



An  
Bord  
Pleanála

## Inspector's Report ABP-303996-19

**Development** Demolition of buildings (538 sq.m) & construction of a 'Build to Rent' residential apartment development intended for use as a long term rental housing scheme comprising of a six storey building with a maximum height of 21m to accommodate 55 apartments, consisting of 40 no 1 bed units and 15 no 2 bed units with associated balconies; c348.31sq.m of commercial development at ground floor level consisting of 3 no commercial units and a café c98.82 sq.m of residential shared amenity underground parking facilities providing 37 no car parking spaces and 2 no motorcycle spaces ESB substation/service room at ground floor level bicycle lock up parking facilities providing 64 no spaces secure bin storage facility c 850.82 sq.m internal courtyard and all ancillary works.

<b>Location</b>	1-13 Templeogue Road, and 2-6 Terenure Road West, Dublin 6w
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	4702/18
<b>Applicant(s)</b>	Borrisron Limited.
<b>Type of Application</b>	Permission .
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Borrisron Limited.

**Observer(s)**

C. Ward  
Rod & Cormac O Beirne  
Terenure Residents Association  
Garret O Neill  
Colette and Joe Varley  
Patrick A Corcoran  
Tomás and Gillian Kelly  
Dervalla Manion  
McCauley & Associates Architects  
Rosemary Ryan  
Monica McMahon  
Connor Barry & Others.  
Caitriona White  
Cllr Mary Frehill & Senator Kevin  
Humphreys  
Michael Geaney  
Brian & Paula Connolly & Others  
Rathgar Residents Association  
Anthony Harris & Mary Julia Rowan  
Kevin & Frances Leavy  
Brendan Henegan  
David Lombard  
Association of Residents of Terenure  
Thomas E Mannion Deal  
Clare Mannion Deal.

**Date of Site Inspection**

30<sup>th</sup> May 2019.

**Inspector**

Bríd Maxwell

## 1.0 Site Location and Description

- 1.1. The appeal site has a stated area .23hectares is strategically located at the junction of Terenure Road West, Templeogue Road and Terenure Place in Dublin 6. The site is located within the area that marks the transition between the commercial core of Terenure to the east and the more residential suburban environment to the south and southwest. The site is in use as a car sales showroom and forecourt yard and is occupied by a number of existing structures part single part two storey with more contemporary additions to the rear of the site and an historic concave shaped building located on the corner facing Terenure Place. Modern modifications to this building detract from its historic form. Surrounding development comprises a mix of predominantly commercial buildings to the east, south east and north east with residential properties to the south west and northwest.
- 1.2. The site is bordered to the north by Terenure Road West and a number of two storey buildings occupied by commercial and retail units. To the west of these is residential development predominantly two storey properties but also a four-storey gated residential apartment complex Loughmore House. Opposite to the north are a number of two storey residential dwellings fronting Hannaville Park. A car sales company is located opposite on the northern site of the junction and mixed commercial retail residential development to the east of this. To the south the site is bounded by a single storey bungalow dwelling which is built along the southern site boundary<sup>1</sup> and beyond this two storey terraced dwellings fronting onto Templeogue Road. There are two storey commercial and residential dwellings located opposite to the south east and a row of single storey terraced cottages (16-24 Templeogue Road) add to the mix of building typologies.
- 1.3. Within the wider area there are a range of uses, services and facilities including Terenure Presentation College to the northwest, Terenure Sports Grounds and Terenure College to the south west.

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<sup>1</sup> I note that 15 Templeogue Road an elongated bungalow hugging he southern site boundary is not depicted on the submitted site layout plans.

## 2.0 Proposed Development

- 2.1. The proposal as set out involves the demolition of existing commercial buildings on site (c538 sq.m) currently used as a car dealership and the construction of a 'Build to Rent' residential apartment development, intended for use as a long term rental housing scheme comprising of a six storey building with a maximum height of 21m to accommodate 55 no. apartments consisting of 40 no 1 bedroom units and 15 no 2 bedroom units with associated balconies. The proposal also includes c384.31 sq.m of commercial development at ground floor level consisting of 3 no commercial units and a café; c98.82 sq.m of residential shared amenity; underground parking facilities providing 37 no car parking spaces and 2 no motorcycle spaces; ESB substation /service room at ground floor level; bicycle lock-up, parking facilities providing 64 no spaces, secure bin storage facility; c850.82 sq.m internal courtyard and all ancillary works. Primary vehicular access is to be provided via Templeogue Road and pedestrian access is via Terenure Road West.
- 2.2. In relation to Part V, it is asserted that discussions with Dublin City Council's preferred option it to acquire units. The applicant outlines a commitment to operating the proposed development as a Build to rent Scheme for a minimum of no less than 15 years in line with stipulations of SPPR 7 of 2018 Design Standards for New Apartments and is willing to enter into any legal covenants required in this respect.
- 2.3. As regards materials the proposed building will be predominantly brick at lower levels and glass with metal panels at upper levels. Aluminium faced window frames will have reconstituted stone when set into brickwork. Balconies at low levels will have metal balustrades with glass balustrades at level 4 onto Templeogue Road West.
- 2.4. The details of the proposal are outlined in the submitted drawings and a number of documents which accompany the application including
- Planning Statement McCutcheon Halley, Planning Consultants.
  - Traffic Impact Assessment CS Consulting Group.
  - Engineering Services Report CS Consulting Group.
  - Outline Construction Management Plan CS Consulting Group.

