



An
Bord
Pleanála

Inspector's Report ABP 304450-19

Development	Change of Use from office to residential development of 7 apartments.
Location	12 Northumberland Avenue, Dun Laoghaire, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D19A/0152.
Applicant(s)	ANR Developments Limited.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	First & Third Party.
Appellant(s)	<ol style="list-style-type: none">1. ANR Development V. condition No. 2.2. Lorcan Lyons.3. Tom Lyons & Lynne Andrews.
Observer(s)	Alan & Rachel Dunphy.

Date of Site Inspection

12th September 2019.

Inspector

Dáire McDevitt.

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1.0 Site Location and Description

- 1.1.** The site, 12 Northumberland Avenue, is located along the western side of Northumberland Avenue in Dun Laoghaire, it is c. 140m from the junction of Northumberland Avenue and George's Street Upper and c. 175m southwest of the junction of Northumberland Avenue and Northumberland Place.
- 1.2.** No. 12 Northumberland Avenue is a 19th Century 2 storey over basement terrace. A substantial 3 storey red brick extension was constructed to the rear in the 1980s. Its last stated use was as offices. The original structure has been the subject of significant interventions and alterations over the years with little of the internal original fabric remaining. No. 12 is bounded by No. 11 Northumberland Avenue (appellant's house) which has been the subject of extensive refurbishment works in recent years when it was converted back from office use to a single private residence. To the south is Delphi House (Observers house) a two storey over an underpass, pastiche mews development constructed within the original curtilage of No.12. To the rear, accessed via an archway/passage way under Delphi House is Foundation House, a two storey office building currently in use and a communal carpark area with spaces clearly designated for each use. The 'amenity space' of Delphi House is located along the southeastern corner of this open area, there is no boundary treatment separating the stated amenity space associated with Delphi from the remainder of the carpark. I note that bins and children's swings are located in what has been stated to be the rear amenity space of Delphi House which is defined by a painted line, akin to a carparking space, and a carparking space.
- 1.3.** There is a c.27m drop in levels from the front of the site to the rear where Foundation House is located. There is a vehicular access and a separate pedestrian access off Northumberland Avenue. Paid parking bays are located along the Avenue in front of the site.

2.0 Proposed Development

- 2.1.** The proposal consists of:

- Change of use of existing 3 storey building from office to residential, consisting of 6 no. 1 bedroom apartments with associated internal alterations to internal layouts and external façade.
- Construction of extension over part of the building to the rear, creating a part 4 storey building to accommodate penthouse studio apartment and lift core over-run.
- Construction of extension to west elevation to accommodate ground floor storage and external terraces at upper levels.
- Landscaping, bicycle parking, stores, refuse compound and all ancillary site development works and services.
- c. 52sq.m of communal open space is proposed.
- Private open space is in the form of external terraces to the 4 no. apartments located to the rear of the building. The lower ground floor apartment to the front would have a delineated terrace area at ground level. The 2 upper floor apartments which front onto Northumberland Avenue have no private open space in order to maintain the front façade.

The site has a stated area of c.444sq.m.

Existing building: c.381.5 sq.m.

The landholding outlined in blue relates to a freehold interest in land. The applicant does not own the buildings located thereon.

Unit Breakdown & Mix:

- 6 no. 1 bed apartments, ranging in size from 48 to c.62sq.m.

Lower ground floor:

- Apt. 1 gfa 62sq.m.
- Apt 2 gfa 48sq.m.

Upper ground floor:

- Apt 3 gfa 58sq.m.
- Apt 4 gfa 48sq.m.

First floor:

- Apt 5 gfa 58sq.m.
- Apt 6 gfa 48sq.m.
- 1 no. studio apartment.

Proposed second floor:

Studio with a gfa of c. 37sq.m.

6 of the 7 apartments are dual aspect.

Where all storage is not provided within the apartments, there is external storage provided to the rear of the building for apartments 2, 4, 6 & 7.

Documentation submitted:

- Architects Design Statement
- Architects drawings.
- Shadow Analysis booklet.
- Engineering Drainage Report.
- Flood Risk Assessment.
- Engineering Services drawings.
- Appropriate Assessment Screening Statement

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to **11** conditions.

Condition of note include:

No. 2 The proposed second floor/penthouse accommodation and associated external terrace shall be omitted and the proposed development modified as follows:

- a) The height of the lift overrun shall not exceed 1 metre above the existing parapet level of the annex building.
- b) The height of the proposed wall flanking the northern side of the first floor external terrace associated with Apartment No. 6 shall measure 1.8 metres above the first floor level of the terrace.

