2. The proposal will also entail the permanent closure of the existing vehicular and pedestrian access to 'Garryknock' from the neighbouring 'Fairways' housing development in addition to one of the vehicular accesses and a separate pedestrian entrance serving 'Funchal' from the N11 Stillorgan Road. The remaining northernmost vehicular access to 'Funchal' from the N11 National Road will be upgraded and improved to serve as the primary vehicular and pedestrian access to the proposed development whilst two further dedicated pedestrian entrances will be provided onto the Stillorgan Road.

2.3. Associated site development works include landscaping, boundary treatment, and connection to the existing watermain and drainage services.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 31st January, 2019 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 3 No. reasons:

- It is considered that the proposed intensification of the site use and creation of a redesigned access onto the N11 gives rise to the generation of additional turning movements that introduce additional safety risks to road users and would endanger public safety by reason of traffic hazard and would have a seriously adverse impact on the carrying capacity of the National Road. The proposed development is contrary to Policy ST26 Motorways and National Routes of the County Development Plan 2016-2022, and contrary to Section 2.5 of the DoECLG 'Spatial Planning and National Roads Guidelines for Planning Authorities' (2012). The precedent for the redevelopment of other sites in the vicinity to a high density, which would result in further increases in such traffic movements with consequent implications for public safety and the

carrying capacity of the National Road, would further exacerbate the safety concerns of access to / from the N11.

- It is considered that the proposed intensification of the access of the site, across the existing off-road cycle track, is contrary to Policy ST5 Walking and Cycling of the County Development Plan 2016-2022 and would have a detrimental effect on this high Demand Category Grade (i.e. A1 for the N11 north) and block cyclists while vehicles wait to exit out onto the Stillorgan Road (N11) thus reducing the Quality of Service of the N11 Radial Cycle Route, and as such would endanger public safety by reason of traffic hazard or obstruction of road users.
- Having regard to the proximity to the boundaries of the proposed part 3 part 4 storey over basement apartment block and its height and depth at this location, it is considered that the apartment block would appear overbearing when viewed from the adjoining properties to the north-west and the south-east. Given the limited separation distances and the lack of planting proposed, it is considered that the apartment block and entrance to the underground car park would be seriously injurious to the residential amenity of and depreciate the value of these properties.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

Details the site context, planning history, and the applicable policy considerations, including the site location relative to the Quality Bus Corridor and Radial Cycle Route alongside the adjacent N11 National Road. The report proceeds to analyse the overall design and visual impact of the proposed development and raises particular concerns as regards the scale, height and massing of the proposal, in addition to its proximity to neighbouring housing, and the potential adverse impact on residential amenity. It is further stated that the proposal would endanger public safety by reason of traffic hazard due to the proposed access arrangements to / from the N11 National Road. The report thus concludes by recommending a refusal of permission for the reasons stated.

3.2.2. *Other Technical Reports:*

Housing: Refers to the applicant's proposals to comply with its Part V obligations and states that whilst the costings provided are only indicative, they greatly exceed the Council's approved acquisition cost threshold and as such cannot be accepted. Accordingly, it is recommended that the applicant review its costings and submit revised Part V proposals based on the provision of 1 No. one-bedroom & 1 No. two-bedroom units which would more accurately reflect housing demand in the area.

Drainage Planning (Municipal Services Dept.): Recommends that further information be sought in respect of the proposed surface water drainage and attenuation arrangements.

Transportation Planning: Recommends that the proposed development be refused permission for the following reasons:

- The additional traffic turning movements generated by the proposed development onto the heavily trafficked Stillorgan Road (N11), which provides an important part of the link road between the southern parts of Dublin / Greater Dublin Area and the City Centre, would endanger public safety by reason of traffic hazard and would have a seriously adverse impact on the carrying capacity of the National Road – i.e. the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise.
- Due to the endangerment of public safety as a result of the intensification of additional vehicular traffic exiting the proposed development across the existing off-road cycle track, the proposal would have a detrimental effect on this High Demand Category Grade (i.e. A1 for the N11 North) and would block cyclists while vehicles wait to exit onto the Stillorgan Road thus reducing the Quality of Service of the N11 Radial Cycle Route – i.e. the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise.
- Precedent – i.e. the proposed development, by itself, or by the precedent that the grant of permission for it would set for further multiple dwelling access points with consequent implications for public safety and the carrying capacity of the National Road.

Parks Dept.: Recommends the imposition of a series of conditions.

3.3. Prescribed Bodies

3.3.1. *Transportation Infrastructure Ireland:* States the following:

- Regard should be had to official policy as set out in the '*Spatial Planning and National Roads, Guidelines for Planning Authorities, 2012*'.
- The Local Authority is best placed to address any impacts on the national road network at a local level which TII may be unable to ascertain. This is considered to be especially important as regards development proposed within urban sections of the network which may also contain core bus corridor priority, cycleways and facilitate pedestrians. These latter matters would require input from the National Transport Authority and are not matters for TII.
- The subject site is accessed from the N11 National Road, an important strategic road for the Dublin Region, at a location where a 50-60kph transition zone speed limit applies. With regard to development within such transition zones, the '*Spatial Planning and National Roads, Guidelines for Planning Authorities, 2012*' advise that where the plan area (development plan / local area plan) incorporates sections of national roads on the approaches to or exit from urban centres that are subject to a speed limit of 60kph before a lower 50kph limit is encountered – otherwise known as transition zones – the plan may provide for a limited level of direct access to facilitate orderly urban development. However, any such proposal must be subject to a road safety audit carried out in accordance with the NRA's (TII's) requirements whilst a proliferation of such entrances, which would lead to a diminution in the role of such zones, must be avoided. Transport Infrastructure Ireland is unaware that such a plan has been undertaken for this site. Considering the provisions of official policy, it is recommended that the Council should have regard to road safety principles from the subject site to the national road in the interests of avoiding a diminution in the role of the speed transition zone due to a proliferation of entrances to the national road and should also critically address sustainable transport corridor protection in consultation with the NTA.

3.4. Third Party Observations

3.4.1. A total of 12 No. submissions were received from interested third parties and the principle grounds of objection contained therein can be summarised as follows:

- Detrimental impact on the residential amenity of neighbouring housing (with an associated devaluation of property) by reason of overlooking, overshadowing, loss of security, visual intrusiveness, light pollution, noise, disturbance, construction works, and the overbearing nature of the development.
- Excessive density / overdevelopment of the application site.
- The proposal materially contravenes the land use zoning objective which seeks *'to protect and / or improve residential amenity'*.
- Concerns with regard to the loss of tree planting consequent on the proposed development.
- The overall design, scale, bulk and height etc. of the proposed development is visually intrusive and out of character with the surrounding pattern of development.
- The inadequacy of the road network to accommodate the increased traffic volumes.
- Increased traffic congestion / interference with the free movement of traffic / endangerment of public safety by reason of traffic hazard.
- The inadequacy of the sightlines onto the public footpath and cycle lane.
- The proposed access arrangement will have an adverse impact on public transport / the N11 Quality Bus Corridor.
- The intensification of traffic movements to / from the N11 National Road.
- The rationale for the refusal of PA Ref. Nos. D14A/0689 & D16A/0670 remains relevant to the subject application.
- The inadequacy and / or inaccuracy of the submitted plans & particulars.
- The invalidity of the planning application by reference to the Planning and Development Regulations, 2001, as amended.

- Concerns as regards any rock-breaking / excavation works on site.
- The potential adverse impact on the operation of the adjacent golf course.
- Failure to consult with local residents.
- The inadequate provision of on-site car parking facilities.
- Inadequate storage provision within the individual apartment units whilst any use of the balcony areas for storage purposes will be unsightly.
- The substandard provision of open space / amenity areas on site.
- The unsuitability of the basement level bicycle parking facilities.

4.0 Planning History

4.1. *On Site:*

PA Ref. No. D14A/0400. Was refused on 14th August, 2014 refusing Tadhg Gleeson & Jack O'Keefe permission for A) Demolition of the existing dwelling house; (B) The splitting of the existing property into five plots; (C) The widening of the existing vehicular entrance from the Stillorgan road into 'Fairways' and 'Garrynock'; (D) The construction of three storey semi detached houses on Plots 1, 2, 3 & 4 and a three storey detached house on Plot 5; (E) Ancillary and contingent works.