- Flood Risk Assessment, CS Consulting Group.
- Waste Management Plan, CS Consulting Group.
- Part L and NZEB Sustainability Report
- Landscape Design Report and Outline Specification for Softworks, Mitchell & Associates Landscape Architecture.
- Visual Impact Assessment Mitchell & Associates.
- Architectural Heritage Assessment Report Clare Hogan RIAI Grade 1 Conservation Architect.
- Social Infrastructure Review McCutcheon Halley Planning Consultants.
- Appropriate Assessment Screening report. McCutcheon Halley Planning Consultants.

2.5 I note that in response to the appeal a revised proposal a revised layout incorporating decrease in height from 21m to 18m to provide a 5-storey building accommodating 42no 1 bed apartments, 3 commercial units a café and residential shared amenity spaces. Alternative brick colour is also suggested.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

By order dated 20<sup>th</sup> February 2019 Dunlin City Council issued notification of its decision to refuse permission for three reasons as follows:

1. *“The proposed development, by reason of its overall scale, height, bulk and massing will be visually intrusive and overbearing when viewed on approach from the west along Terenure Road West and Templeogue Road and from the east along Terenure Place. The repetitive nature and replication of design along this critical façade to Templeogue Road results in a poor-quality street presentation and the corner treatment to Terenure Place, fails to provide an adequate statement design response necessitated by this prominent location contrary to Section 16.10.10 Infill Development of the Dublin City Development Plan 2016-2022.*

2. *The proposed development is contrary to specific Planning Policy Requirement 3 of the Urban Development and Building Height Guidelines for Planning Authorities 2018 as the application fails to demonstrate satisfactory compliance with the criteria set out in Section 3.2. to justify the proposed height of the development.*
3. *The proposed development fails to provide an adequate transition in scale to the adjoining residential development immediately west of the site and the proposed location of the building located flush to the footpath, will result in an incongruous and dominant feature to the streetscape providing little visual relief from the bulk and massing of the structure contrary to Section 14.7 Transitional Zone Areas and as a result will impact on the residential amenities of surrounding properties. The proposed development would therefore be contrary to the stated provisions of the Dublin City Development Plan 2016-2022 and the proper planning an sustainable development of the area.”*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

- 3.2.1.1 Planning report asserts that the site is reasonably well serviced by public transport to justify plot ratio. While a higher density than exists is appropriate the proposal does not respect the character context and urban form of the area to justify the density proposed. Development does not consider the character of the area and fails to have sufficient regard for the prevailing heights. Whilst and overall increase in height is not opposed the sheer scale of the proposal located flush with the footpath creates a poor transition in scale to adjoining properties to the rear. South east facing Templeogue Road façade provides little punctuation or meaningful setbacks to reduce overbearing impact of the building on the street. Insufficient detailing and articulation on the corner where Terenure Road West and Templeogue Road. Whilst upper level recessed at fifth floor it is not sufficient to reduce overall bulk. Concern with regard to bungalow 15 Templeogue Road and properties to rear of ground floor commercial units. Servicing proposals are deficient. The proposal could have acknowledged the site's past through the incorporation of the historic building's concave form or the reuse of the materials in the structure or boundary walls.

3.2.2.2 In summary - no objection in principle to the development of the site for residential purposes given its central location and ability to provide for a denser form of development. The proposed development however is not considered appropriate in its current form and results in an obtrusive structure on a prominent site which necessitates a more considered approach. Refusal recommended.

### 3.2.2. Other Technical Reports

3.2.2.1 Engineering Department Drainage Division indicates no objection subject to compliance with Greater Dublin Regional Code of Practice for Drainage Works Version 6.0. and other standard requirements.

3.2.2.2 Waste Regulation Section. Requirements in respect of waste outlined.

3.2.2.3 Roads, Streets and Traffic Division. Notes improved outcome from current situation in terms of access. Draft Bus Connects plans identify significant changes to Templeogue Road in front of the site including proposal to restrict north moving traffic to buses and bicycles only. In this event all vehicles leaving the site would have to turn right across the bus lane onto Templeogue Road. Concern expressed that inadequate provision of car parking within the site will generate overspill car parking on the adjoining road network. Car parking strategy should be submitted. Servicing proposals and emergency access provision to be clarified. Increased set back to Templeogue road to increase width of the footpath recommended.

### 3.3. Prescribed Bodies

No submissions

### 3.4. Third Party Observations

3.4.1 A significant number of third-party submissions from local residents and representative groups to the local authority object to the development largely on common grounds which I have summarised as follows:

- Inappropriate density. Overdevelopment
- Overlooking, overshadowing and negative impact on established residential amenity.