Prior to the commencement of development the Applicant shall submit for the written agreement of the Planning Authority revised drawings complying with the above requirements.

Reason: In the interest of proper planning and sustainable development.

No. 4 The proposed refuse compound shall be secured by way of a gate. Prior to the commencement of development the Applicant shall submit for the written agreement of the Planning Authority plan and elevation drawings of the proposed 1.5 metre high fence and gate that would enclose the refuse compound.

Reason: In the interest of residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports (24th April 2019).

This formed the basis of the planning authority's decision. The main points are summarised as follows:

- Concerns raised in relation to the proposed extension to accommodate a penthouse studio apartment. It is recognised that whilst the penthouse studio apartment and lift and stair cores would not, as per the shadow analysis drawing submitted, give rise to adverse overshadowing impacts on adjoining properties, they would, by reason of their excessive height, be visually overbearing when viewed from the rear of No. 11 Northumberland Avenue.
- The proposed additional penthouse floor would, when taken into consideration with the existing buildings on the site, result in overdevelopment of the site and would be out of character with the pattern

of development in the area, which primarily consists of two and three storey over basement buildings. The development would be contrary to section 8.2.3.4 (vii) of the Development Plan which states that infill development should respect the height and mass of existing residential units.

- The extension would interfere with the roof profile of the period building to the front of the site, would have an adverse impact on the character and external expression of same and would be contrary to policies AR5 and AR8 of the Development Plan.
- The Case Planner was satisfied that a condition requiring the removal of the studio penthouse extension would address the concerns outlined above.
- No objection to the extension to the main (rear) lobby. No adverse impacts would be envisaged from this part of the proposal.
- Overlooking of the private amenity space of Delphi is not considered an issue given the open and undefined nature of this space which is contiguous with the carparking area to the rear of the subject site. The case officer concluded that any additional overlooking impacts on same would not have an adverse impact upon the enjoyment of this space, as it currently exists.
- The proposed external terraces (once the studio and associated terrace are omitted), by virtue of their location and orientation relative to adjoining properties, would not give rise to adverse overlooking impacts. Additional screening could be conditioned.
- No objection to the proposed alteration to the exterior which largely relate to fenestration details on the south and west facing facades to the rear annex building.
- Unit Mix is acceptable. 3 apartments to be provided in the period building and 3 in the annex. Studio to be omitted.
- Apartments comply with the national standards. External storage, where internal is not provided, is acceptable.

- Private and public amenity space is acceptable given the proximity of the site to Clarinda Park and the People's Park.
- The non-provision of car parking spaces and the loss of 4 no. car parking spaces is acceptable given the location and context of the site and proximity to public transport. Cycle spaces provided on site.
- Bin storage is acceptable.

3.2.2. Other Technical Reports

Drainage Division (4th April 2019). No objection subject to standard conditions.

Transportation Planning Section (27th March 2019). Recommendation to refuse permission on the grounds of lack of/non-provision of off-street car parking.

Conservation Division (28th March 2019). Strongly opposed to the proposal for the following reasons:

- The double pitched roof on No. 12 contributes to the character and external expression of the 19th century structure. The proposed alterations to the roof profile in order to accommodate the additional storey of penthouse accommodation would completely destroy the character and appearance of this structure and will have a domineering visual impact on the streetscape.
- The proposal would erode the special character and architectural interest of the existing 19th century building and would set a poor precedent for similar types of development.
- The proposed development would be contrary to policies AR5 and AR8 of the Dun Laoghaire Rathdown County Development Plan 2016-2022.

Parks and Landscape Service (4th April 2019). Further information requiring clarification on the area of communal open to be provided, details of the landscape design rationale and detailed landscaping proposals.

3.2.3. Submissions

The Planning Authority have stated that five third party submissions were received. These included submissions from the two third party appellants and

the Observer on this appeal. The issues raised broadly reflect the third party grounds of appeal and the observations on the appeal and are summarised in detail in the relevant sections of this report. Points of note included:

- Lack of parking will result in an increase in parking demands along Northumberland Avenue which is already under significant pressure due to demands from existing residents along the Avenue.
- Overlooking and loss of privacy of adjoining properties.
- Overshadowing and overbearing impact on adjoining properties.
- Negative impact on the architectural heritage and streetscape of Northumberland Avenue.
- The design and density is not appropriate for this location.
- Noise and light pollution.
- Issue relating to a right of way over part of the alleyway.
- Disruption during the construction phase would have a detrimental impact on the residential amenities of adjoining properties.
- Lack of space to manoeuvre vehicles if terraces are provided at ground floor level.
- Lack of communal open space.

4.0 Planning History

There is no record of recent applications relating to No. 12 Northumberland Avenue.