PA Ref. No. D14A/0689 / ABP Ref. No. PL06D.244399. Was refused on appeal on 9th June, 2015 refusing Kingscroft Developments Limited permission for the demolition of existing two-storey house and garage, construction of nine number houses consisting of (i) seven number four bedroom three-storey semi-detached houses ranging in size from 148 square metres to 179 square metres, (ii) one number three bedroom three-storey semi-detached house of approximately 158 square metres, (iii) one number four bedroom three-storey detached house of approximately 153 square metres, and (iv) ancillary site development works including car parking spaces, landscaping, access road and boundary treatments:

- Having regard to:
 - a) the location of the site within an area zoned for residential development where it is the objective, as set out in the Dun Laoghaire-Rathdown County Development Plan 2010 – 2016, to promote higher

residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas with the need to provide for sustainable residential development,

- b) the pattern of residential development in the area which generally comprises large houses on individual sites on immediately adjacent lands, and
- c) the design, layout and the three-storey nature of the proposed development and the proximity of the proposed dwellings to adjacent property boundaries,

it is considered that the proposed development, by reason of overlooking and physical proximity to adjacent properties, would seriously injure the residential amenities of the area and of property in the vicinity, and would therefore, be contrary to the proper planning and sustainable development of the area.

- Having regard to Policy RES7 of the Dun Laoghaire-Rathdown County Development Plan 2010 – 2016 which encourages the “establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided in the County in accordance with the provisions of the Housing Strategy” and to the “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)” issued by the Department of the Environment, Heritage and Local Government in May, 2009, it is considered that the proposed development fails to contribute to the overall mix of housing typologies in an area dominated by traditional suburban type housing. The proposed development would, therefore, set an undesirable precedent for similar types of development and would be contrary to the proper planning and sustainable development of the area.
- The proposal to include land zoned 'F' within the rear gardens of a number of dwellings does not comply with the policy of the planning authority and would contravene this zoning objective, which is, "to preserve and provide for open spaces with ancillary active recreational amenities". The proposed

development would, therefore, be contrary to the proper planning and sustainable development of the area.

PA Ref. No. D16A/0670 / ABP Ref. No. PL06D.247655. Was refused on appeal on 13th April, 2017 refusing Kingscroft Developments Limited permission for the demolition of 2 No. two-storey habitable dwellings and associated outbuildings/structures (totalling 534m² gross floor area) and the construction of a residential development (total gross floor area of 3,829.8m²) comprising 2 No. four-storey apartment buildings (1,574m² and 683m² respectively), along with 8 No. three-storey semi-detached dwellings (totalling 1,505m²) to provide a total of 29 No. residential units (21 No. apartments and 8 No. houses) and associated site development works. The construction of the proposed 29 No. residential unit development comprises of: Apartment Block 'Type A' arranged over four storeys consisting of 14 No. residential units (3 No. one bed, 9 No. two bed and 2 No. three bed) with a gross floor area of 1,574m², associated entrance lobbies, circulation areas, lifts, stairs, internal plant and private amenity spaces; Apartment Block 'Type B' arranged over four storeys consisting of seven number residential units (3 No. one bed, 3 No. two bed and 1 No. three bed) with a gross floor area of 683m², associated entrance lobbies, circulation areas, lifts, stairs, internal plant and private amenity spaces; 8 No. three-storey semi-detached houses (7 No. House 'Type C' with gross floor area of 186.5m² each and 1 No. House 'Type D' with gross floor area of 199.5m²) arranged in 4 No. buildings with total gross floor area of 1,505m²; The permanent closure of 2 No. existing vehicular entrances and 1 No. pedestrian entrance onto the Stillorgan Road; Termination of the current 'Garryknock' vehicular and pedestrian access from the neighbouring 'Fairways' residential development; Primary vehicular and pedestrian access to the proposed development will be via a new single entrance from Stillorgan Road, bin store (24m²) and bicycle storage (43.8m²) with 22 No. bicycle spaces; boundary treatments, hard and soft landscaping, 46 No. surface car parking spaces, vehicle and pedestrian circulation roads, services (including one number below ground attenuation tank and one number below ground interception storage tank) and all other ancillary and associated site development works above and below ground level:

- Having regard to the size, four-storey design and siting of the proposed apartment blocks, it is considered that the proposed development would be

overbearing in relation to the residential properties to the north-west and would lead to excessive overlooking and overshadowing of these properties. The proposed development would, therefore, seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

- Having regard to the car dominated layout of the proposed development, the Board considered that it would fail to create an adequate sense of place. Furthermore, the Board considered, having regard to the proposal to use land zoned “F” in the current Development Plan for the area, that the level of open space would be inadequate and at a poor peripheral location. The proposed development would, therefore, seriously injure residential amenity and be contrary to the proper planning and sustainable development of the area.

4.2. *On Sites in the Immediate Vicinity:*

ABP Ref. No. ABP-304068-19 (Strategic Housing Development). Was granted on 11th July, 2019 permitting the Granville Hall Partnership permission for a development principally consisting of the demolition of the existing structures on site (1 No. vacant dwelling (240m²) and 1 No. part-built dwelling (301m²)) and the provision of a Build-to-Rent residential development comprising 142 No. apartments: Block A to the south-west of the site ranges in height from part-five to part-seven storeys over basement and Block B to the north-east of the site ranges in height from part-single storey (lower ground floor) to part-five storeys over part undercroft / part basement. All at Roselawn and Aberdour, Stillorgan Road, Foxrock, Dublin 18.

5.0 **Policy and Context**

5.1. **National and Regional Policy**

- 5.1.1. The ‘*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*’ generally encourage more sustainable urban development through the avoidance of excessive suburbanisation and through the promotion of higher densities in appropriate locations. In general, appropriate locations for such increased densities include city and town centres, ‘brownfield’ sites (within city or town centres), sites within public transport corridors (with particular reference to

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

- 5.1.2. The '*Spatial Planning and National Roads, Guidelines for Planning Authorities, 2012*' set out the planning policy considerations relating to development affecting national primary and secondary roads, including motorways and associated junctions, outside the 50-60kph speed limit zones for cities, towns and villages. They replace the document, Policy and Planning Framework for Roads, published by the Department in 1985, supplement other policy guidance on roads related matters in other Ministerial guidelines in relation to retail planning and sustainable rural housing, and replace the National Roads Authority policy statement on national roads published in May, 2006.

- 5.1.3. The ‘*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018*’ (which update the ‘*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2015*’) provide detailed guidance and policy requirements in respect of the design of new apartment developments. Where specific planning policy requirements are stated in the document, these are to take precedence over any conflicting policies and objectives of development plans, local area plans and strategic development zone planning schemes. Furthermore, these Guidelines apply to all housing developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease. They also apply to housing developments that include apartments that are built specifically for rental purposes, whether as ‘build to rent’ or as ‘shared accommodation’. Unless stated otherwise, they apply to both private and public schemes. These updated guidelines aim to uphold proper standards for apartment design to meet the accommodation needs of a variety of household types. They also seek to ensure that, through the application of a nationally consistent approach, new apartment developments will be affordable to construct and that supply will be forthcoming to meet the housing needs of citizens.
- 5.1.4. The ‘*Urban Development and Building Heights, Guidelines for Planning Authorities, 2018*’ are intended to set out national planning policy guidance on building heights in relation to urban areas, as defined by the census, building from the strategic policy framework set out in Project Ireland 2040 and the National Planning Framework. They aim to put into practice key National Policy Objectives contained in the NPF in order to move away from unsustainable “business as usual” development patterns and towards a more compact and sustainable model of urban development. Greatly increased levels of residential development in urban centres and significant increases in the building heights and overall density of development are not only to be facilitated, but are to be actively sought out and brought forward by the planning processes and particularly so at local authority and An Bord Pleanála levels. In this regard, the Guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels.

5.2. Development Plan

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

Land Use Zoning:

The proposed development site is zoned as 'A' with the stated land use zoning objective 'To protect and / or improve residential amenity' with the exception of a small parcel of land to the rear of 'Funchal' that adjoins No. 24 Avonmore to the northwest and Foxrock Golf Club to the southwest which is zoned as 'F' with the objective 'To preserve and provide for open space with ancillary active recreational amenities'.