- Existing traffic congestion exacerbated. Construction traffic impact.
- Impact of Bus Connects project -no allowance for bus corridor
- Heritage assessment deficient. Impact on protected structures (8060 The Forge) and Residential Conservation Area. To permit demolition of an 1801 building in order to build a 6-storey block is contrary to conservation expertise.
- Negative visual impact. Ugly monolithic building out of character. Failure to act with aesthetic empathy to a neighbourhood.
- Build to rent scheme inappropriate where there is an identified need for properties to facilitate downsizing.
- Inappropriate layout and mix of units and provision of public and private open space. Excess of single aspect units. – none south facing.
- Further pressure on existing sewage and water systems.
- Lack of Social amenities - no need for additional commercial units in Terenure given scale of unoccupied properties.
- Site inherently unsuitable for increased height- no enhanced transport means, no opportunity for enhanced employment services to offer the ability to facilitate this nature of increased density. Non-compliance with Specific Planning Policy Requirement 7.
- Failure to consider no 15 Templeogue Road. Structural impacts, overheating and wind tunnel effects, rodent infestation.

#### 4.0 Planning History

**3892/07** Permission granted 17<sup>th</sup> September 2008 for Change of use from previously approved motor sales showroom (315 sq.m) approved under Reg Ref 2815/02 to a shop.

**5036/05** Permission granted 28<sup>th</sup> November 2005 for Removal of existing signs (3 no) fixed at high level to a free standing pole on the east boundary to Templeogue Road and Erection of new advertisement signs (4 No): 1 no free standing Totem



(4.5m high) on the east boundary to Templeogue Road (6.6 sq.m) 3 no surface mounted signs (4.15m high) on the main elevation of the new car room showrooms to the rear / south of the forecourt. (3x3.8sq.m)

**1600/04** Permission granted 14<sup>th</sup> April 2004 for retention of a northwest and southwest facing, freestanding 4.175m high x 1.2n wide (area 10.02 sq.m non-illuminated totem advertising sign on the east Boundary of the site.

**2815/02** Permission granted 21 October 2002 for new single storey car showroom and car valeting bay and associated site works and the demolition of existing single storey car valeting bay.

**0793/01** Permission granted 16<sup>th</sup> May 2001 Change of use from residential use to office use at existing two storey pitched roof building.

**3341/99** Permission granted 17<sup>th</sup> December 1999 for extended forecourt area and demolition of dwelling.

**0238/97** Permission granted for single storey extension to the side of car showroom associated signage and internal alterations.

## 5.0 Policy and Context

### 5.1. National Policy.

#### 5.1.1 Project Ireland 2040- National Planning Framework.

#### 5.1.2 Relevant Section 28 Ministerial Guidelines:

- **Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities Department of Housing Planning and Local Government 2018.**

Section 5.0 of the Apartment Guidelines specifically relates to the Build to Rent (BTR) and Shared Accommodation Sectors. BTR developments are defined as follows:

*“Purpose-built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord.”*

Specific Planning Policy Requirement (SPPR) 7 sets out the following requirements for BTR developments:

(a) Described in the public notices associated with a planning application specifically as a 'Build-To-Rent' housing development that unambiguously categorises the project (or part of thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period;

(b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development.

These facilities to be categorised as:

(i) Resident Support Facilities - comprising of facilities related to the operation of the development for residents such as laundry facilities concierge and management facilities, maintenance/repair services, waste management facilities, etc.

(ii) Resident Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

Section 5.11 states: *While all BTR developments will be required to provide satisfactory resident support facilities, the nature and extent of the resident services and amenities may be agreed by the project developer and the planning authority having regard to the scale, intended location and market for the proposed development. The provision of specific BTR amenities to renters will vary and the developer will be required to provide an evidence basis that the proposed facilities are appropriate to the intended rental market.*

SPPR 8 sets out the following criteria for proposals that qualify as specific BTR development in accordance with SPPR 7:

(i) No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise;

(ii) Flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. This shall be at the discretion of the planning authority. In all cases the obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;

(iii) There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures;

(iv) The requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes;

(v) The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations.

Part V requirements are to apply to BTR developments. Section 5.12 of the Guidelines notes that the particular circumstances of BTR apartment projects may mitigate against the putting forward of acquisition or transfer of units and land options as set out in DHPCLG Housing Circular 36 2016, Section 96(3) and the leasing option may be more practicable in such developments.

- **Urban Development and Building Height, Guidelines for Planning Authorities 2018.**

Promote an appropriate balance between enabling long term strategic development while ensuring the highest standards of urban design, architectural quality and place making outcomes. Guidelines set out government policy that building height must

generally be increased in appropriate urban locations. Development Management Criteria are set out at scale of city and district, neighbourhood /street and at scale of the site / building. Specific assessment may be required to include, micro-climate effects, impact on sensitive bird/ bat areas, retention of telecommunication channels, air navigation, an urban design statement including impact on historic built environment, relevant environmental assessment including SEA, EIA, AA and ecological impact assessment as appropriate.