PA Ref. No. V/026/19 refers to a 2019 Part V Certificate of Exemption with respect to 1 no. new build dwelling and 6 no. dwellings within existing buildings.

Adjoining sites:

PA Ref. No. D15A/0650 refers to a 2015 grant of permission for change of use from office to single residential unit at No. 11 Northumberland Avenue.

PA Ref. No. D13A/0072 refers to a 2013 grant of permission for the demolition of 12B Northumberland Avenue and the demolition and construction of a boundary wall at a new location between No. 12B Northumberland Avenue and Northumberland Hall, a protected structure.

16 Northumberland Avenue:

PA Reference No. D16A/0448 (ABP Ref. No. PL.06D.247228) refers a 2016 decision to refuse permission for a new front garden design, car entrance and modifications of existing cast iron railings and stone wall to provide off street parking on the grounds that it would adversely impact on the availability of on-street parking and would be contrary to policy AR8.

5.0 Policy and Context

5.1 Dun Laoghaire-Rathdown County Development Plan 2016-2022

The site is zoned under Land Use Objective 'A' with a stated objective '*to protect and/or improve residential amenity*'.

RES3: refers to the density requirements for the county.

Higher densities at a minimum of 50 units per hectare will be encouraged where a site is located within a 1km pedestrian catchment of a rail station, a priority QBC and/or 500 metres of a Bus Priority Route, and/or 1 km of a town or District Centre.

In some cases it is noted that densities may be constrained by ACA, cACA designations, Protected Structures and other heritage designations.

Architectural Heritage

No. 12 Northumberland Avenue is not included in the Record of Protected Structures and, therefore, is not subject to the appropriate policies as set out in Section 6.1.3 and Section 8.2.11.2 of the Plan.

Section 6.1.3.5.

Policy AR5 refers to buildings of heritage interest. This relates to buildings and structures that whilst not strictly meeting the criteria for inclusion in the Record of Protected Structures, may make a positive contribution to the historic built environment of the area. Where this occurs, their retention and reuse should be encouraged.

Policy AR8 refers to Nineteenth and Twentieth Century Buildings, Estates and Features. The policy seek to encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised. And encourage the retention of features that contribute to the character of exemplar nineteenth and twentieth century buildings and estates such as roofscapes, boundary treatments and other features worthy of retention.

Relevant Development Management Standards

Section 8.2.3.3 refers to **apartment developments** and standards required in relation to (i) design, (ii) dual aspect, (iii) mix of units, (iv) separation between blocks), (v) internal storage, (vi) penthouse development, (vii) minimum floor areas, (viii) public, private and communal open space standards and (ix) play facilities.

Section 8.2.4 Sustainable Travel and Transport

Section 8.2.4.5 refers to carparking standards for apartments.

Section 8.2.8 Open Space and Recreation

Section 8.2.8.4 (iv) refers to private open space requirements for apartments

Appendix 9. Building Height Strategy

Section 2.1.1 densities are referred when assessing the level of development permissible on site as this is expressed in terms of plot ratio, site coverage, number of units, footprint and compactness of the development amongst other criteria.

Chapter 3

Proposals for infill sites should focus on whether the proposal would result in a desirable alteration to the prevailing character of the area and/or can be satisfactorily absorbed into the local context.

Chapter 4

Refers to the accommodation of 3 to 4 storey apartment buildings adjacent to important public transport nodes, subject to the considerations of downward and upward modifiers.

Section 4.8.1 Upward Modifiers

In particular (e)

- (e) The site should be within 500m of a DART station. ***The site is within 500m of Dun Laoghaire DART Station.***

Section 4.8.2 Downward Modifiers

In particular item no. 1

- (1) Where a proposal would adversely affect residential living conditions through overlooking, overshadowing or excessive bulk and scale.

5.2 Project Ireland 2040 - National Planning Framework

The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives (Objectives 26 to 37) among which Objective **27** seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. Objective **33** seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective **35** seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-

use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.3 Guidelines

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities. (DHPLG 2018). These provide recommended minimum standards for floor areas for different types of apartments; storage spaces; sizes of apartment balconies/patios and room dimensions for certain rooms.

The guidelines set out that for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, requirements may be relaxed in part, on a case-by-case basis, subject to overall design quality.

A sample of which are noted below:

Section 3.34 refers to the storage requirements

Section 3.39 refers to private amenity space standards which may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.

Section 4.12 refers to communal amenity space which may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.

Sustainable Urban Housing: Design Standards for New Apartments Guidelines. (DECLG 2015). These provide recommend minimum standards for floor areas for different types of apartments; storage spaces; sizes of apartment balconies/patios and room dimensions for certain rooms.