Other Relevant Sections / Policies:

Chapter 2: Sustainable Communities Strategy:

Section 2.1: Residential Development:

Policy RES3: Residential Density:

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

- 'Sustainable Residential Development in Urban Areas' (DoEHLG 2009).
- 'Urban Design Manual - A Best Practice Guide' (DoEHLG 2009).
- 'Quality Housing for Sustainable Communities' (DoEHLG 2007).
- 'Irish Design Manual for Urban Roads and Streets' (DTTaS and DoECLG, 2013).

- ‘National Climate Change Adaptation Framework
- Building Resilience to Climate Change’ (DoECLG, 2013).

Policy RES4: Existing Housing Stock and Densification:

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

Policy RES7: Overall Housing Mix:

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

Section 2.2: Sustainable Travel and Transportation:

Section 2.2.7: Walking and Cycling

Section 2.2.8: Public Transport

Section 2.2.10: Roads:

Policy ST26: Motorway and National Routes:

It is Council policy to promote, facilitate and cooperate with relevant transport bodies, authorities and agencies to secure improvements to the County’s Motorway and National Road network to provide, protect and maintain for the safe and efficient movement of people and goods both within and through Dún Laoghaire-Rathdown.

Chapter 8: Principles of Development:

Section 8.1: Urban Design:

Section 8.1.2: Urban Design at the Local Level:

Policy UD6: Building Height Strategy:

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

(Please refer to Appendix 9: '*Building Height Strategy*' of the Development Plan).

Section 8.2: *Development Management:*

Section 8.2.3: *Residential Development:*

Section 8.2.3.1: *Quality Residential Design*

Section 8.2.3.3: *Apartment Development*

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

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

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

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

Section 8.2.3.5: *Residential Development – General Requirements*

Section 8.2.4: *Sustainable Travel and Transport*

5.3. Natural Heritage Designations

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

- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 2.8km northeast of the site.

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 2.8km northeast of the site.
- The Dalkey Islands Special Protection Area (Site Code: 004172), approximately 6.0km east of the site.
- The Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), approximately 6.1km east of the site.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The overarching context for the density requirements outlined in the *'National Planning Framework: Project Ireland 2040'* signals a shift in Government policy towards securing more compact and sustainable urban development. In this regard the major policy emphasis is now on the redevelopment of existing built-up areas as opposed to the continued expansion and sprawl of towns and cities into the countryside with a target of at least 50% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and / or brownfield sites.

National Policy Objective 3b of the National Planning Framework states the following:

‘Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints’.

- The *‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018’* state that apartment developments are most appropriately located within urban areas whilst the scale and extent of such developments should increase having regard to the proximity to core urban centres and other relevant factors. Locations served by existing high frequency public transport nodes are particularly suited to apartments.
- Within suburban / urban locations served by public transport, planning authorities must consider a reduced overall car parking standard in accordance with the *‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018’*. Accordingly, notwithstanding that adequate car parking facilities are proposed to be provided on site in accordance with the requirements of Table 8.2.3 of the Development Plan, the option is available to the Board to reduce the number of car parking spaces required by way of condition thereby allowing for the repositioning of the entrance to the basement level car park away from the neighbouring boundary to the west i.e. Avonmore.
- The *‘Urban Development and Building Heights, Guidelines for Planning Authorities, 2018’* provide scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, including within suburban areas.
- The *‘Urban Development and Building Heights, Guidelines for Planning Authorities, 2018’* state that in order to secure compact and sustainable urban growth it will be necessary to focus on the reuse of previously developed ‘brownfield’ land, the building up infill sites, and the reuse / redevelopment of existing sites and buildings, in well serviced urban locations, particularly those served by good public transport and supporting services.
- In order to optimise the effectiveness of the Government’s investment in improved and more sustainable public transport infrastructure, as well as

more sustainable mobility choices, increased density and development heights within the footprint of mobility corridors and networks must be actively planned and promoted. The *'Urban Development and Building Heights, Guidelines for Planning Authorities, 2018'* state that there is *'a presumption in favour of buildings of increased heights in our town / city cores and in other urban locations with good public transport accessibility'*.

- There is a key contradiction in Development Plan policy as regards the development of lands in proximity to, and with access from, the N11 National Road as evinced from a review of the planning history of the application site i.e. whilst it is the policy of the Planning Authority to promote higher densities on sites adjoining the N11 National Route permission has previously been refused for the redevelopment of the subject site on that basis that it would materially contravene Policy ST26: *'Motorway and National Routes'* which seeks to *'facilitate the protection of all national routes from frontage access'*.
- Policy ST26: *'Motorway and National Routes'* of the Development Plan aims to *'facilitate the protection'* of national roads such as the N11 from frontage access and to *'minimise the number of junctions'* in accordance with the *'Spatial Planning and National Roads, Guidelines for Planning Authorities, 2012'*, however, this policy does not explicitly state that no new access will be facilitated and in this regard it should be noted that the subject proposal involves the upgrading of an existing access point and will also reduce the number of junctions / accesses onto the National Road.
- The *'Traffic & Transport Assessment'* and the Stage 1 Road Safety Audit submitted with the planning application demonstrate that the upgrading of an existing access point to facilitate the proposed development will not have a negative impact on the safe and efficient movement of traffic along the N11 National Road and thus the proposal is not contrary to Policy ST26.
- Whilst planning authorities are required to guard against a proliferation of new accesses to and the intensification of existing accesses onto national roads with speeds greater than 50-60kph, there is less concern as regards new or intensified accesses onto national roads with speeds less than 60kph, such as the N11 Stillorgan Road alongside the subject site. This is supported by

reference to Section 2.5 of the *'Spatial Planning and National Roads, Guidelines for Planning Authorities, 2012'* wherein it is stated that within transitional zones (i.e. those sections of national roads on the approaches to or exits from urban centres that are subject to a speed limit of 60kph before a lower 50kph limit is encountered) a Development Plan may provide for a *'limited level of direct access to facilitate orderly urban development'*.

- The recommendations contained in the Stage 1 Road Safety Audit have informed the design of the proposed entrance arrangements as discussed in the Traffic & Transport Assessment which states:

'The location of the subject site on the Stillorgan Road (N11) is considered a transitional zone as it is subject to a 60kph speed limit and is on approach to general urban areas of South Dublin (Foxrock, Stillorgan, Donnybrook etc.).

The direct access is proposed to facilitate "orderly urban development" which is consistent with the requirements of the referenced document. We note that the site can only be accessed from the N11 i.e. no direct access is available from any other local road'.

In summary, the proposed development will reduce the number of access points onto the N11 National Road and accords with the *'Spatial Planning and National Roads, Guidelines for Planning Authorities, 2012'* upon which Policy ST26 of the Development Plan is based. These Guidelines further allow for limited new or upgraded accesses to National Roads in the interest of orderly urban development.

- Having regard to the surrounding pattern of development and the specific access constraints which apply to the subject site (i.e. the site is effectively landlocked with no additional road frontage), it is considered that the issue of precedent does not arise and is unlikely to be a factor in the development of any other underutilised and fully serviced zoned lands in the area.

In support of the subject proposal, it should be noted that the development of 'Beechwood Court', which was approved on appeal under ABP Ref. No. PL06D.206215, provided for the upgrading of an existing entrance in order to directly access the N11 National Road at a time when it was Development Plan policy *'to protect all National Roads from frontage access and to keep*

the number of junctions to a minimum' (i.e. Policy T25: 'National Routes' of the Dún Laoghaire Rathdown County Development Plan, 2004-2010). That policy provision is similar to the current Policy ST26 which is being used to impede the current proposal, however, unlike the recent planning history of the subject site, that policy was not considered to be a material consideration and permission was thus granted for ABP Ref. No. PL06D.206215.

- From an analysis based on TRICS data, it has been determined that only 12 No. vehicles will leave the proposed development during the morning peak hour which represents only 0.55% of the passing northwest-bound traffic travelling along the N11 Stillorgan Road. Accordingly, it has been demonstrated that the proposed development will not adversely impact on the safe and efficient movement of traffic both within and through the Dún Laoghaire area and thus Policy ST26 should not be used as a reason for refusal.
- In correspondence dated 13th December, 2018, Transport Infrastructure Ireland indicated that it had no substantive concerns as regards the impact of the proposal on the N11 National Road as outlined in their submission to the Planning Authority.
- The proposed access arrangement has been designed to maintain cyclist and pedestrian priority on the Stillorgan Road with sightlines in excess of 100m available along the N11 Radial Cycle Route approach lane. Pedestrians and cyclists will have a greater priority at the access in accordance with the recommendations of the Design Manual for Urban Roads and Streets.
- The suggestion that the proposed development will appear overbearing when viewed from the adjoining properties to the northwest and southeast is rejected. The proposal has been designed to present a considered and attractive elevational treatment whilst the size of the apartment block is an inevitable and unavoidable consequence of the requirement for higher densities in proximity to public transport corridors i.e. the N11 Quality Bus Corridor.
- Mitigating measures involving the planting of semi-mature trees and a redesign of the proposed elevations can be considered to reduce the

perceived overbearing impact cited in the Planner's Report and various third-party submissions.