Section 3.2 of the Guidelines sets out detailed development management criteria. SPPR 3 relates:

It is a specific planning policy requirement that where;

- A. 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and
2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

- **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual. 2009**
- **Design Manual for Urban Roads and Streets (DMURS)**
- **The Planning System and Flood Risk Management, Guidelines for Planning Authorities (including associated technical appendices). 2009.**
- **Architectural Heritage Protection Guidelines for Planning Authorities Department of Arts Heritage and the Gaeltacht 2011.**

## 5.2. Development Plan

5.2.1 The Dublin City Development Plan 2015-2022 refers.

- The site is zoned Z4 “District Centre” the objective is “*To provide for and improve mixed-services facilities.*” The Development Plan provides that to maintain their role as district centres new development should enhance their attractiveness and safety for pedestrians and a diversity of uses should be promoted to maintain their vitality throughout the day and evening.
- Higher densities will be permitted in district centres, particularly where they are well served by public transport.
- Adjoining lands to the west are zoned Z1 “*To protect and improve residential amenities.*”
- Chapter 5 Quality Housing
- Chapter 10 Development Standards: Design, Layout, Mix of Uses and Sustainable Design.

### 5.3. Natural Heritage Designations

South Dublin Bay SAC c 5.5km to the east.

### 5.4. EIA Screening

- 5.4.1. On the issue of Environmental Impact Assessment screening, I note that the relevant class for consideration is Class 10(iv) “Urban development which would involve an area greater than 2 hectares in the case of a business district, 20 hectares in the case of other parts of a built up area and 20 hectares elsewhere. Having regard to the size of the site (.23ha) and scale of the development, it is sub threshold and does not require mandatory Environmental Impact Assessment Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 The appeal submitted by McCutcheon Halley, Planning Consultants on behalf of the First Party, Borrisron Limited. The appeal also includes a design statement prepared by Reddy Architecture and Urbanism. Also included with the appeal are a revised set of drawings depicting a 5-storey building with decrease in height from 21m to 18m. The revised proposal provides for 42 no 1 & 2 bedroom apartments, 3 commercial units and café. Grounds of appeal are summarised as follows:

- Given the extent of pre-planning consultation it is surprising that the first party was not afforded the opportunity to address planning authority's concerns.
- Applicant is satisfied that the Board consider the application as originally submitted but also provides a revised layout incorporating decrease in height from 21m to 18m to provide a 5-storey building accommodating 42no 1 bed apartments, 3 commercial units a café and residential shared amenity spaces.
- City Council's is silent on what is considered an appropriate response to the site.
- Having regard to its Z4 district centre zoning the Planning Authority's reference to Section 16.10.10 Infill housing is considered erroneous. Site cannot be considered an infill housing site given its size and strategic location.
- Development Plan provides that higher densities can be permitted within Z4 lands.
- Street is currently devoid of character by virtue of the scale of the site and the extensive road frontage.
- Façade on Templeogue Road is placed on the rear of the pavement and designed as a series of repeating modules similar to a series of terraced buildings that repeat and replicate each other in the form of many of Dublin's Georgian Streets. Siting creates a more urban street frontage.
- Second reason for refusal on basis of SPPR 3 of the Building Height Guidelines, Sufficient information provided to the Council to justify height proposed.
- At the scale of relevant city / town – The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.

Site is at the centre of Terenure within walking distance of high-quality bus services (also future Bus Connects bus corridor).

- Proposal provides for a high-quality architectural development that will be integrated with the existing and established streetscape of this urban village.
- Site is considered a focal point at the end of Templeogue Road and Terenure Road West. Placing of a larger scale building at this location will close the vista along Terenure Road East and mark the western boundary of the district centre while also providing a larger scale building to mark this busy junction. Commercial space at ground floor will provide animation to the public realm.
- At District /neighbourhood / street level proposed development sits comfortably within the existing streetscape and enhances the urban design context. Proposal has regard to the immediate context in terms of setting an appropriate scale and mass. Provides an appropriate transition in height and scale relative to the adjacent buildings.
- Proposal carefully designed with regard to surrounding properties and materials. Provides for high quality finishes appropriate to this regeneration and responds to the historic character of Terenure.
- Assessment provided of daylight sunlight, visual impact and urban design - achieves all relevant standards. No microclimatic effects
- From assessment of the criteria outlined the Building Height Guidelines all of the stated performance criteria have been met or exceeded.
- In relation to refusal reason no 3, the proposal is successfully integrated with its surrounding environment and the documents submitted with the application confirm that all necessary environmental standards have been satisfactorily achieved. Two storey dwellings adjoining to the west do not contain residential use. No overlooking of No 15. Balconies adjoining boundary to be screened to prevent overlooking.
- Without prejudice to the case made for the development as initially proposed an alternative layout prepared.

