



An  
Bord  
Pleanála

## Inspector's Report 304804-19.

### Development

Demolition of existing dwelling.  
Permission for 10 houses and 1 four storey apartment building consisting of 14 apartments, private amenity and balconies, parking spaces, refuse storage and communal open space areas. Widening of existing vehicular entrance, provision of internal roads, footpaths and all other site works necessary to facilitate the development.

### Location

Richmond, 39 Castlepark Road,  
Dalkey, Co. Dublin.

### Planning Authority

Dun Laoghaire Rathdown County  
Council.

### Planning Authority Reg. Ref.

D19A/0244.

### Applicant(s)

Timo Barry.

### Type of Application

Permission.

### Planning Authority Decision

Refuse.

<b>Type of Appeal</b>	First Party.
<b>Appellant(s)</b>	Timo Barry.
<b>Observer(s)</b>	29 Observers (See Appendix).
<b>Date of Site Inspection</b>	31 <sup>st</sup> October 2019.
<b>Inspector</b>	Dáire McDevitt

**Contents**

- 1.0 Site Location and Description ..... 4
- 2.0 Proposed Development..... 4
- 3.0 Planning Authority Decision ..... 6
  - 3.1. Decision..... 6
  - 3.2. Planning Authority Reports..... 7
  - 3.3. Prescribed Bodies ..... 9
  - 3.4. Third Party Observations..... 9
- 4.0 Planning History ..... 10
- 5.0 Policy Context ..... 10
  - 5.1 National Policy..... 10
  - 5.2. Development Plan ..... 10
  - 5.3 Guidelines..... 12
  - 5.4. Natural Heritage Designations..... 13
  - 5.5 EIA Screening..... 13
- 6.0 The Appeal..... 14
  - 6.1. Grounds of Appeal..... 14
  - 6.2. Planning Authority Response ..... 18
  - 6.3. Observations ..... 18
- 7.0 Assessment ..... 20
- 8.0 Recommendation..... 32
- 9.0 Reasons and Considerations ..... 32
- Appendix 1

## **1.0 Site Location and Description**

- 1.1 The site, with a stated area of c.0464 hectares, is located on the eastern side of Castle Park Road, c. 500m west of Dalkey Village in a mature suburban area which has a mixture of house types of varying designs and scale. It is bounded to the north by a small residential scheme of 11 houses (St. Margaret's Close), to the northeast by Hyde Park housing estate, to the south east by Hyde Park playing fields associated with Cuala GAA Club and Dalkey United Football club, to the south by No. 41 Castlepark Road and a row of detached residences on large plots with individual accesses off Castlepark Road. Glenageary DART station is c.720m to the southwest.
- 1.2 Richmond, a detached two storey house dating from the 1930s, currently occupies the front (western) portion of the site, this is set in mature landscaped gardens and is bounded by c.1.9m high wall along its northern boundary with a green/planted area associated with St. Margaret's Close and a wall and timber gates along Castle Park Road to the west. The middle and rear portion of the irregular shaped site is overgrown with extensive vegetation and was part of a more formal garden with a parkland setting in the western portion created by the previous owners.

## **2.0 Proposed Development**

- A) 10 Houses.
- B) 1 four storey Apartment block with third floor setback consisting of 14 apartments. All with associated private amenity space, 14 no. car parking spaces, 20 no. bicycle spaces, 4 no. motor bike parking spaces, refuse storage and communal open space areas.
- C) Upgrade and widening of existing vehicular entrance on Castlepark Road, provision of internal roads, footpaths, shared surfaces and street lighting.
- D) Provision of communal open space with hard/soft landscaping, play area, kick about space and landscaping.
- E) SuDS surface water drainage, foul drainage, green roofs and water connections.

F) Demolition of existing two storey dwelling (No. 39 Castlepark Road), entrance gates, piers, splay walls and all ancillary outbuildings on site.

G) All other ancillary site works.

## **2.1. Unit Mix**

Houses:

- 1 no. 4 bedroom semi-detached three storey over basement.
- 1 no. 4 bedroom semi-detached three storey over basement with associated balcony.
- 3 no. three bedroom semi-detached three storey with balconies.
- 3 no. four bedroom semi-detached three storey dwellings with balconies.
- 2 no. three bedroom semi-detached two storey dwellings with private open space.