- Although the surrounding area is primarily characterised by two-storey dwelling houses on reasonably large plots, such a model of development is no longer sustainable and fails to accord with the requirement for higher densities as set out in the National Planning Framework.
- The '*Urban Development and Building Heights, Guidelines for Planning Authorities, 2018*' require general building heights of at least three to four storeys at locations such as that proposed. In order to avoid the problems of internal overlooking, overshadowing, privacy, and inefficiency, apartments should ideally be located in a single block as this will minimise the impact on neighbouring properties which might otherwise be caused by a number of blocks. This is a significant departure from the existing settlement pattern, however it is nonetheless an inevitable result of the requirement for increased density.
- The proposed development comprises the construction of a single block set back from the N11 Stillorgan Road with all the apartments orientated to face towards either the N11 or the adjacent golf course i.e. away from the 'side' boundaries.
- Careful consideration has been given to the need to prevent overlooking of the north-western and south-eastern site boundaries.

Furthermore, in order to avoid blank elevations arising from the need to avoid overlooking, a projecting bay using different materials has been included within the central part of the gable elevation that allows for one small opaque window and 'slit' windows to the gap between the gable wall and the projecting wall. This design feature also allows for lighting of the bathrooms / kitchens within the 'end' apartments without causing any overlooking. It further reduces the apparent scale of the gable by breaking it down into elements whilst the use of glazing and differing materials lessens its visual impact and ensures it is of greater interest. The 'projection' is also finished in a different material (timber) compared to the gable (render) and is intended to break up the mass of the gable. In addition, the gable itself is angled slightly to the

boundary with the result that the curved form of the main block is more readily apparent. This curved form was selected so as to avoid a monolithic appearance and is considered to be a positive element of the submitted design.

- The top floor of accommodation has been recessed significantly from the site boundaries and this would appear to be acceptable to the Planning Authority.
- The accompanying details illustrate that the visual impact of the 'no longer viable' model of two-storey housing would not be significantly different from the proposed apartment block in terms of its overall height and massing. The provision of semi-mature tree planting along the intervening site boundary will also serve to provide for a pleasant visual screen between the gable end of the proposed development and No. 23 Avonmore.
- The proposed development will be set back from the north-western site boundary (unlike the existing construction on site).
- There will be no direct overlooking of those properties to the immediate southwest ('Fairways') as the situation will present as a 'gable to gable' scenario. Similarly, the siting of the apartment block to the northwest of Fairways will ensure there is no overshadowing of those properties.
- An important consideration in the design of the gable ends of the apartment block was the desire to integrate the balconies / terraces into the overall design rather than having them seemingly 'stuck on' – this is achieved by vertical and horizontal framing and gives the apartment block a cleaner, sharper and more coherent appearance. The cutting back of these 'frames' would result in a reduction in the size of the gable wall at either end but would also give rise to a much more disorderly elevation treatment.
- The elevational treatment of the proposed development seeks to break down the massing by means of projections and different materials on a 3-storey elevation which is by no means excessive at this location. In addition, internal overlooking / shading / privacy / inefficiency has been avoided through the location of the apartments in a single block as this minimises the impact on neighbouring residential properties which might otherwise be caused by a number of buildings.

- The proposed development complies in full with the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018*' as regards floor-to-ceiling heights on all levels.
- The limited overshadowing of neighbouring properties established by the submitted shadow impact analysis serves to confirm that the gable end walls of the proposed apartment block cannot be considered as overbearing.
- In light of the issues raised concerning the perceived overbearing nature of the proposed development, consideration should be given to the provision of tree planting alongside the site boundaries. The screening effect of any such tree planting would be significant and would soften the visual impact of the gable walls. Such matters can be addressed by way of condition in the event of a grant of permission.
- The issue of overbearing is a subjective one. Given that the height of the gable wall ends is almost the same as the ridge height of No. 23 Avonmore and approximately only half a storey higher than the ridge height of Fairways, and given the need for high density at this location, it is contended that the inevitable collision of the existing settlement pattern of 2-storey detached houses with the height required to achieve the density required has been sensitively and cautiously addressed in delivering the proposed development.
- Having regard to the zoning of the site, the residential character of the area, the statutory guidelines on urban development issued in response to Project Ireland 2040, the key National Policy Objectives contained within the National Planning Framework, and the availability of public services, amenities and facilities, it is considered that the proposed development of this underutilised brownfield site will enhance both the character and amenity of the area. Accordingly, the proposal would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, 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.

6.2. Planning Authority Response

- During the Planning Authority's assessment to the application, it was noted that there were a number of drainage issues which would need to be addressed in any future planning application on site. These issues have not been addressed in the grounds of appeal and, therefore, the following conditions are proposed for consideration by the Board:
 - Prior to the commencement of development, the applicant shall submit to the Planning Authority for its written agreement details of the Qbar calculation, the surface water storage volume requirements, and the method of storage of this surface water. Site specific data should be used.
 - Prior to the commencement of development, the applicant shall submit to the Planning Authority for its written agreement a tabulated breakdown of the volume of surface water storage required and provided for treatment, interception and attenuation storage for the entire site, and the methods for such.
 - Prior to the commencement of development, the applicant shall submit to the Planning Authority for its written agreement, details of the proposed surface water drainage system in the event of blockage or partial blockage of the system, commenting on any surcharging or flood risk that may be identified. The applicant is requested to submit a drawing identifying and showing details of safe overland flow routes within and without the site. The overland flow route plan should identify drop kerbs or ramps required for channelling the flow, should address low point areas in the site and should detail how properties, both within the development and on adjacent lands, will be protected in the event of excessive overland flows.
 - Prior to the commencement of development, the applicant shall submit to the Planning Authority for its written agreement details of the permeable paving to be provided, including cross sections and proposed build ups.

6.3. Observations

6.3.1. Georgina Boylan:

- The proposed development will have a detrimental impact on the residential amenity and value of neighbouring property by reason of overlooking, overshadowing, and an overbearing appearance.
- The proposal would materially contravene the land use zoning objective which seeks '*to protect and / or improve residential amenity*'.
- Whilst it is the policy of the Planning Authority to promote a higher density of development alongside the N11 National Road, it is considered that the subject proposal represents an overdevelopment of the site which does not ensure a suitable balance between the reasonable protection of existing residential amenities, the established character of the area, and the need to provide for sustainable residential development.
- The mitigation measures detailed in the grounds of appeal are of a cosmetic nature only with no concessions having been made in terms of density, height or the proximity of the proposal to the site boundaries.
- The extent of the development proposed will result in the loss of a number of mature trees. Any loss of trees on this site without adequate replacement would not accord with the proper planning and sustainable development of the area.

6.3.2. Mary & Emma Phelan:

- The construction of a three / four storey apartment block would represent an incongruous and unjustified departure from the established pattern of development in the surrounding area.
- The proposed development, by reason of its scale and massing, will be visually obtrusive and injurious to the amenities of established residential properties in the vicinity of same.
- The proposal will have a detrimental impact on the residential amenity of the observer's property by reason of overlooking with an associated loss of privacy.

- The increased traffic volumes consequent on the proposed development will interfere with the free movement of vehicles along the heavily-trafficked N11 National Road to the detriment of public safety.
- The intensification of use of the site entrance will have serious implications for the safe operation / usage of the adjacent 'High Demand Category Grade (i.e. A1)' cycle path and will result in hazardous conditions for cyclists.
- The design of the proposed development comprises a monolithic-type structure without precedent in the area which will have an adverse impact on visual amenity.
- There are serious concerns as regards the extensive excavation works which will be required on site to facilitate the construction of the basement level car park. There may be subsurface rock formations present on site, the removal of which will likely give rise to significant levels of noise and vibration.