## 6.2. Planning Authority Response

6.2.1 The response of the Planning Authority is summarised as follows:

- Regarding Refusal Reason 1. The appellant questions the application of section 16.10.10 infill development to the area. Residential is a permissible use within Z4 areas therefore it is logical to apply relevant residential policy to applications for residential development within these zones. Appellant's argument is flawed.
- Regarding refusal reason 2 Criteria set out under SPPR3 of the Urban Development and Building Height Guidelines 2018. Despite revisions to plans Dublin City Council still considers that the development does not respond adequately to the criteria in terms of failure to consider prevailing height in the area and provides an abrupt transition to adjoining development with a structure of significant mass and bulk. Proposal remains overly repetitive with significant vertical emphasis along Templeogue Road resulting in impression of overly elongated structure. Overall massing and height excessive and overbearing to the streetscape.
- Regarding reason no 3. Remains valid as there is abrupt transition in scale to adjoining residential development which has not been adequately considered. Location flush to the footpath enhances the dominance of the structure in the streetscape.
- Reasons for refusal remains valid for both the original and the revised schemes.

### 6.3. Observations

6.3.1 Observations are submitted by a number of third parties including local residents, their representative groups and elected members, who object strongly to the development. Common concerns include:

- Scale and height out of character.
- Design inappropriate. Overdevelopment overbearing overlooking and negative impact on residential amenity.
- Traffic Congestion and Pedestrian Safety.
- Selective daylight analysis - overlooking and overshadowing,
- Design revision should be subject of a new application. Alternative proposal does not reduce negative impact of the building on the area.



- Excessive concentration of single aspect units 80% none of which are south facing.
- No attempt to address inadequate parking provision. Premature pending resolution of Bus connects corridor project.
- Loss of heritage. Architectural heritage Assessment report submitted with the application concludes that the existing 1801 building on the site is of local architectural and historical interest and does not ostensible support or advocate its removal.
- Impact on No 15 – Templeogue Road - Light impact to rear patio, microclimatic effects. Overlooking and overshadowing. Structural issues fire safety, rodent infestation.
- Question requirement for EIA given likely significant effects on the environment.
- Cost burden on third party observers.
- Lack of civic space. No contribution to the public and urban realm.
- Question the sustainability of the housing mix. Not in keeping with local requirements.
- Proposal is contrary to the NPF and section 28 Ministerial Guidelines which promote innovative and qualitative design solutions.

#### 6.4. Further Responses

6.4.1 Further response by Mc Cutcheon Halley Planning Consultants on behalf of the first party. Refer to first party appeal which addresses the three reasons for refusal.

## 7.0 Assessment

7.1 Having examined the file, considered the prevailing local and national policies, inspected the site I consider that the main issues can be assessed under the following broad headings:

- Principle of Development
- Density, height and design
- Residential amenity of the proposed units and impact on established residential amenity
- Servicing, traffic and other matters

## 7.2 Principle of Development

7.2.1 Having regard to the zoning objective Z4 District Centre which provides for a wide range of permissible uses including residential, restaurant and shop I am of the opinion that the proposed development incorporating commercial uses and residential use is consistent with the range of permissible uses and is therefore acceptable in principle. The site is currently sub optimal in terms of its use as a car sales showroom and therefore the proposal is in accordance with regional and national policies to promote compact urban growth including densification of existing built up areas.

7.2.2 As regards the nature of the proposal as a “build to rent” scheme, I note that a number of the third-party appellants question the appropriateness of such a scheme in Terenure in light of the recognised local need for properties to facilitate downsizing by established residents. Concerns are also expressed with regard to the transient nature of occupation of the build to rent scheme and potential for anti-social behaviour or other disturbance.

7.2.3 Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments, 2018 provides guidance on Build-to-Rent and Shared Accommodation sectors. The guidelines define Build to Rent as “*purpose built residential accommodation and associated amenities built specifically for long-term rental that is managed and*

*serviced in an institutional manner by an institutional landlord*". These schemes have specific distinct characteristics which are of relevance to the planning assessment. The ownership and management of such a scheme is usually carried out by a single entity. The residential type and tenure provides a greater choice for people in the rental sector, one of the pillars of Rebuilding Ireland.

7.2.4 I note that the surrounding area is generally characterised by family homes on large plots. The proposed Build to Rent development of 55 units comprising 40 1 bed units and 15 no 2 bed units would provide for an innovative housing typology and add to the housing mix of the area. Section 5.7 of the Sustainable Urban Housing Design Standards for New Apartment Guidelines for Planning Authorities 2018 acknowledges the key aspect of the Build to Rent model is its potential to accelerate the delivery of new housing at a significantly greater scale than at present making a significant contribution to the required increase in housing supply nationally, identified by Rebuilding Ireland and the scale of increased urban housing provision envisaged by the National Planning Framework.

