



An
Bord
Pleanála

Inspector's Report

ABP-303898-19

Development	Residential Development
Location	70 Lower Mounttown Road, Dun Laoghaire, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/1161
Applicant(s)	Affinity Property Development Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Affinity Property Development Ltd.
Observer(s)	Kevin and Cathy O' Connor and others

Date of Site Inspection

16th May 2019

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1.1. The subject site has an area of 0.25 hectares and is located on Mountown Road Lower, Dun Laoghaire, Co. Dublin. The site is known as Mounttown Industrial Estate and currently comprises of industrial buildings of single and two storey height totalling 1330m².
- 1.1.2. Adjoining the site to the north is the Glandore Park housing estate and the adjoining property at No. 72 Mountown Road. Adjoining the site to the west is the Meadowlands Court housing estate and the site is adjoined to the south by a retail unit which appears to be vacant and McCormack's public house.

2.0 Proposed Development

- 2.1. The proposed development comprises:
- Demolition of the existing two storey office block and all the existing light industrial units and construction of two blocks of apartments – Block A and Block B.
 - A total of 34 apartments are proposed around a central courtyard. Block A faces the Lower Mountown Road and consists of 4 No. apartments. Block B is located at the rear of the site and consists of 30 apartments.
 - 27 No. car parking spaces are proposed.
 - 14 No. 1 bed and 20 No. 2 bed apartments are proposed. The one bed apartments range in size from 47 to 50.5m² and the two bed apartments range in size from 73.5 to 89.3m².

Modifications submitted to An Bord Pleanála dated the 11th day of March 2019 include the following:

- Block B is set back from the western boundary.
- Apartment B26 reduced to one bedroom unit and relocated 1.7m back from the boundary.
- Change in mix of apartments to 17 No. one bed and 17 No. two bed.
- Increase in bicycle parking spaces from 50 to 76.

- Transportation and Drainage Reports accompany the appeal documentation.
- 'Living wall' proposed with landscaping on the northern façade of Block B.
- External storage for apartments.

3.0 Planning Authority Decision

Permission refused for the following reason:

The proposal, by reason of its scale, height, form, massing and architectural expression is not considered to accord with Section 8.1.1.1 Policy UD1: Urban Design Principles, Section 8.3.2 Transitional Zonal Areas and Section 8.2.2.4 (vii) Infill of the Dun Laoghaire Rathdown County Development Plan 2016-2022 in relation to infill development. In its current form, the proposed development fails to respect existing residential amenity in this transitional zone. In addition, both proposed apartment blocks, by reason of their height, scale, bulk and insufficient boundary setback will be visually obtrusive and overbearing when viewed from neighbouring dwellings and will severely compromise the residential amenity of surrounding properties by reasons of overlooking and overshadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.1. Planning Authority Reports

Planning Reports

The planning report had serious concerns with the proposal in its current form, largely due to its height, scale, bulk and proximity to site boundaries. It was considered that insufficient regard was paid to the site context and the relationship of Block A and Block B to the neighbouring residential units. It was acknowledged that the site was capable of accommodating a high density development but that the proposal in its current form was visually incongruous and would present as overbearing within the site context.

Other Technical Reports

Parks and Landscape Services: Further Information Required.

Drainage Planning: Further Information Required.

Transport Planning: Report noted discrepancies in the planning application and recommended refusal in relation to insufficient car parking.

Housing Section: No objection subject to condition.

3.2. Prescribed Bodies

- Irish Water: Further Information Requested.

3.3. Third Party Observations

- 3.3.1. A total of 8 No. submissions were received by the Planning Authority. The issues raised are similar to the issues raised in the observation submitted to the Board.

4.0 Planning History

PA D06A/1945

Permission granted by the Planning Authority for 26 No. apartments with basement car parking and access from Mounttown Road Lower.

D06A/1945E

An extension of duration was applied for in February 2013. Further Information was requested and the application was later withdrawn.