6.3.3. *Jane & Michael Donnelly:*

- The proposed development will result in the devaluation of neighbouring property and will not serve to sustain or contribute towards the community values of the surrounding area which is characterised by owner / occupier dwelling houses.
- The high-density apartment scheme proposed is not in keeping with the prevailing pattern of development in the area.
- Transport Infrastructure Ireland was negligent in its duties by stating that it had no observations on the application when the primary reasons for refusal related to the traffic safety risks posed by the development.
- The Board is requested to consider the traffic safety concerns raised in the observers' initial objection.
- It is expected that the County Development Plan will continue to form the governing authority as regards the proper planning and sustainable development of the area given the established character of same.

6.3.4. Niamh Hurley:

- The proposed development will have a detrimental impact on the residential amenity of neighbouring property by reason of overlooking, overshadowing, overbearing appearance, light pollution, noise, and vibration.
- Notwithstanding the policy of the Planning Authority to encourage higher density of development, it is considered that the subject proposal represents an overdevelopment of a constrained infill site which would be better suited to a lesser density.
- The mitigation measures set out in the grounds of appeal, including the provision of tree planting, will not serve to reduce the oppressive and intrusive impact of the proposed development on neighbouring properties.
- The proposal to reposition the entrance to the basement car park does not address the noise, vibration or light pollution that would be generated by same.
- The proposal would materially contravene the land use zoning objective which seeks '*to protect and / or improve residential amenity*'.
- The proposed development is contrary to the provisions of Policy ST26: '*Motorway and National Routes*' of the County Development Plan.
- The increased traffic volumes consequent on the proposed development will interfere with the free movement of vehicles along the heavily-trafficked N11 National Road to the detriment of public safety.
- The proposed access arrangements will set a precedent for the development of other high density projects on similar sites with consequent adverse implications for the carrying capacity of the N11 National Road and the safety of road users.
- The sightlines available at the proposed entrance with regard to approaching cyclists are inadequate.
- The intensification of use of the site entrance will have serious implications for the safe operation / usage of the adjacent 'High Demand Category Grade (i.e. A1)' cycle path and will result in hazardous conditions for cyclists.

- The design of the proposed development comprises a monolithic-type structure without precedent in the area which will have an adverse impact on visual amenity.
- The three / four storey development proposed is out of character with the prevailing pattern of development and amounts to an overdevelopment of the site.
- There are serious concerns as regards the extensive excavation works required to facilitate the construction of the basement level car park. There may be subsurface rock formations on site, the removal of which will likely give rise to significant levels of noise and vibration.

6.3.5. *Nuala Hurley:*

- The proposed development will have a detrimental impact on the residential amenity of neighbouring property by reason of visual intrusion, an overbearing and oppressive appearance, overshadowing, overlooking, noise, vibration and general disturbance.
- The mitigation measures set out in the grounds of appeal, including the provision of tree planting, will not serve to reduce the oppressive and intrusive impact of the proposed development on neighbouring properties.
- There are inaccuracies and misrepresentations in the particulars provided in support of the grounds of appeal.
- The proposal would materially contravene the land use zoning objective which seeks '*to protect and / or improve residential amenity*'.
- The proposed development is contrary to the provisions of Policy ST26: '*Motorway and National Routes*' of the County Development Plan.
- The increased traffic volumes consequent on the proposed development will interfere with the free movement of vehicles along the heavily-trafficked N11 National Road to the detriment of public safety.
- The proposed access arrangements will set a precedent for the development of other high density projects on similar sites with consequent adverse

implications for the carrying capacity of the N11 National Road and the safety of road users.

- The sightlines available at the proposed entrance with regard to approaching cyclists are inadequate.
- The intensification of use of the site entrance will have serious implications for the safe operation / usage of the adjacent 'High Demand Category Grade (i.e. A1)' cycle path and will result in hazardous conditions for cyclists.
- The design of the proposed development comprises a monolithic-type structure without precedent in the area which will have an adverse impact on visual amenity.
- The three / four storey development proposed is out of character with the prevailing pattern of development and amounts to an overdevelopment of the site.
- There are serious concerns as regards the extensive excavation works required to facilitate the construction of the basement level car park. There may be subsurface rock formations present, the removal of which will likely give rise to significant levels of noise and vibration.
- The proposed development could have adverse implications for the operation of the adjacent golf course.

6.3.6. *Vincent Mulvey & Majella Hillery:*

- There are assorted inaccuracies, deficiencies and misrepresentations in the submitted plans and particulars.
- The proposed development could have adverse implications for the operation of the adjacent golf course.
- The proposed development will have a detrimental impact on the residential amenity of neighbouring property by reason of overlooking, overshadowing, visual intrusion, an overbearing and oppressive appearance, loss of security, light pollution / spillage, increased noise, and general disturbance.

- The mitigation measures set out in the grounds of appeal, including the provision of tree planting, will not serve to reduce the oppressive and intrusive impact of the proposed development on neighbouring properties.
- The proposal would materially contravene the land use zoning objective which seeks *'to protect and / or improve residential amenity'*.
- The proposed development is contrary to the provisions of Policy ST26: *'Motorway and National Routes'* of the County Development Plan.
- The increased traffic volumes consequent on the proposed development will interfere with the free movement of vehicles along the heavily-trafficked N11 National Road to the detriment of public safety.
- The proposed access arrangements will set a precedent for the development of other high density projects on similar sites with consequent adverse implications for the carrying capacity of the N11 National Road and the safety of road users.
- The sightlines available at the proposed entrance with regard to approaching cyclists are inadequate.
- The intensification of use of the site entrance will have serious implications for the safe operation / usage of the adjacent 'High Demand Category Grade (i.e. A1)' cycle path and will result in hazardous conditions for cyclists.
- The design of the proposed development comprises a monolithic-type structure without precedent in the area which will have an adverse impact on visual amenity.
- The three / four storey development proposed is out of character with the prevailing pattern of development and amounts to an overdevelopment of the site.
- There are serious concerns as regards the extensive excavation works required to facilitate the construction of the basement level car park. There may be subsurface rock formations present on site, the removal of which will likely give rise to significant levels of noise and vibration.

6.4. Further Responses

None.

7.0 Assessment

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

- The principle of the proposed development
- Overall design and layout
- Impact on residential amenity
- Traffic implications
- Appropriate assessment

These are assessed as follows:

7.2. The Principle of the Proposed Development:

7.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note the established use of the site for residential purposes and that the construction of the proposed apartment building will be confined to that part of the site which is zoned as 'A' with the stated land use zoning objective '*To protect and-or improve residential amenity*' wherein residential development is 'permitted in principle'. It should also be noted that the wider area is primarily residential in character and that the prevailing pattern of development in the immediate vicinity of the application site is dominated by conventional housing construction. In this respect I would suggest that the proposed development site can be considered to comprise a potential infill site situated within an established residential area where public services are available, including key public transport links i.e. Dublin Bus services to the City Centre and the Luas at Sandyford, and that the development of appropriately designed infill housing would typically be encouraged in such areas provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Indeed, the '*Sustainable Residential Development in Urban Areas*,

Guidelines for Planning Authorities, 2009 acknowledge the potential for infill development within established residential areas provided that a balance is struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.

- 7.2.2. Further support is lent to the proposal by reference to Policy RES4: *'Existing Housing Stock and Densification'* of the Development Plan, which aims to increase housing densities within existing built-up areas having due regard to the amenities of established residential communities, wherein it is stated that the Planning Authority will actively promote and facilitate the development of infill accommodation which is in harmony with existing buildings. This is similarly reflected in Policy RES3: *'Residential Density'* which seeks to promote higher residential densities, subject to ensuring a suitable balance between the reasonable protection of existing residential amenities, the established character of areas, and the need for sustainable residential development. These policy provisions are further supplemented by the guidance set out in Section 8.2.3.4: *'Additional Accommodation in Existing Built-up Areas'* of the Plan which details the criteria to be used in the assessment of proposals which involve infill development.
- 7.2.3. Therefore, in light of the foregoing, I am satisfied that the wider principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the character of the surrounding area.
- 7.2.4. With regard to the small parcel of land to the rear of 'Funchal' that adjoins No. 24 Avonmore to the northwest and Foxrock Golf Club to the southwest which is zoned as 'F' with the objective *'To preserve and provide for open space with ancillary active recreational amenities'*, although residential development is neither 'permitted in principle' nor 'open for consideration' within this land use zoning, I am amenable to the intended use of this space as a playground / amenity area to serve the wider development and I am further satisfied that any such use would broadly accord with the intent of the land use zoning. In this respect, and by way of further comment, I am also of the opinion that the proposal to provide communal open space within that part of the site zoned for 'open space' represents an advance on those developments previously refused permission on appeal under PA Ref. No.