7.2.5 I refer the Board to the provisions of Specific Planning Policy Requirement 7 which provides that: Build To Rent development must be:

*“(a) Described in the public notices associated with a planning application specifically as a ‘Build-to-Rent’ housing development that unambiguously categorises the project (or part thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period:*

*(b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the Build To Rent development. These facilities to be categorised as:*

*(i) Residential support facilities – comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.*

*(ii) Residential Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc. “*

7.2.6 The public notices refer to the scheme as ‘Build-to-Rent’ and the applicant indicates acceptance of a condition requiring that the residential units remain in use as Build to Rent accommodation for a minimum period of no less than 15 years and has indicated a willingness to enter any legal covenants required in this respect.

7.2.7 SPPR 8 sets out that proposals that qualify as specific Build to Rent development in accordance with SPPR 7 shall have no restrictions on dwelling mix. Flexibility also applies in relation to the provision of a proportion of the storage and private amenity spaces associated with individual units and communal space on the basis of provision of alternative compensatory communal support facilities and amenities within the development. The proposal in this instance seeks minimal relaxations in residential amenity standards, with all units generally consistent with the requirements of the apartment guidelines. This is discussed in terms of residential amenity aspects below. To conclude on the question of the principle of the proposed build to rent scheme I consider that given the policy context, the proposed Build to rent units are acceptable in principle subject to detailed considerations.

7.2.8 As regards the principle of demolition of the existing structures on the site, I note the third-party concerns raised with regard to the destruction of the remnants of the 1801 concave building, which formed part of the as part of the Circle Cottages at Roundtown, the original village which subsequently became Terenure. I note the

conclusions of the submitted Architectural Heritage Assessment Report by Clare Hogan, RIAI Grade 1 Conservation Architect, which reports significant loss of character and irreversible intervention arising from renovations and alterations. Almost all of the front and both gable ground floor external walls have been removed to create wide window openings with replica shopfronts. Internally the building has been opened up into an open plan arrangement removing most of the original building fabric. The front curved wall has been demolished to access a c1900 shopfront extension. Surviving nineteenth century fabric is of modest architectural quality and confined to decorative joinery in the entrance hallway stairs and upper floor.

7.2.9 I note that the building is not a protected structure and the site is not within an Architectural Conservation Area. Clearly the later interventions and modifications have resulted in significant loss of historic fabric, therefore it would be arbitrary to require the preservation of the existing historic building for the sake of conservation. However, I consider that in light of the strategic location and the local historical significance of the site, an acknowledgement of the site's heritage would be appropriate both in terms of the landmark location and also in the interest of place making. In this regard the incorporation of the concave form and building elements or other acknowledgement of the significance of the site's heritage would be advocated.

### **7.3 Density, Height and Design**

7.3.1 The development has a density of 239 units per hectare (182 per hectares in the revised scheme). The site area is .23ha with plot ratio 2.2 (indicative plot ratio applicable is 2) and site coverage is 37.8% (indicative standard is 80%). I note that national policy as per Section 5.8 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas states that minimum net densities of 50 units per hectare should be applied within 500m walking distance of public transport corridors and in principle a higher density of residential development on the site would be appropriate subject to appropriate design and amenity

standards. In particular higher density must be balanced against the need to protect residential amenities and the established character of the area and the key consideration is therefore required on the likely impact of the development on the receiving environment.

7.3.2 On the matter of building height the proposal extends to 21m in height, reduced to 18m in the revised 5 storey scheme submitted as part of the appeal. Both heights are significantly higher than the predominant heights in the area. Section 3.1 of the Urban Development and Building Heights, Guidelines for Planning Authorities sets out development management principles for the consideration of development proposals for buildings taller than prevailing building heights in urban areas. In the context of the Development Management Criteria set out in section 3.2, I note that the site is well serviced by public transport and is not located in a particularly architecturally sensitive area. I note that whilst the site size is small, its prominent corner location does present an opportunity to contribute to place making. I consider that whilst an increase in height above the prevailing height is generally acceptable in principle with regard to the building height guidelines, this must take account of transition and impact on established amenities and visual impact on the streetscape and character of the area.

7.3.3 I refer to the visual assessment contained within the design statement by Reddy Architecture and Urbanism. Firstly, I am critical of the approach in terms of choice of Viewpoints particularly the absence of immediate contextual representations having regard to the transition with immediate adjoining development. I note that in terms of viewpoint selection the proposal is not visible in five out of a total of 11 viewpoints (View 1, 3, 4 8 and 11). I consider that the most proximate viewpoints (Namely view 2, view 5 and View 7) demonstrate the overbearing and bulky nature of the proposed building. I consider that as demonstrated in view 7 and more distant view 9, the architectural design by reason of the bulk, scale and massing when viewed from Templeogue road would be excessive and overbearing.