Houses range in size from c.157.7 to c.266.3 sq.m with rear gardens ranging from c.69.6 to c.133sq.m. Each house has 2 car parking spaces with some undercroft.

Apartments:

- 1 no. one bedroom apt. (gfa 73.3sq.m).
- 11 no. two bedroom apt. (gfa from 80 to 87sq.m).
- 2 no. 3 bedroom penthouse apt. (gfa from 110 to 120sq.m).

All with associated private amenity space, 14 no. car parking spaces, 20 no. bicycle spaces, 4 no. motor bike parking spaces.

## **2.2. Materials/Finishes:**

Selected Stone cladding, selected brick, selected pressed metal cappings and limestone frame.

## **2.3. Documentation submitted.**

- Appropriate Assessment Screening report.
- Daylight Analysis and Overshadowing.

- Photomontages.
- Quality Audit.
- Traffic Statement.
- Landscape Report and Outline Landscape Specification.
- Engineering Planning Report.
- Arboricultural Report.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Refuse permission for the following reasons:

1. *The proposed development, by reason of its overall scale, height, bulk and proximity to site boundaries, would result in serious overshadowing and overbearing impacts on adjoining residential developments, particularly to the north and south of the subject site. The proposal would be visually overbearing as viewed from the public road on Castlepark Road, and combined with the proposed removal of planting, would adversely impact on the visual amenities of this streetscape and would be out of character with the existing pattern of development in the area. The proposed development would, if permitted, seriously injure the residential and visual amenities of the area, and would depreciate the value of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of this area.*
2. *Policy UD1: 'Urban Design Principles' of the Dun Laoghaire Rathdown County Development Plan 2016-2022 states that it is policy to ensure that all development is of high quality design that assists in promoting a 'sense of place', and seeks to ensure that development proposals are cognisant of the need for proper consideration of inter alia context, layout, privacy, amenity and detailed design. This policy is considered reasonable. The*

*proposed development, by reason of its overall design and site layout, and in particular the inadequate usable communal open space, in addition to inadequate private open space to the rear of three-storey dwellings, represents overdevelopment of the site, and would result in a substandard level of amenities to serve future occupiers of the proposed residential scheme. The proposed development would not, if permitted, be in accordance with Policy UD1 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and would, therefore, be contrary to the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports (31<sup>st</sup> May 2019)**

This formed the basis for the Planning Authority's decision. The main points are summarised as follows:

- The principle of a residential infill development at this site is acceptable. Furthermore, it was considered that a high quality and appropriately scaled new development at this site, in context with the existing surrounding built form, would have the potential to add to the area and would set a positive precedent for development in the immediate area.
- The proposal includes the demolition of 'Richmond' a 1930s house. There are some structures on site that are of a built heritage interest, including a stone wall with associated entrance piers and outbuildings. No information have been submitted about them. No robust justification has been put forward for the demolition of 'Richmond'.
- While the residential density (52 units/hectare) meets the quantitative standards set out in the County Development Plan, concerns are raised regarding the scale of the proposed development relative to the receiving environment.
- The unit mix and the principle of providing additional units in the area is welcomed, particularly the apartment units which would be suitable for

households wishing to downsize or smaller households generally, thereby adding to the housing mix in the area.

- The proposed site layout is not considered the optimal solution for this site. The compromised alignment of the internal access road and the residual nature of the communal open space that would be provided within the site. In addition the limited rear garden depth shown for the proposed houses is a concern.
- The location of the apartment building is unacceptable, it would have an overbearing impact and be visually obtrusive when viewed from St. Margaret's Close. The applicant should explore the option of locating the apartment block along the boundary with Hyde Park where it would be more appropriate and pedestrian links to the Park would be positive in terms of connectivity and permeability.
- The communal open space is seriously deficient on qualitative grounds and does not comply with the standards set out in the County Development Plan (CDP).
- Concerns have been raised relating to the number of mature trees to be removed from the site.
- The rear garden depths, ranging from c. 3.9m to 8.8m do not comply with the CDP standards.
- Apartments comply with Guidelines and SPPRs.
- Location of bin store adjacent to the main open space is not optimum.
- Negative overbearing impact and overshadowing of adjoining properties.

Reference to an AA Screening Report submitted by the applicant. The Planner's Report also refers to an appropriate assessment screening that was carried out by the Planning Authority, there is no copy of the screening on file.