D14A/0689 / ABP Ref. No. PL06D.244399 (which sought to include the lands in question within the rear garden areas of proposed housing) and PA Ref. No. D16A/0670 / ABP Ref. No. PL06D.247655. The positioning of this amenity space will also serve to 'buffer' the proposed apartment building from the adjacent golf course thereby avoiding any undue impact on the operation of same.

7.3. Overall Design and Layout:

7.3.1. *The Density of the Proposed Development:*

The proposed development site is located in an established residential area, which is characterised by considerable pressure for development arising from its location proximate to key public transport routes, on lands which are zoned for residential purposes and where public services and other local amenities are readily available. In this regard I would draw the Board's attention to Policy RES3: '*Residential Density*' of the Development Plan which seeks to promote more compact, good quality, higher density forms of residential development by reference to the policies and objectives set out in the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*'. Section 2.1.3.3 of the Development Plan proceeds to state that where a site is located within a circa 1km pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and / or 500 metres of a Bus Priority Route, and / or 1km of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged (it is also stated that, as a general rule, the minimum default density for new residential developments in the county (excluding lands zoned as Objectives 'GB', 'G' and 'B') will be 35 units / hectare and that although this density may not be appropriate in all instances, it will serve as a general guidance rule, particularly in relation to 'greenfield' sites or larger 'A' zoned areas). Notably, these provisions reflect the recommendations of Section 5.8 of the aforementioned guidelines which specifically state that increased densities should be promoted within 500m walking distance of a bus stop, or within 1km of a light rail stop or a rail station and that, in general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors (The '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018*' also state that intermediate urban locations proximate to public transport are generally suitable for higher density developments that may wholly comprise apartments).

Given the site location alongside a Quality Bus Corridor and within a short walking distance of bus stops served by several bus routes, (incl. 75, 7D, 145 & 46A), it is clear that the proposed development site can be considered to be located within a public transport corridor pursuant to the definitions contained in both the Development Plan and the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*'. Accordingly, higher densities at a minimum of 50 units per hectare are to be encouraged on site, subject to appropriate design and adherence to relevant amenity standards.

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

The subject proposal involves the development of 28 No. units within a site area of 0.477 hectares which equates to a net density of 58 No. units per hectare and thus accords with the minimum requirements of both the Development Plan and national guidance.

7.3.2. *Building Height:*

In terms of building height, the proposed development involves the construction of a three / four-storey over-basement apartment block with an overall ridge height of 13.53m in an area which is predominantly characterised by conventional two-storey housing. In this respect it is of relevance to note that the site perimeter is bounded by two-storey detached and terraced housing of varying designs to the northwest and southeast.

In the subject instance, the applicant has sought to emphasise that in order to achieve a suitable density for the site and to contribute positively to the housing stock of the area, it is necessary to develop buildings of a higher scale in the interests of land efficiency and to avoid a continuation of urban sprawl.

The policy approach set out in Section 4 of the '*Building Height Strategy*' contained in Appendix 9 of the Development Plan states that the appropriate vehicle for identifying specific sites with the potential to accommodate increased building

heights at a number of key centres in the county is by way of statutory (and non-statutory) local plans. This section further demonstrates the extensive area of the county which is covered by either an explicit or implicit building height policy, extant or planned, and introduces a new generic '*Building Height Policy*' (Section 4.8) for those residual areas of the County not covered by any existing policy or plan based height criteria.

Although Section 3.3: '*Public Transport Corridors*' of the Strategy acknowledges that the N11 corridor, owing to its width, strategic importance, and public transport facilities, has the potential to become an attractive urban corridor enclosed by taller buildings of high quality at locations which are also proximate to social and community infrastructure (with taller apartment schemes (ranging from 3 - 7 storeys) having been constructed at key corner sites along its route thereby realising earlier policy provisions which promoted higher densities within a 500m catchment of a Quality Bus Corridor and also allowed for the consideration of same on large development sites), in the absence of any specific policy provision pertaining to building height as regards the subject site, it is appropriate to revert to the generic provisions of Section 4.8 of the '*Building Height Strategy*' as regards '*Residual Suburban Areas not included within Cumulative Areas of Control*' wherein it is stated that apartment / townhouse schemes of up to 3-4 storeys in height may be permitted at appropriate locations, including at sites adjacent to key public transport nodes, provided they have no detrimental effect on existing character and residential amenity. Moreover, although a general recommended height of two storeys will apply within these 'residual' areas, it is notable that 'upwards modifiers' (i.e. in excess of the maximum 3-4 storey building height) may be applied where a development would contribute to the promotion of higher densities in areas with exceptional public transport accessibility whilst retaining and enhancing high quality residential environments (Areas with exceptional public transport accessibility are defined as including those areas within a 500m walking distance on either side of the N11 and 100m walking distance on either side of a QBC). It is further stated that densities should be higher adjacent to these corridors / nodes and that they should grade down towards neighbouring areas so that they are lower in close proximity to residential areas.

Having regard to the specifics of the site context (including its size, infill nature, and relationship with neighbouring properties), its location alongside the N11 Corridor, the proximity of accessible public transport, and in light of those instances of higher density apartment schemes several storeys in height that have been permitted and / or constructed within the site surrounds, in my opinion, the overall height and three / four storey construction of the subject proposal would seem to accord with the policy provisions set out in the 'Building Height Strategy' contained in Appendix 9 of the Development Plan and would be open for consideration, subject to the protection of the residential amenity of neighbouring properties.

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

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

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

7.3.4. *Apartment Mix within Apartment Schemes:*

The proposed development provides for the construction of 6 No. one-bedroom units, 14 No. two-bedroom units and 8 No. three-bedroom units, and in this respect I

am satisfied that the subject proposal achieves a suitable mix of unit sizes / types in accordance with Specific Planning Policy Requirement No. 1 of the Guidelines.

7.3.5. *Apartment Floor Areas:*

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

- 1 bedroom apartment Minimum 45m²
- 2 bedroom apartment Minimum 73m²
- 3 bedroom apartment Minimum 90m²

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

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

7.3.6. *Dual Aspect Ratios:*

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

Having regard to the specifics of the site context, including its suburban location proximate to public transport services, it is my opinion that the proposed

development accords with Specific Planning Policy Requirement 4 of the Guidelines i.e. 16 No. of the apartment units will be dual aspect (in excess of 50%).

7.3.7. Floor to Ceiling Height:

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

From a review of the submitted drawings, it is apparent that the floor-to-ceiling height within each of the apartment units will exceed the minimum requirements set out in the Guidelines.

7.3.8. Apartments to Stair / Lift Core Ratios:

Given the scale of the development proposed, the subject proposal satisfies the requirements of the Guidelines in this regard.

7.3.9. Internal Storage:

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

- One-bedroom apartment: 3m²
- Two-bedroom (3 No. person) apartment: 5m²
- Two-bedroom (4 No. person) apartment: 6m²

- Three-bedroom (or more) apartment: 9m²

Notably, this storage provision is to be in addition to kitchen presses and bedroom furniture (although it may be partly provided within these rooms provided it is in addition to the minimum aggregate living/dining/kitchen or bedroom floor areas). The Guidelines also state that no individual storage room within an apartment should exceed 3.5m².

From a review of the available information, including the floor plans and the schedule of floor areas provided with the application, adequate internal storage space has been provided within each of the proposed apartment units to satisfy the requirements of the guidelines (whilst there are a number of instances where the floor areas of some individual storage spaces will exceed the permissible maximum of 3.5m², I would suggest that these minor exceedances are of little consequence).

7.3.10. Additional Storage:

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

Although the subject proposal does not include for any additional ground / basement level storage areas allocated for the specific use of individual apartments, provision has been made for a communal refuse / bin storage area and shared bicycle parking stands at basement level.

7.3.11. Amenity Spaces:

Private Amenity Space:

It is a policy requirement of the Guidelines that adequate private amenity space be provided in the form of gardens or patios / terraces for ground floor apartments and balconies at upper levels. In this respect I would advise the Board that a one-bedroom apartment is required to be provided with a minimum amenity area of 5m²

whilst two-bedroom (3 No. persons) & two-bedroom (4 No. persons) apartments are to be provided with 6m² and 7m² of private amenity space respectively. Three-bedroom apartments require a minimum of 9m² of private amenity space.