Sustainable Urban Residential Development Guidelines (DoEHLG 2009) and its companion, the **Urban Design Manual - A Best Practice Guide (DoEHLG 2009).** These include detailed advice on the role of Urban Design and planning for new sustainable neighbourhoods. In cities and larger towns,

appropriate locations for increased densities, are identified, including outer suburban greenfield sites and public transport corridors.

Quality Housing for Sustainable Communities (DoEHLG 2007). These are intended to assist with the implementation of initiatives for better homes, better neighbourhoods and better urban spaces. Detailed space requirements are set out and room sizes for different types of dwellings.

Architectural Heritage Protection Guidelines 2011 (DAHG)

These provide guidance on architectural heritage protection.

5.4 Natural Heritage Designations

The nearest designated European sites are:

- South Dublin Bay and River Tolka Estuary SPA (site code 004042) is c. 1km to the north.
- South Dublin Bay SAC (site code 000210) is c.1km to the north.
- Dalkey Island SPA (site code 004172) is c. 3.2km to the southeast.
- Rockabill to Dalkey Island SAC (site code 003000) is c. 3.5km to the south east.

5.5 EIA Screening

Having regard to nature of the development comprising of change of use of existing structures from office to residential and the proposal for an extension to accommodate a penthouse apartment, in a serviced urban area, 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 First Party Appeal

A first party appeal has been received seeking the omission of Condition No. 2 of the Planning Authority's decision which requires the omission of the second floor penthouse accommodation and associated external terrace and modifications set out below:

Condition No. 2

The proposed second floor/penthouse accommodation and associated external terrace shall be omitted and the proposed development shall be modified as follows:

- a) The height of the lift overrun shall not exceed 1 metre above the existing parapet level of the annex building.*
- b) The height of the proposed wall flanking the northern side of the first floor external terrace associated with Apartment No. 6 shall measure 1.8 metres above the floor level of the terrace.*

Reason: *In the interest of proper planning and sustainable development.*

6.1.1 The grounds of appeal are summarised as follows:

The increase in the height and density to the rear of the property should be considered in the context of the 2018 Building Height Guidelines which supports the densification of town centres, particularly locations served by high capacity public transport.

Revision included with the appeal for consideration by the Board consist of:

- The bulk of the stair core can be substantially reduced by introducing a pitched roof. This reduces the height of the extension closest to the street by c.2m.

- The lift overrun and apartment roof level can also be slightly reduced. Lift overrun standards are governed by Building Regulations and should not be specified in planning conditions, as was the case in condition no. 2.
- The revised circulation core would not be visible from the streetscape, which was the Conservation Officer's main concern. It also reduces the scale of the building when viewed from No.11.

The proposed development accords with national and regional policy to densify and increase the building height in towns, in particular sites close to high capacity infrastructure. The revisions proposed with the appeal address the concerns raised by the planning authority in relation to the second floor extension.

6. 2 Third Party Appeal

Two third party appeals have been received from:

- Lorcan Lyons, 44 Rathdown Park, Terenure, Dublin 6W.
- Tom Lyons & Lynne Andrews, 11 Northumberland Avenue, Dun Laoghaire, the adjoining property.

There is degree of overlap and duplication of issues throughout the two third party appeals. Each appeal is summarised below, however where repetition occurs this issue is only referred to in detail once.

6.2.1 The grounds of appeal submitted by **Lorcan Lyons** are summarised as follows:

Refuse compound:

In relation to Condition No. 4, the compound should be located closer to the apartments and should be maintained by the owners Management Company

(condition no.5). Bins should not be left on the footpath along Northumberland Avenue for periods exceeding 24 hours.

Parking:

DLR Transportation Department recommend that the development be refused permission on the grounds of inadequate carparking. The decision to grant permission and reject this recommendation is unreasonable and is overly ambitious in its expectation that all owners and visitors will use public transport.

Unit Mix:

The omission of the studio apartment is welcomed. However the provision of 6 no. one bedroom apartments is unacceptable in terms of unit mix. The mix of units should be addressed and some two bedroom apartments provided. This would decrease the density on the site with knock on effect on carparking requirements, traffic and waste management.

Use of Foundation House:

The application has not addressed the future use of 'Foundation House', the office building located to the rear of the site. 3 no. carparking spaces for this office building is inadequate and places further pressure on the limited parking along Northumberland Avenue.

Incorrect site boundaries shown on the drawings.