- 7.3.4 As regards views from the east, the first party asserts that in terms of urban strategy, the placing of a larger building will create a focal point and mark the western boundary of the district centre. It is asserted that ground floor commercial spaces will provide ground floor animation to the public realm. I consider that the whilst this strategy makes sense the structure as designed appears out of scale (View 5 and 6).
- 7.3.5 As regards views from the west along Terenure Road West (View 2) the intervention by virtue of height, bulk, scale and mass appears monolithic and visually dominates and would be an incongruous stark insertion into the streetscape and fails to adequately address the public realm. As regards the first party assertions that the City Council erred in terms of referencing policy 16.10.10 Infill housing, I would concur with the Planning Authority that having regard to the nature of the scheme the standards consistent with 16.2.2.2 Infill Development and which in any case represent standards of proper planning and sustainable development clearly are appropriate considerations in the case.
- 7.3.6 Having reviewed the documentation submitted with the first party appeal, I consider that the proposal for reduced height structure does not achieve a substantial change to mitigate these concerns. In this regard I consider that the proposed scheme fails to create an appropriate intervention in terms of creating visual interest in the streetscape and it does not make a positive contribution to the public realm. On this basis I consider that more substantial revision is required having regard to the site's context and taking account of existing adjacent structures.

#### **7.4 Residential amenity of the proposed units and impact on established residential amenity**

- 7.4.1 On a review of the proposal in terms of the residential amenity provided to the proposed units, I note that each of the proposed apartment areas are in accordance with floor areas set out in SPPR3 of the Sustainable Urban Housing Design Standards Guidelines. SPPR8 provides that requirement for apartments to exceed

the minimum standard by a minimum of 10% does not apply to Build to Rent Scheme. SPPR 8 also provides for flexibility in relation to the provision of a proportion of storage and private amenity spaces associated with individual units as set out in Appendix 1. The proposed configuration performs well in relation to standard requirements. For example, storage and private open space is in accordance with the standards. I note that 35% of the apartments are dual aspect where the guidelines requirement is 33%. Private amenity space is provided in the form of balconies and the treatment of balconies to ground floor level apartments is unclear and security issues might arise in this regard.

7.4.2 As regards lift and stair cores I note that SPPR 8(v) notes that the requirement for maximum of 12 apartments per floor per core shall not apply to Build to rent schemes, subject to overall design quality and compliance with building regulations. I note that three of the proposed floors include 13 apartments accessing a single lift core. As regards communal open space, this is provided for in the form of an internal courtyard at ground floor level 850.82 sq.m in excess of the guideline requirement. Sunlight to amenity space is shown to comply with BRE recommendations Site Layout Planning for Daylight and Sunlight 2011. Residential shared amenity spaces are provided on ground and fifth floor level. At fifth floor level 98.81sq.m of residents amenity space is split into a communal lounge and meeting room with ability to convert the space into a small function room for use as private dining space with access to an adjoining kitchen facility. At ground floor level 27.44 sq.m area is provided in terms of residential support facilities including waste management ( secure communal refuse storage) and concierge. I note that the Sustainable Urban Housing Design Standards for New Apartments Guidelines provide that the nature and extent of resident support services and amenities may be agreed by the developer and Planning Authority having regard to the scale , intended location and market for the proposed development. The provision of specific build to rent amenities to renters will vary and the developer will be required to provide an evidence basis that the proposed facilities are appropriate to the intended market. The application provides a Social Infrastructure Review which asserts that the local area is well serviced in terms of amenities. On this basis it is asserted that the proposed provision is appropriate to the intended rental market having regard to the



scale of the development and existing social infrastructure facilities provided within the immediate area.

7.4.3 As regards the impact of the proposal on established residential amenity, I note the submitted Sunlight and Daylight analysis carried out by Integrated Environmental Solutions IES. The assessment demonstrates that all residential points tested have a vertical sky component of greater than 27% or are greater than 0.8 times their former value meaning there is no reduction greater than 20% in line with BRE guidelines. With respect to the mixed use and commercial properties, adjacent to the northwest of the site, the vertical sky component for 76% of the points tested (59 out of 78) is not less than 0.8 times their former value (that of the existing situation) or at least 27% in line with BRE recommendations. The remaining windows tested demonstrated VSC values ranging between 15%-27%. It is asserted that the results can be classified as minor adverse considering the loss of light is marginally outside the guidelines.

7.4.4 I note that the application as initially submitted did not acknowledge the established bungalow which hugs the southern boundary of the appeal site No 15 Templeogue Road. I note that within the grounds of appeal the potential impact is addressed. As regards overshadowing given the location to the south of the appeal site no overshadowing issues arise. The first party asserts that screening to balconies will mitigate impact of overlooking, which is any case also mitigated by the siting of the dwelling along the boundary. I consider that the number of balconies at the corner of the property will give rise to significant overlooking and detrimental impact on the established amenity of this dwelling and also those adjacent. Commercial properties to the north west of the site fronting onto Terenure Road West appear to have some element of residential use and whilst the rear of the properties do not appear to provide amenity space. I would concur with the report of the City Council's Planning Officer that the proposal has an undue impact in terms of overlooking and overbearing impact. I consider that the proposal results in an abrupt transition in height and scale in close proximity to adjacent low density two storey and single storey development. On the basis of the foregoing I consider that the proposal does not appropriately address the transition in scale to adjacent residential development

and would dominate and detract from established residential amenity and will also result in adverse impact by way of overlooking.