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

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

Communal Amenity Space:

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

- One-bedroom apartment: 5m²
- Two-bedroom (3 No. person) apartment: 6m²
- Two-bedroom (4 No. person) apartment: 7m²
- Three-bedroom apartment: 9m²

Accordingly, on the basis of the foregoing, the proposed development would necessitate the provision of 200m² of communal open space to satisfy the minimum requirements of the Guidelines. However, in accordance with Section 8.2.8.2: *'Public/Communal Open Space – Quantity: (i) Residential / Housing Developments'* of the Development Plan, the proposed development would necessitate the provision of between 870m² and 1,160m² of public / communal open space based on an occupancy rate of 58 No. persons and the provision of 15-20m² of open space per person (An absolute default minimum of 10% of the overall site area for all residential development is required to be reserved for use as public open and/or communal space irrespective of the occupancy parameters).

Communal open space to serve the proposed apartment units is detailed on the site layout plan as purportedly amounting to 2,248m² and comprises two principle areas of amenity space located at ground level to the immediate northwest and southeast of the apartment building which will be linked to each other by way of a feature pathway enclosed by a pergola that will extend along the north-western site boundary.

Notably, the latter of these spaces encompasses that part of the application site which is zoned as 'F' with the objective 'To preserve and provide for open space with ancillary active recreational amenities' and is shown on the site plan as providing for a new playground area.

On the basis of the foregoing, it is clear that the overall provision of communal open space to serve the proposed development exceeds the minimum requirements of both the Development Plan and the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018'. Furthermore, I am satisfied that the overall quality of the space proposed will provide for a sufficiently high level of amenity for the users of same and is suitably overlooked and distributed throughout the site.

7.3.12. Aggregate Floor Areas / Dimensions for Certain Rooms:

Having reviewed the submitted drawings, I am satisfied that the overall design of the proposed apartment units generally accords with the required minimum floor areas and standards (including the dimensions of certain rooms) as appended to the Guidelines.

7.3.13. Overall Design of the Proposed Apartment Scheme:

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

7.4. Impact on Residential Amenity:

- 7.4.1. Given the site context, including its location within a built-up urban area, concerns have been raised that the proposed development may have a detrimental impact on the residential amenity of neighbouring properties by reason of overlooking, overshadowing, and an overbearing / visually dominant appearance. In this respect, I

would suggest that particular consideration needs to be given to the overall design, orientation and positioning of the proposed apartment scheme relative to the adjacent housing within 'Avonmore' and 'Fairways' to the immediate northwest and southeast respectively.

- 7.4.2. The principle dimension of the proposed three / four-storey over basement construction will be aligned along a northwest-southeast axis with the result that the proposed apartment units will be orientated to face towards either the N11 Stillorgan Road to the northeast or over the grounds of Foxrock Golf Club to the southwest. This has the effect of avoiding any direct overlooking of adjacent housing given the absence of any fenestration within the gable ends of the proposed construction, save for a number of windows serving bathroom areas which will be glazed in opaque glass (as shown on the submitted drawings). In order to further mitigate against any potential for the overlooking of neighbouring properties, those windows within the front and rear elevations of the projecting gable end features of the apartment building (which serve a series of ensuite bathrooms and kitchen areas) will also be finished in opaque glazing. Furthermore, the framing / partial enclosure of the proposed balcony areas as part of the building construction, the use of glazed screening (such as will be employed at the end of those balconies at third floor level), and the orientation of the balconies themselves, will serve to avoid any undue overlooking of adjacent dwellings.
- 7.4.3. With regard to the green roofs proposed at third floor level which will be sited towards the gable ends of the apartment block, whilst I would acknowledge the concerns of neighbouring residents that these areas could potentially be used as amenity spaces for the occupants of the proposed apartment units thereby resulting in overlooking of adjacent properties, the submitted drawings have confirmed that any access to these areas will be limited to that required for maintenance purposes only. In this regard, I am generally satisfied that the green roofs in question will not be used as makeshift balconies or amenity areas, however, in the event of a grant of permission, I would recommend the attachment of a condition expressly prohibiting any such usage.
- 7.4.4. In relation to the potential for overshadowing, I note that the subject application has been accompanied by a series of drawings (Drg. Nos. 17-17/220 – 17-17/22223) which purportedly illustrate the shadow impact of the proposed development on

neighbouring lands at specified times during the 21st March, 21st June, 21st September & 21st December. In the grounds of appeal the applicant has asserted that this shadow impact analysis has established that the proposed development will cast little or no shadow over adjoining properties. Specifically, it has been submitted that there will be no overshadowing of any adjacent garden areas at 12:00 hours on 21st June and that the situation will actually improve during the day. Similarly, although there will be some limited overshadowing of the rear garden areas of No. 23 Avonmore and Avonmore Lodge on the 21st March and 21st September, it has been suggested that this will be insignificant when considered in context (in reference to the overshadowing impact attributable to the existing boundary wall) with the situation again improving over the course of the day.

7.4.5. Having reviewed the available information, I would have a number of reservations as regards the veracity of the details provided and the absence of a more in-depth analysis (that could perhaps include a direct comparison of the overshadowing impacts arising in both the existing and proposed scenarios), however, in my opinion, it is clear that the overall height of the proposal will result in a noticeable increase in the overshadowing of No. 23 Avonmore to the northwest in reference to both its rear garden area and the accommodation within the rear elevation of the dwelling house itself during the morning time, especially in the spring and autumn seasons. Whilst I would concede that the existing boundary wall and the mature planting in the vicinity of the shared site boundary will likely already serve to overshadow this property to some extent (as evidenced from the '*Analysis of Shading: Existing Site*' which accompanied PA Ref. No. D16A/0670 / ABP Ref. No. PL06D.247655), I am nevertheless of the opinion that the increased overshadowing attributable to the proposed development would unduly impact on the residential amenity of No. 23 Avonmore. In this respect, I would also note that the subject building will be positioned closer to that property than the four-storey development previously refused permission on appeal under PA Ref. No. D16A/0670 / ABP Ref. No. PL06D.247655 when it was held that said development would be seriously injurious to the residential amenity of property in the vicinity by reason of overshadowing.

7.4.6. In terms of visual impact, I am inclined to suggest that the overall scale, height and massing of the proposed construction would give rise to an excessively overbearing /

domineering appearance when viewed from within neighbouring properties and that this is supported by the visualisations provided with the application. In support of the foregoing, I would suggest that notwithstanding the various design features which have sought to reduce the overall scale and massing of the proposal relative to adjacent housing, including the positioning of the apartment building on site, the recessing of the uppermost floor level, the detailing of the gable elevations, and the proposed use of screen planting, given the site context and the limited separation distances between the proposed development and those dwelling houses to the immediate northwest and southeast, the siting of the three / four-storey gable construction proximate to the shared site boundaries would result in an unacceptably visually dominant and overbearing outlook when viewed from within No. 23 Avonmore and Fairways which would be detrimental to the enjoyment of those properties. In this respect it is of relevance to note that the principle three-storey gable end of the proposed apartment building will be between c. 17m and 20m from the rear elevation of No. 23 Avonmore to the northwest whilst the separation distance to the four-storey element (i.e. approximately 22m - 24m) will be comparable to that previously refused permission under ABP Ref. No. PL06D.247655. With regard to the closest dwelling house within Fairways to the immediate southeast of the proposed development, the three-storey projecting gable feature will be c. 7m from same with a separation of c. 13m to the four-storey construction.

- 7.4.7. Indeed, the introduction of a three / four-storey development of the design, size and massing proposed could be considered to represent an excessively abrupt transition in building height and form relative to the neighbouring conventional two-storey housing given the site context and its associated constraints.
- 7.4.8. With regard to the potential impact of the construction of the proposed development on the residential amenities of surrounding property, whilst I would acknowledge that the proposed development site adjoins an established residential area and that construction works could give rise to the disturbance / inconvenience of local residents, given the limited scale of the development proposed, and as any constructional impacts arising will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition. Furthermore, as regards the suggestion that construction works could result in damage to

neighbouring property, with particular reference to the structural integrity / stability of same, due to any rock-breaking / excavation works undertaken on site, it is my opinion that any instances of damage to, or interference with, surrounding property that could be attributed to the proposed development would essentially be a civil matter for resolution between the parties concerned and in this respect I would refer the Board to Section 34(13) of the Planning and Development Act, 2000, as amended, which states that '*A person shall not be entitled solely by reason of a permission under this section to carry out any development*'.