6.2.2 The grounds of appeal submitted by **Tom Lyons and Lynne Andrews** are summarised as follows:

Design & Layout:

- The omission of the studio apartment is welcomed as the provision of an additional floor renders the development out of character with the pattern of development in the area and the historic established heights on the Avenue.
- The DLR Conservation Officer recommended that the development be refused permission on the grounds of architectural heritage and

conservation. The proposal is contrary to policy AR5 which relates to historical structures.

- The apartments do not comply with national guidelines, notwithstanding relaxation allowance for conversion of existing buildings.
- Inadequate refuse storage is proposed in terms of location and compliance with the current County Development Plan standards.
- The conversion of No. 12 to residential use is welcomed in principle, however the standards of the current proposal is not acceptable and would have a detrimental impact on the residential amenities of No. 11.
- Concerns raised by the Parks and Landscape Services in relation to open space provision have not been addressed.

The development of the site should include Foundation House, rather than the current piecemeal approach.

Residential Amenities:

- The increase in height would significantly increase the degree of overshadowing already experienced by the residents of No.11.
- The proposed external terrace to apartments 4 and 6 would have an adverse impact on the private amenity of No. 11. The use of screening does not address noise and light pollution. Furthermore, the proposed screening would further exacerbate overshadowing of No. 11 Northumberland Avenue.

Parking/traffic

The Transportation Department recommended refusal on the grounds of traffic hazard and endangerment of public safety and precedent.

6.3 Planning Authority Response to the First and Third Party Appeals

The Board is referred to the previous Planners report. It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.4 Observations

An Observation was received from Alan and Rachel Dunphy, Delphi House, 12 Northumberland Avenue, Dun Laoghaire, Co. Dublin, adjoining property within the curtilage of No. 12 Northumberland Avenue. This is summarised as follows:

- The observers purchased Delphi House 5 years ago with full awareness of the limited amenity space available to them,
- Their house has limited open space to the rear, there is no defined boundaries between their area and the carparking associated with the existing office uses and those serving Foundation House. The existing use as an office means that the rear is not used outside of office hours. To change the use to residential will result in overlooking of this area from the proposed apartments.
- This will result in the loss of the amenity space enjoyed by Delphi House in the evening and at weekends.
- It is their intention to enclose their amenity space in the future.
- The Transportation Department, Conservation Officer and Parks and Landscape Services all expressed serious concerns with the development proposed.
- Inadequate bin storage proposed.
- Nuisance arising from noise.
- Overlooking and loss of privacy.
- A more suitable proposal would be one unit per floor with a more appropriate unit mix and would remove the requirement for a lift.
- The development does not comply with national requirements, The Council has permitted too many relaxations on the requirements.
- Inadequate parking provision.
- The provision of ground floor terrace, waste unit, storage shed, etc will significantly reduce the space for manoeuvring cars within the site. At present the Probation Services have 4 and Delphi House have 2.

6.5 Further Responses

6.5.1 Applicants Response to the Third Party Appeals

This is mainly in the form of a rebuttal. Points of note include:

- The third party appeals do not take into consideration the modifications proposed by the applicant submitted with the first party appeal against condition no.2.
- The applicants do not own Foundation House, only the freehold of the ground on which it sits, therefore it is not possible to incorporate it into any proposed scheme.
- The proposed development would not have a material impact on the degree of shadow cast over No. 11.
- No material increase in overlooking of the rear garden of No.11 will occur.
- Given the context and location of the site the planning officer considered that no parking is required.
- Given the proximity of Clarinda Park and the People Park, the Planning officer was satisfied that communal open space was not required on site.

6.5.2 Third Party Responses to the First Party Appeal

Response by Lorcan Lyons:

- The first party appeal only refers to condition No. 2 and does not refer to the third party observations.
- In support of the appeal selective reference is made to several national guidelines for apartments and building heights. There is an over reliance on the need for additional housing and little or no attention to policy AR5 and AR8 of the Development Plan which deal with the need to encourage the rehabilitation of historic buildings and to have regard to the impact of development on the residential amenities of adjoining properties and surrounding area.

- The response reiterates issues raised in the grounds of appeal relating to unit mix and visual impact.

6.0 Assessment

There are multiple appeals before the Board. A first party appeal against condition no. 2 and two Third party appeals against the decision of the planning authority to grant permission.

Condition no. 2 reads as follows:

The proposed second floor/penthouse accommodation and associated external terrace shall be omitted and the proposed development modified as follows:

- c) The height of the lift overrun shall not exceed 1metre above the existing parapet level of the annex building.*
- d) The height of the proposed wall flanking the northern side of the first floor external terrace associated with Apartment No. 6 shall measure 1.8metres above the first floor level of the terrace.*

Prior to the commencement of development the Applicant shall submit for the written agreement of the Planning Authority revised drawings complying with the above requirements.