### **3.2.2. Other Technical Reports**

**Transportation Planning** (29<sup>th</sup> May 2019). Further Information recommended on pedestrian and cyclist permeability, footpaths, link to Hyde Park, Cycle



parking spaces, EV charging points, signage, Construction Management Plan and Traffic Management Plan.

**Drainage Division** (21<sup>st</sup> May 2019). Further Information in relation to management of surface water, green roofs, pumping of the foul effluent.

**Housing Department** (8<sup>th</sup> May 2019). A condition should be attached requiring that the developer enter into an agreement in accordance with Part V prior to the commencement of development.

### **3.3. Prescribed Bodies**

**Department of Culture, Heritage and the Gaeltacht** (17<sup>th</sup> May 2019). A conditions requiring archaeological monitoring should be attached to any grant of permission.

**Irish Water** (21<sup>st</sup> May 2019). Recommended further information in relation to the a pumping or a gravity solution for effluent.

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

The Planning Authority stated that 84 submissions were received. The issues raised are broadly in line with those included with the Observations on this appeal and are dealt with in more detail in the relevant section of this report.

The Issues raised in the submissions broadly refer to:

- Residential amenity.
- Trees.
- Transport.
- Drainage.
- Open Space provision.
- Environmental issues.
- Architectural Heritage.
- Other issues, ranging from the presence of granite rock, precedent, density, security.

## 4.0 Planning History

There is no record of planning applications for the site as per the Council's Planning Register.

## 5.0 Policy & Context

### 5.1 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.

### 5.2 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*'.

**Section 8.2.3.4 (vii) Infill:** "New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings."

**Section 2.1.3.4 Existing Housing Stock Densification:** "Encourage densification of the existing suburbs in order to help retain population levels - by 'infill

housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc. In older residential suburbs, infill will be encouraged while still protecting the character of these areas.”

**Policy RES 3:** It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.

Where a site is located within 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities of 50 units per hectare will be encouraged.

As a general rule the minimum default density for new residential developments in the County (excluding lands on zoning objectives ‘GB’, ‘G’ and ‘B’) shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to greenfield sites of larger ‘A’ zoned areas.

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

Some parts of Dalkey, characterised by low densities, have been identified as a ‘0/0 zone’. The site is not within this zone.

**RES7** refers to overall housing mix (type and tenure) within the county.

**RES5** refers to institutional lands and their redevelopment.

**RES 8** refers to the provision of social housing.

### **Relevant Development Management Standards**

**Section 8.2.3.4 (xiv)** refers to **demolition and replacement dwellings** and sets out that the Council will sometimes state a preference to retain existing

houses that, while not protected structures, do have their own merit or contribute beneficially to the area in terms of visual amenity, character and/or accommodation type. The demolition of an existing house in single occupancy and replacement with multiple new units will not be considered simply on the grounds of replacement numbers only, but will be weighed against other factors.

**Section 8.1.1.1. Urban Design Policy UD1** sets out that all development is of high quality design that assists in promoting a 'sense of place'. The promotion of the guidance principles set out in the 'Urban Design Manual - A Best Practice Guide' (2009) and in the 'Design Manual for Urban Roads and Streets' (2013).

**Section 8.2.3.2** sets out the relevant guidance on quantitative and qualitative, and development management criteria for **residential developments**.

Of particular relevance is **Section 8.2.3.2 Quantitative Standards (i)** as this is referred to in the Planning Authority's third reason for refusal and relates to the need for a mix of dwelling types and sizes within **residential developments**.

**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 8.2.3.3 (iii)** refers to unit mix within schemes. Where more than 30 units are proposed, a scheme should generally comprise of no more than 20% 1 bed units, and a minimum of 20% of units over 80 sq.m.

**Section 8.2.4 Sustainable Travel and Transport**

**Section 8.2.8 Open Space and Recreation**

**Appendix 9. Building Height Strategy**

## 5.3 Guidelines

**Urban Development and Building Heights. Guidelines for Planning Authorities (DHPLG 2018)**. These provide guidance on building heights in relation to urban areas.

**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.

**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 site does not lie within a designated site. The closest designated sites are:

- Dalkey Island SPA (site code 004172) is c. 1.2km east of the site.
- Roackbill to Dalkey Island cSAC (site code 003000) is c. 1.5km east of the site.