Site to south

D08A/1424

Permission granted for 1.75m high fake chimney stack with 3 panel antennae shrouded inside.

Site to north-east

PA D06A/1945

Permission granted for 26 No. apartment units with basement car parking.

5.0 Policy and Context

5.1. Development Plan

The site is zoned as 'NC' To protect, provide for and/or improve mixed use neighbourhood centre facilities.

Mounttown Road Lower is a Proposed Quality Bus Priority Route.

The front part of the site is adjacent to the boundary of the proposed Dun Laoghaire Local Area Plan.

The site is in a Transitional Zonal Area.

5.2. Relevant National Planning Policy

- Guidelines for Planning Authorities on Urban Development and Building Heights (2018)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)
- The National Planning Framework (2018)
- Design Manual for Urban Roads and Streets (2013)
- Urban Design Manual – a Best Practice Guide (2009)
- Sustainable Residential Development in Urban Areas- Cities, Towns and Villages (2009)

5.3. Natural Heritage Designations

- 5.3.1. The nearest Natura 2000 site is South Dublin Bay and River Tolka Valley SAC c. 1km from the site.

5.4. EIA Screening

- 5.4.1. Having regard to the nature of the development comprising a small infill residential development and the urban location of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- It is requested that An Bord Pleanála permit the development as submitted to Dun Laogharie Rathdown County Council. If An Bord Pleanála has some

concerns with this application as submitted to the Council, it is requested that the modifications submitted are considered.

- The design is considered to be appropriate for the site.
- Modifications are suggested to address the concerns in relation to adjoining neighbours.
- Opaque windows are proposed at ground and first floor of Block B. A narrow window is proposed to the side of the balcony of the first and second floor but these windows are incidental and do not generate overlooking towards No. 72 and will not inhibit the development potential of No. 72.
- Having regard to the separation distances from adjoining properties, it is considered that the proposed development will not cause any overlooking and would not be visually intrusive, and would cause only a marginal increase in overlooking.
- The building represents an innovative design approach.
- There is a marginal increase in overshadowing to the gardens of Glandore Park, however should the Board not accept this, modifications are proposed to the design.
- Block B has north facing opaque windows but the quality of these units is good as these dwellings also benefit from south facing windows, an east facing window as well as diffused light from the proposed north facing and east facing opaque windows.
- External storage is proposed for the apartments.
- It is considered that the open space quality is good.
- A Transportation Report is attached to the appeal to address the concerns of the Transport Section.
- It is requested that the Board accept a reduced number of car parking spaces.

6.2. Planning Authority Response

- None submitted.

6.3. Observations

6.3.1. An observation was submitted on behalf of Kevin and Cathy O' Connor and others which can be summarised as follows:

- Concerns in relation to impacts on residential amenity.
- The prolific use of obscure glazing is noted and is an indication of inappropriate development in this context.
- Modifications submitted do not address the concerns.
- Nos. 8,9 and 10 Glandore Park would be significantly affected.
- The 'living wall' proposed may cause problems with future maintenance.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings:

- Principle of Development and Density
- Impact on Residential Amenities
- Design, Scale and Visual impact
- Car parking/ Traffic
- Appropriate Assessment

7.2. Principle of Development and Density

7.2.1. The site is located in an area zoned 'NC' with the stated objective 'to protect provide for and/or improve mixed use neighbourhood centre facilities.' The provision of residential development is consistent with the zoning objective of the site and established uses on adjoining site.

7.2.2. The density provides for 34 No. units on a site with an area of 0.25 hectares. This is a density of 136 units per hectare. This represents a significant increase on prevailing residential density in the area. The site is located c. 1.5km from both Dun Laoghaire and Salthill/ Monkstown Dart stations and is served by a number of bus

routes. I would consider that the site is in an appropriate location for medium to higher densities subject to the proposal being acceptable in terms of design, scale, adjoining amenity and compliance with development plan standards.