Reason: In the interest of proper planning and sustainable development.

The applicants have submitted revisions to the original scheme in the documentation that accompanied their appeal against condition No. 2. I note that the scope of the modifications proposed reduces the overall scale and height of the development and I am satisfied would not require re-advertisement. This Report, therefore, is dealing with the plans and particulars lodged with the first party appeal. The modifications submitted include revised roof profile to provide a pitched roof, the inclusion of the upper floor extension to accommodate a studio apartment. I note that the first party appeal was

circulated to the third parties and one third party appellant has submitted observations on the revised proposals before the Board.

The main issues in this appeal are those raised in the first party and third party grounds of appeal which have a degree of overlap. No other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design & Layout.
- Residential Amenities.
- Parking/traffic.
- Appropriate Assessment.

7.1 Design and Layout

7.1.1 I note that 12 Northumberland Avenue has been the subject of alterations and interventions over the years, ranging from internal alterations which have resulted in little of the original 19th Century features being retained to a brutalist three storey brick annex/extension to the rear which has no regard for the character and design of the original period property. This extension results in a haphazard development when viewed from the rear of the site. The character to the rear is further eroded by Foundation House, a brick office building located to the rear of the site with a carparking area serving all properties, including Delphi House (mews). There are no boundaries separating the identified amenity area/parking bays associated with Delphi House with the remainder of the open/communal area. I acknowledge that the unsympathetic extension is not visible from Northumberland Avenue and while uninspiring and homogenous in design it does not detract from the streetscape in its current form as it is not visible from same.

7.1.2 The applicant in their appeal against condition No. 2 of the Planning Authority's draft order have submitted revisions to the roof profile and height of the penthouse/studio apartment extension and argue that the proposed revisions address the Planning Authority's concerns relating to the visual impact of an

additional floor on the character of the area, in particular the streetscape along Northumberland Avenue which is predominantly two and three storey period houses.

- 7.1.3 I have examined the original design and the revisions proposed by the applicants with their appeal. I am not satisfied that the provision of a pitched roof addresses the impact of the proposed extension (penthouse apartment and lift over run) when viewed from the surrounding area. The proposal would have an irreversible impact on the character of the period building when viewed from the streetscape notwithstanding the setback of the extension above the annex to the rear and roof profile proposed. I consider the provision of an additional floor to the annex building to the rear unacceptable and should not be permitted.
- 7.1.4 Furthermore, I have concerns relating to the level of development proposed in the existing buildings. Three 1 bed apartments in the period building and Three 1 bed apartments in the rear annex. This results in 6 units, notwithstanding the scope within the Apartment Guidelines to exercise discretion relating to requirements, I have concerns that the proposed private and communal amenity space results in a substandard development, resulting in a poor living environment for future occupiers. The provision of terraces at grounds level has an impact on the space for vehicles to manoeuvre given the layout of the parking spaces, bicycle parking and landscaping proposed.
- 7.1.5 The provision of 7 residential units at this location, notwithstanding its proximity to public transport links is excessive given the poor living environment created for future occupiers,
- 7.1.6 Section 8.2.3.4 (vii) of the Development Plan refers to infill sites and a range of criteria that applies to their development, including respecting the massing and height of existing residential units. The predominant built form along Northumberland Avenue is dominated by two storey over basement terraces and, in my view, the massing of the proposed development does not respect the predominant pattern of development in this sensitive area. In addition Policy AR8 refers to nineteenth century buildings and encourages the retention of

features that contribute to the character of exemplar nineteenth century building such as roofscapes, etc.

- 7.1.7 Northumberland Avenue is a mature suburban area in Dun Laoghaire dating from the 19th century. The area is characterised by 2 storey over basement terraces. A number of the houses have been altered and extended over the years but the majority have retained the original roof profiles. The applicants' request that condition no. 2 be omitted results in a development that would jar with the existing pattern of development and result in a discordant feature on the streetscape and set an undesirable precedent for further similar developments.
- 7.1.8 The extension to accommodate a studio penthouse apartment results in the creation of a fourth floor to the rear annex building, which in itself is not currently visible from Northumberland Avenue. The creation of an additional floor and notwithstanding the revised proposal for pitched roof submitted with the first party appeal. The new area/extension projects above the apex of the period house and forms a discordant feature which is at variance with the roof profiles of the exist period structure and adjoining roof profiles.
- 7.1.9 Having regard to the design and architectural expression of the existing building, No. 12 Northumberland Avenue, which is considered to be an exemplar of nineteenth and twentieth century buildings that contribute to the character of this area of Northumberland Avenue, it is considered that the proposed modifications to the roof profile by virtue of its design, bulk and scale of the proposed upper floor extension to accommodate the proposed penthouse/studio, external terrace and lift over run would be overly dominant and visually incongruous and would be at variance with the predominant pattern of development in the area and would be inappropriate and contrary to the provisions of Policy AR8 of the Dun Laoghaire Rathdown County Development Plan 2016-2022, which policy is considered to be reasonable. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.1.10 In the event that the Board does not concur with my recommendation I would advise that condition no. 2 requiring the omission of the upper floor extension be modified and included in any grant of permission.