## **7.5 Servicing, traffic and other matters**

7.5.1 As regards traffic, I note the Traffic Impact Assessment by CS Consulting Group which sets out to examine the impact of the proposed development on the existing road network through operational assessment of key junctions on Templeogue Road and Terenure Place. It concludes that the proposed priority controlled access junction on Templeogue Road will operate within its effective capacity during AM, Mid Day and PM peak periods with negligible queues and delays when the development is completed in 2021, 2026, 2041 and 2036. It is reported that the existing junction of Templeogue Road and Terenure Road West and Terenure Place currently operates within its effective capacity and will continue to do so. The addition of vehicular traffic related to the development will have only a minor impact on the operation of this junction. Clear sightings of 49m are provided in both directions achieved at the development access junction.

7.5.2 As outlined in Roads Streets and Traffic Division report the proposed single access point represents an improvement of current vehicular access. Concerns are also raised with regard to the potential for overspill parking from the site giving rise to overspill parking on the adjoining road network and a parking strategy to explore this issue was sought. The Development Plan establishes that car parking provision may be reduced or eliminated in areas that are well served by public transport. I consider that having regard to the central and accessible location of the of the site and nature of the proposed development the provision of reduced parking provision is appropriate. I note that the proposal provides for cycle parking at ground floor level.

7.5.3 As regards the “*bus connects*” core bus corridor it is noted that significant changes are proposed to Templeogue Road in front of the site including the proposal to restrict north moving traffic to buses and bicycles only. This would result in vehicles leaving the site having to turn right across the bus lane onto Templeogue Road. I note that the Roads Streets and Traffic Division recommended that an increased

building set back to provide for increased pedestrian footpath width particularly in the vicinity of the pedestrian crossings. I consider that this would be desirable also in terms of the benefits to the public realm. The capacity of loading bay to service the proposal has also been questioned having regard to the adjacent bus bay and this would require further clarification. I note that the NTA Bus Connects website <https://www.busconnects.ie> advises that public consultation phase for Tallaght to Terenure occurred in Phase 2 which was scheduled to end on 30 April 2019. I have no further updates relating to the project. I consider that the traffic implications of the development need to be amended in light of the concerns raised.

7.5.4 On the matter of flood risk, I note the submitted Flood Risk Assessment, CS Consulting Group, which notes location of in Flood Zone C. The site has no recorded flood events and modelling of the River Dodder indicates that the site is outside the 0.1% AEP Zone. Predicted flood mapping for fluvial, tidal and pluvial events will not affect the site. The proposal includes a storm water attenuation system to address a 1 in 100 year extreme storm event increased by 20% for predicted climate change values. The likelihood of on-site flooding from the hydrogeological ground conditions are deemed to be minor and within acceptable levels.

7.5.5 As regards Appropriate Assessment I note the submitted AA Screening Report concludes that as none of the habitats and species listed as qualifying features in any European Site will be affected by any element of the development the project will not result in any likely significant effects on any European Site. As there is no risk of significant negative effect on any European site as a result of the proposed development alone or in combination with other plans or project Stage 2 of the Appropriate Assessment Process a Natura Impact Statement is not required. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site in view of the Site's conservation objectives and a stage 2 Appropriate Assessment and submission of an NIS is not therefore required.

## 7.6 Conclusion

7.6.1 The proposed mixed-use scheme comprising commercial development with build to rent accommodation is considered acceptable in principle at this site having regard to the zoning objective under the Dublin City Development Plan 2016-2022 and to the central and accessible location of the site in an area with a wide range of social infrastructure and public amenities. In addition, the site is generally considered to be suitable for higher density residential development with regard to these factors. However, due to the design, bulk and scale of the proposed development it is considered that the proposal would be overbearing when viewed from the local area and from adjacent residential properties and would have a significant adverse impact on residential amenity by way of overlooking and overbearing impact. On this basis refusal is recommended.

## 8.0 Recommendation

8.1. Having regard to the above assessment I recommend that the decision of Dublin City Council be upheld and 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 would fail to respond to the unique characteristics of the site, would not contribute to a sense of place making and would, by reason of its design, height, bulk, scale and mass, be monolithic and would visually dominate and harm the streetscape. The proposed development would represent a visually discordant feature that would be detrimental to the character of this area. The proposed development would, therefore, contravene materially the provisions of the Development Plan and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the design, scale, bulk and height of the development, it is considered that the proposed scheme would be overbearing when viewed from adjacent residential properties and would seriously injure the residential amenities of adjoining properties through undue levels of overlooking and overbearing visual impact. The proposed development would be contrary to the National Planning

Framework and Ministerial Guidelines, which promote innovative and qualitative design solutions, and would seriously injure the amenities of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Bríd Maxwell  
Planning Inspector

17<sup>th</sup> July 2019