7.3. Impact on Residential Amenities

- 7.3.1. In terms of established residential amenities and having regard to the proposed development, I would consider that the relevant issues for consideration are overlooking, overshadowing and loss of daylight. The main concerns in relation to the impact on the intended occupants relates to the quality of open space and the use of obscure windows for living rooms/ kitchen/ dining areas and obscure glazing for balconies.
- 7.3.2. The site is bounded by existing houses on two sides. To the west is Meadowland Court and to the north are houses in Glandore Park with the garden of No. 74 Mountown Road adjoining the north-east corner of the appeal site.
- 7.3.3. The appeal asks the Board to consider the drawings submitted to the Planning Authority in the first instance, however also provides modifications for the Board to consider if necessary.
- 7.3.4. The modifications include setting back Block B from the western boundary (Meadowland Court). A further modification is put forward in respect of apartment Block B26 which is reduced to a one bedroom unit and pulled back c. 1.7m from Glandore Park. Other modifications include some landscape changes and a proposal for a 'living wall' on the northern elevation facing Glandore Park.
- 7.3.5. The reason for refusal is as follows:

'The proposal, by reason of its scale, height, form, massing and architectural expression is not considered to accord with Section 8.1.1.1 Policy UD1: Urban Design Principles, Section 8.3.2 Transitional Zonal Areas and Sections 8.2.3.4 (vii) Infill, of the Dun Laoghaire- Rathdown County Development Plan 2016-2022 in relation to infill development. In its current form, the proposed development fails to respect the existing residential amenity in this transitional zone. In addition, both apartment blocks, by reason of their height scale, bulk and insufficient boundary setback will be visually obtrusive and overbearing when viewed from the neighbouring dwellings and will severely compromise the residential amenity of surrounding properties by reasons of overlooking and overshadowing. The proposed

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

- 7.3.6. I concur with the views of the Planning Authority in this regard. In my view, the proposed modifications do little to address the fundamental concerns in relation to the scheme and would have minimal positive impact on existing residences in the area.
- 7.3.7. In terms of the impact on future occupants, I note that many of the apartments in Block B provide for obscure glazing in living room/ kitchen/ dining areas. There are no proposals to alter this aspect of the application in the modifications submitted to the Board. In the appeal response, the applicant justifies the obscure glazing and considers that the quality of these units is good as these units also benefit from south facing windows, an east facing window as well as diffused light from the proposed north facing and east facing opaque windows. I do not concur with the applicant and consider that much of the obscure glazing for habitable rooms would be unnecessary in a well designed scheme at this location.
- 7.3.8. In terms of the impact on existing residences, I consider that the use of obscure glazing has given rise to a concern in relation to perceived overlooking and fear that they may be overlooking of the houses in Glandore Park if these windows were open. I have concerns regarding the height and minimal separation distances to adjacent properties and consider that the proposed development would lead to overshadowing of some rear gardens and would have an overbearing impact.
- 7.3.9. In terms of private open space, I am satisfied that the development complies with the requirements of the Sustainable Urban Housing- Design Standards for new apartments in terms of size. However, I have concerns in relation to the prolific use of obscure glazing in balconies. The use of obscure glazing as a measure to control overlooking negatively impacts on the quality of private open space afforded to the future occupants of these apartments and reduces access to daylight and sunlight. I would have concerns regarding noise pollution to existing residences having regard to the limited separation distances.
- 7.3.10. In terms of communal open space, I am satisfied that the quality and quantity complies with the Sustainable Urban Housing- Design Standards for New Apartments. However, the division of the communal areas into small individual courtyard spaces and the absence of a large area of communal open space, taken together with the car dominated layout in front of apartment Block B is a poor design

response. I consider that the development could be greatly enhanced by the inclusion of underground car parking and communal open space in this area.

- 7.3.11. In my view, the layout of the proposed development does not reflect a quality living environment and residential amenity of both future occupiers and neighbouring properties has been compromised in order to increase the overall density.