7.2 Residential Amenities

7.2.1 Overlooking

7.2.1.1 The third party appellants and observers have raised concerns that the proposal, in particular the use of terraces/balconies as private amenity space to the rear results in overlooking of the amenity areas of adjoining properties and has a negative impact on their residential amenities. Furthermore the change of use of the rear annex building from office to residential use would result in apartments directly overlooking the identified amenity area associated with Delphi House located to the rear where there are no defined boundaries/screening separating the different uses.

7.2.1.2 Section 8.2.8.4 (ii) of the County Development Plan refers to the usual requirements for a minimum separation distances of 22 metres between opposing rear first floor windows. The issue of first floor opposing windows does not arise. I am also satisfied that direct overlooking of the private amenity space of No. 11 Northumberland Avenue is not a significant issue due to the layout and orientation of the properties and their relationship to each other. I acknowledge that the configuration of the rear of the site results is a disjointed and exposed assembly of difference uses. There is no direct overlooking of internal spaces/rooms within Delphi House, overlooking of the exposed area identified as the amenity space of Delphi House occurs, this issue occurs with the existing office use to date, albeit it during office hours when the building was in use for this purpose.

7.2.1.3 Overlooking of adjoining properties is not a material consideration, With regard to No. 11, there is a degree of overlooking of the rear amenity space from

existing windows serving offices. Privacy Screens are proposed to terraces to address potential of No. 11.

7.2.1.4 Regarding the rear amenity space serving Delphi House. The existing situation is unusual and contrary to proper planning. The provision of private amenity space in the form of a hard surface area adjacent to a carpark with no boundary or screening is not conducive to a high standard of amenity space. The lack of enclosure of this area is beyond the scope of this application, I note that the observers purchased the property in the full awareness of the situation. The provision of terraces to serve apartments and the change of use from office to residential use will no doubt introduce increased activity to the rear of the site. Direct and passive surveillance would occur. The observer has stated that the use of Foundation House is restricted to office hours and therefore their family enjoy their rear amenity space in the evenings and at weekends. Again I wish to advise the Board that Foundation House is not the subject of this application. Any structure may be the subject of a planning application for a change of use and is assessed on its merits. In this instance the original use of the period building to the front of the site (No. 12) would have been residential. The current proposal seeks to reintroduce this use, albeit at a higher density. The proposed terrace area to the southern elevation is set back c. 4.1m from the open area stated to be the private amenity space associated with Delphi House where bins and children's swings were observed on the day of inspection. The area to the rear of the site at present is a carpark. There are a number of spaces allocated to Foundation House and are labelled. The existing arrangement is poor with access via an underpass under Delphi House. The area assigned to Delphi House is more akin to parking bays rather than private amenity space given its location adjoining the access route used by vehicles entering and existing the rear area which for all intents and purposes is a carpark.

7.2.2 Overshadowing

7.2.2.1 The appellants and observers assert that the development would result in excessive overshadowing of neighbouring properties. The Shadow Analysis submitted concluded, that the proposed development will not have any significant impact on the daylight conditions which will be available to the neighbouring residences. Further to this the results also indicate that no significant reduction in sunlight amenity can be expected for any of the neighbouring gardens. Changes proposed at appeal stage are minor in relation to shadow impact.

7.2.2.2 The proposal refers to a change of use, the provision of an additional floor to the rear, over the rear annex, would not increase the levels of shadow cast of adjoining properties. The extension to the southern elevation would not result in a significant increase in shadow cast over the rear amenity area of Delphi House or its internal rooms. I am of the view that while there is a degree of overshadowing it is not of an extent that would detract from the residential amenities of adjoining properties and warrant a reason for refusal. The orientation and layout of the proposed development would not lead to excessive overshadowing within the scheme. Consequently, I do not consider that the proposed development would lead to excessive overshadowing of proposed apartments, neighbouring properties or the adjacent amenity areas.