7.4.9. Accordingly, on the basis of the available information, and having conducted a site inspection, it is my opinion that the proposed development will have a significant detrimental impact on the residential and visual amenity of neighbouring property by reason of overshadowing and an excessively overbearing and visually domineering appearance.

7.5. Traffic Implications:

7.5.1. The Proposed Access Arrangements:

The proposed development involves the amalgamation of the individual housing plots presently occupied by the detached dwelling houses known as 'Garryknock' and 'Funchal' in order to provide for the co-ordinated redevelopment of the wider property. In this respect it is of relevance to note that it is proposed to close the existing vehicular entrance serving 'Garryknock' via the neighbouring housing development of 'Fairways' in addition to one of the entrance points which presently provide for direct access to 'Funchal' from the N11 Stillorgan Road. The remaining northernmost vehicular access to 'Funchal' from the N11 National Road is to be upgraded and improved as the principle vehicular and pedestrian access to the proposed development. Accordingly, the case has been put forward that the proposal will reduce the overall number of direct and indirect access / egress points serving the subject lands from the N11 Stillorgan Road whilst providing for the improvement of the access which will be retained to serve the new apartment scheme.

In its assessment of the subject application (following consideration of submissions received from Transportation Infrastructure Ireland and the Transportation Planning Dept. of the Local Authority), the Planning Authority has determined that the

proposed development is at variance with official policy as set out in the '*Spatial Planning and National Roads, Guidelines for Planning Authorities, 2012*' on the basis that the proposed intensification of the site use and the creation of a redesigned access onto the N11 National Road, where a speed limit greater than 50kph applies, will give rise to the generation of additional turning movements that will endanger public safety by reason of traffic hazard and would have a seriously adverse impact on the carrying capacity of a heavily trafficked and strategic national road. In support of this conclusion further reference has been made to Policy ST26: '*Motorway and National Routes*' of the Development Plan which seeks '*to secure improvements to the County's Motorway and National Road network to provide, protect and maintain for the safe and efficient movement of people and goods both within and through Dún Laoghaire-Rathdown*' whilst it has also been stated that the proposal would set an undesirable precedent for the high-density redevelopment of comparable sites which would result in further increases in traffic movements with consequent implications for public safety and the carrying capacity of the National Road. In addition, concerns have been raised as regards the impact of the proposed access / egress arrangements on the usage and safety of the existing 'Demand Category Grade A1' off-road cycle track which passes in front of the site alongside the N11 Stillorgan Road.

In response to the foregoing, it has been asserted in the grounds of appeal that there are key contradictions in Development Plan policy as regards the development of lands in proximity to (and with access from) national routes i.e. whilst the Planning Authority seeks to promote a higher density of development alongside the N11 Corridor given the proximity of accessible public transport, previous proposals for the redevelopment of the subject site have been refused permission on that basis of materially contravening Policy ST26: '*Motorway and National Routes*' which seeks to '*facilitate the protection of all national routes from frontage access*'. It has been further submitted that Policy ST26 does not explicitly prohibit the creation of new accesses onto national roads and that the proposal to close 2 No. existing access points (including a direct access onto the national road) whilst providing for the upgrading of an existing entrance is consistent with the aforementioned policy by reducing the overall number of junctions / accesses onto the National Road. Reference is also made to the inability to access the site from any other roadway

and to the site location within a 'transitional zone' on an approach to a 50kph speed limit as defined by Section 2.5 of the '*Spatial Planning and National Roads, Guidelines for Planning Authorities*' wherein it is stated that a Development Plan may provide for a '*limited level of direct access to facilitate orderly urban development*'. Moreover, it is stated that the Traffic & Transport Assessment and Stage 1 Road Safety Audit provided with the planning application have established that the upgrading of the existing access point to facilitate the proposed development will not have a negative impact on the safe and efficient movement of traffic along the N11 National Road.

Having reviewed the available information, in my opinion, the interpretation of Policy ST26: '*Motorway and National Routes*' of the Development Plan must be considered in the wider context of Section 2.2.10.2 of the Plan which states that '*The Council will facilitate the protection of all National Routes from frontage access and to minimize the number of junctions in accordance with Transport Infrastructure Ireland's Policy and the Department of Environment, Community and Local Government's 'Spatial Planning and National Roads Guidelines for Planning Authorities'*'. In this respect, it is notable that whilst a '*Key Message*' of Chapter 2 of the Guidelines is that development plans must include policies which seek to maintain and protect the safety, capacity and efficiency of national roads and associated junctions, avoiding the creation of new accesses and the intensification of existing accesses to national roads where a speed limit greater than 50kph applies, Section 2.5 of the same document states that development plans should implement a policy approach avoiding the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kph apply. Accordingly, it could perhaps be suggested that the references to differing speed limits of 50kph and 60kph in the context of avoiding the creation of new accesses or the intensification of existing accesses onto national roads gives rise to some degree of confusion.

In my opinion, the subject site is located within a 60kph speed limit on an approach to an urban centre before a lower 50kph limit is encountered and, therefore, it is appropriate to consider the proposed development in that context having regard to the provisions for 'transitional zones' as set out in Section 2.5 of the Guidelines i.e. a development plan may provide for a limited level of direct access to national roads

within such transitional zones in order to facilitate orderly urban development, although any such proposal must be subject to a road safety audit and should not contribute to a proliferation of such entrances which would lead to a diminution in the role of such zones. Notably, this would seem to accord with the Board's previous determination of an earlier development proposal on site under ABP Ref. No. PL06D.247655 in that permission was not refused on the basis of the development contravening either Policy ST26 of the Development Plan or Section 2.5 of the *'Spatial Planning and National Roads, Guidelines for Planning Authorities'* despite both the Planning Authority and the reporting inspector having adopted such a position. This would seem to imply that the Board is amenable to consideration of the proposed access arrangements on their merits.

On balance, having considered the contents of the submitted Traffic & Transport Assessment and the Road Safety Audit, it is my opinion that the surrounding road network has sufficient capacity to accommodate the additional traffic volumes consequent on the proposed development and that the subject proposal will not pose a risk to traffic / public safety. In this regard, I am cognisant that the proposal will only be accessible from the north-bound lane of the adjacent dual carriageway and only provides for left-in / left-out turning manoeuvres.

With regard to the design of the proposed access / egress arrangement, I would refer the Board to Section 8.2.4.10 of the Development Plan which sets out certain parameters as regards the design of underground car parks. In this respect it is of relevance to note that there is a requirement to provide a splayed entrance with a 6.0m flat area at the exit point from a basement car park onto a main road with adequate pedestrian and vehicular sightlines available in each direction. Whilst it is possible to provide for a level stopping area at the exit from the site onto the Stillorgan Road, the positioning of the access ramp immediately alongside the north-western site boundary does not allow for the provision of a splayed entrance thereby restricting visibility for vehicles exiting the site. Although it could be stated that adequate sightlines will be available of on-coming traffic along the north-bound lane of the Stillorgan Road given the set back from the near edge of the carriageway, I would have reservations as regards the limited visibility of pedestrians / cyclists approaching the site from the northwest along the footpath. Accordingly, I would

suggest that the siting of the proposed vehicular access would perhaps warrant reconsideration.

7.5.2. *Car Parking Provision:*

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

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

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

Therefore, on the basis that the proposed development comprises 6 No. one-bedroom units, 14 No. two-bedroom units and 8 No. three-bedroom apartments, it would typically generate a demand for 43 No. parking spaces, although consideration may be given to a reduced parking requirement depending on a number of factors such as the proximity of the proposed development to public transport.

The proposed development provides for a total of 43 No. spaces by way of basement level parking and, therefore, it accords with the requirements of the Development Plan, although given the site location within a short walking distance of bus stops along a Quality Bus Corridor it is clear that the proposed development site is located within a public transport corridor as defined in both the Development Plan and the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' and thus a relaxation in the applicable parking standards would be permissible given the availability of public transport.

7.6. **Appropriate Assessment:**

- 7.6.1. Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate

assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

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

9.0 Reasons and Considerations

1. Having regard to the size, height, three / four-storey design and siting of the proposed apartment block, it is considered that the proposed development would be overbearing in relation to the residential properties to the northwest and southeast and would lead to excessive overshadowing of those properties. The proposed development would, therefore, seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

31st August, 2019