7.4. Design, Scale and Visual Impact

- 7.4.1. I would consider that Section 8.3.2 Transitional Zonal Areas is relevant in consideration of this application. The site is zoned as 'NC' 'To protect, provide for and /or improve mixed use neighbourhood central facilities' but is located adjacent to residentially zoned lands.
- 7.4.2. Section 8.3.2 of the Plan requires that in such areas, it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land uses. In zones abutting residential areas or abutting residential development within mixed use zones, particular attention must be paid to the use, scale and density of development proposals in order to protect the amenities of these residential properties.
- 7.4.3. The Planning Authorities decision to refuse permission refers to scale, height, form, massing, and architectural expression.
- 7.4.4. In my view, this is an underutilised, suburban site where both higher density and increased building height are welcomed. However, I consider that the buildings when viewed both from Mounttown Road Lower and from adjoining sites would be excessive and have not had regard to the site context. The site size is very limited and the combination of inadequate separation distances from adjoining sites, the transitional nature of the site and the oppressive, bulky, and overbearing appearance of the proposed development when viewed from adjoining sites would have significant detrimental impacts on the character of the existing area. The existing industrial estate at this location does not contribute in a positive way to the area, however a significant planning gain could be achieved at this location if this site was redesigned to a high standard of contemporary design that respects the character of the area.
- 7.4.5. Based on the above considerations, I consider that the proposed development, by virtue of its height, bulk, scale, mass and depth would visually dominate the streetscape and would have an overbearing impact and would be visually intrusive

when viewed from adjoining properties. The proposed development would represent poor design and would be an incongruous insertion into the streetscape.

7.5. Car Parking/ Traffic

- 7.5.1. The current County Development Plan sets out in Section 8.2.4.5 sets out a requirement of one space per 1 bed apartment and 1.5 spaces per 2 bed apartment.
- 7.5.2. The initial scheme provided for 14 No. one bed apartments and 20 No. 2 bed apartments and required a total of 44 No. car parking spaces. The revised scheme submitted to the Board provides for 17 No. one bedroom apartments and 17 No. 2 bedroom apartments and requires a total of 42.5 car parking spaces.
- 7.5.3. The Sustainable Urban Housing Guidelines: Design Standards for New Apartments state that the quantum of car parking provision is generally a matter for individual planning authorities having regard to local circumstances (notably location and access to public transport).
- 7.5.4. Section 2.3 of the Traffic Statement submitted with the appeal states that the site is located a 20 minute walk from Salthill/ Monkstown Dart station. There are a number of bus routes in the vicinity and there is a 'Go car' location where cars are available to rent in close proximity to the site.
- 7.5.5. The proposed development provides for a total of 27 No. spaces. The Transportation Section was of the view that the site was located in an intermediate area rather than a central area and recommended refusal based on inadequate car parking spaces.
- 7.6. Having regard to the location of the site and the accessibility to public transport and car sharing facilities in close proximity to the site, I am satisfied that adequate car parking has been provided. I also note that the revised proposals submitted to the Board provide for an increase from 50 No. to 76 No. bicycle parking facilities which is welcomed.

7.7. Appropriate Assessment

- 7.7.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the

proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that planning permission for the proposed development should be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. It is considered that the proposed development by reason of its scale, height, form, mass, and depth would be visually dominate the streetscape and neighbouring properties at this location. The proposed development would represent an inappropriate form of development for the site which is located in a Transitional Zonal Area and would represent a visually discordant feature that would be detrimental to the architectural character of this area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development, by reason of its design, layout, use of opaque glazing in living room/ kitchen/dining areas, and the quality of private open space would fail to establish a satisfactory standard of amenity for future occupants. Furthermore, the proposed development would overlook and would have an overbearing impact on adjoining properties. As such, the proposed development would detract from the residential amenities of adjoining properties, would conflict with the provisions of the current Development Plan for the area and the 'Sustainable Urban Housing: Design Standards for New Apartments' issued by the Department of the Environment Community and Local Government 2015, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Emer Doyle

Planning Inspector

31st day of July 2019