7.2.3 Open Space:

7.2.3.1 The guidelines allow for a relaxation of private and communal open space requirements on a case by case (subject to overall design quality) in building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha (see paragraphs 3.39 and 4.12). I also note that in paragraph 6.9 planning authorities are requested to practically and flexibly apply the general requirements of these guidelines in relation to refurbishment schemes, particularly in historic buildings, some urban townscapes and 'over the shop' type or other existing building conversion projects, where property owners must work with existing building fabric and dimensions. Ultimately, building standards

provide a key reference point and planning authorities must prioritise the objective of more effective usage of existing underutilised accommodation, including empty buildings and vacant upper floors commensurate with these building standards requirements. I accept that the proposal involves the conversion of an existing structure and with this in mind I have considered a reduction in amenity area may be possible, subject to overall design quality. The current proposal before the Board includes a token area of open space located to the front of the site, adjoining the passageway, under Delphi House to access the rear of the site. This is not considered functional open space.

- 7.2.3.2 The current proposal before the board results in a substandard living environment for future occupiers in terms of both private and public amenity space provision. I note that the Guidelines allow a reduction in amenity area, subject to overall design quality. In this instance I consider there are too many conflicting uses that avail of the area to the rear of the site. The proposal is a piecemeal approach. An overall masterplan for the site should address and acknowledge the use of Foundation House and address the rear of the site in a holistic manner in terms of removing all carparking from this location and in lieu of this provide a landscaped area (hard and soft) that addresses the amenities deficiencies of the site for existing and proposed uses.
- 7.2.3.3 Dun Laoghaire is abundantly served by quality public parks and amenities. The nearest large amenity areas are the People's Park and Clarinda Park. Therefore a degree of relaxation on the communal open space required on site could be justified subject to good design. However, in this instance the quality of the communal area being made available to all tenants would in my view serve no tenants interest and may in fact contribute to a substandard living environment for future occupiers, especially when considered alongside the private amenity provision proposed, and the lack of any private amenity space for 2 units in particular.
- 7.2.3.4 While I acknowledged the location of the site and its proximity to public transport links, I have serious concerns that the proposed change of use of No.

12 Northumberland Avenue, as currently proposed, would result in a poor residential environment for future residents. A reduction in the number of units should be considered in any future application or a revision to the unit mix.

7.2.3.5 Overall given the nature of the site and the structure which is the subject of this application I consider the provision of 6 apartments (7 including the upper floor extension that contains a studio apartment) excessive resulting in poor residential environment for future occupiers and does not have adequate regard to the existing pattern of development in the area and the residential amenities of potential occupiers, and, as such, would be contrary to the proper planning of the area. Furthermore, the lack of suitable private amenity space for the proposed units, in conjunction with the lack of an appropriate shared public amenity area results in the overdevelopment of the site.

7.3 Parking & Traffic

7.3.1 It is of important to note that carparking requirements within the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018, state that in larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances.

7.3.2 With regard to the lack of carparking proposed with the scheme. I note that the proposed development is located along Northumberland Avenue where there is ample public carparking spaces to cater for the required parking. Furthermore, the former use as an office had designated parking spaces within the curtilage of the site and relied on public parking provision for overflow. Given the history of parking provision on site and the location of the site within 500m of a dart station I do not consider that a reason for refusal on parking provision is fair or warranted in this instance.

7.3.3 The appellants and observers highlighted concerns that the additional traffic associated with the construction phase would result in excessive traffic

movements resulting in congestion and safety concerns for pedestrians and road users. I note that in the event of a grant of permission, this disruption would be temporary and traffic management would be addressed as part of a Construction Management Plan.

7.4 Appropriate Assessment

Having regard to the nature of the development, its location in a serviced urban area, and the separation distance to any 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 should be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the design and architectural expression of the existing building, which is considered to be an exemplar of nineteenth and twentieth century buildings that contribute to the character of this area of Northumberland Avenue, it is considered that the proposed modifications to the roof profile by virtue of its design, bulk and scale of the proposed upper floor extension to accommodate the proposed penthouse/studio apartment, associated external terrace and the lift overrun, would be overly dominant and visually incongruous and would be at variance with the predominant pattern of development in the area and would be inappropriate and contrary to the provisions of Policy AR8 of the Dun Laoghaire Rathdown County Development Plan 2016-2022, which policy is considered to be reasonable. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area
2. Having regard to the site configuration and to the pattern of development in the vicinity, it is considered that the proposed development, by reason of the lack of quality private or communal open space, would constitute overdevelopment on a restricted site which would set a precedent for similar development in the area, would result in a substandard level of residential amenity for prospective occupants and would, therefore, seriously injure the residential amenities of future occupants. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Dáire McDevitt

Planning Inspector

3rd October 2019