## **5.5 EIAR Screening**

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

## **6.0 The Appeal**

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

The first party appeal seeks to address the planning authority's reasons for refusal and is summarised as follows:

The proposal was the subject of pre planning consultation with the planning authority and the applicant is of the view that the Council has not provided justification or rationale for its decision.

The proposal represents a high quality residential infill development which provides a high standard of accommodation for future residents and also achieves a suitable residential density having regard to the proximity of the site to existing public transport infrastructure.

An alternative design solution has been prepared for consideration by the Board. The modifications include:

- Omission of 2 no. three bedroom semi-detached, three storey dwellings with balconies (No. 4 & 5).
- Amendments to elevations of houses (No. 3 & 6), rear elevation of house No. 2, front and rear elevations of the apartment block (to accommodate a footpath).
- Provision of additional communal open space (c.246sq.m) in place of the omitted 2 no. dwellings. It is noted that the design of the dwellings adjacent to this area of communal open space, provide for passive surveillance of this area.

- The amended site layout provides for a pedestrian and cyclist permeability connection between the proposed development and Hyde Park on the eastern boundary of the site in order to improve connectivity of the proposed development and the surrounding area.
- Extension of proposed footpath along the boundary of the originally proposed communal open space in order to provide safe accessibility to proposed areas of open space.
- The proposed bicycle parking area has been relocated to an area adjacent to the apartment block.
- Introduction of additional screening devices at first floor, south-east facing balconies to house No. 2 located adjacent to the southern site boundary, in order to reduce potential overlooking of neighbouring properties.
- Ground floor apartment has been reduced in size to ensure 1.8m wide footpath at surface level.

#### Documentation submitted

- Revised plans and particulars.
- Revised Landscaping Plan.

#### **Background:**

- The proposed development is consistent with the zoning objective 'A' of the Dun Laoghaire Rathdown County Development Plan 2016-2022, does not have an adverse impact on residential amenity by means of overbearing impact and would result in proper planning and sustainable development of the area.
- The proposal complies with national guidance, regional and local policies and objectives.
- The addition of 10 no. houses and 14 no. apartments on the application site would represent a more efficient use of land zoned Objective A and serviced land, while preserving the amenities of the surrounding area.

- Details of precedents and relevant planning application references have been included from a number of Dublin planning authorities. Including the development at Mackays Garden Centre, Castle Park Road (PA Reg. Ref. D06A/1808). Layouts and photographs submitted.

**Reason No.1:**

**Residential Amenity:**

- The proposed scheme is designed to have regard to the residential amenities of adjoining properties and those within the proposed scheme. The use of vertical louvres on ground floor level balconies restricts inward and outward views. Furthermore the windows on the southern elevation of the apartment building are diverted to face east to address potential overlooking of adjacent gardens. Louvres have also been added to penthouse level windows with obscure glazing added to south facing windows. The third floor of the apartment building adopts a generous set back which reduces any overbearing impact, and will be finished in a selected zinc cladding, whilst the external façade of the remaining floor levels will in selected brick and stone cladding.
- The proposed development has been set back from any abutting residential dwellings so the level of overshadowing is not detrimental to existing amenity of residents due to separation distances.
- The separation distances adopted by the proposed development and the provision of appropriate screening is sufficient to appropriately restrict views from the upper floors windows of the development to adjacent amenity spaces and properties.
- The level of increased overshadowing caused by the proposed development is not on such a scale that would be detrimental to existing residential amenities and therefore is acceptable.
- Additionally the alternative design submitted with the appeal for the Board's consideration has been informed by the planning authority's reasons for refusal regarding overbearing impact. Two houses are omitted (4&5). The alternative design introduces screening to the first floor balcony



of house no. to address potential overlooking. The alternative design could be dealt with by condition if the Board considers it more appropriate.

### **Visual Amenity:**

- The most visible element of the proposed development is the apartment block, situated adjacent to the north western boundary of the site. It is considered that the location of this block is appropriate from the point of view of creating a streetscape at this location.
- The overall scale and height of the block is considered appropriate and would not be excessive in relation to adjoining development on neighbouring sites. The design provides a setback at penthouse level, which reduces an overbearing impact. The selected brick and metal clad external finish is in keeping with finishes used in the area but is also broken up with the use of stone cladding which adds visual interest to the design of the apartment block. The contemporary design would not be visually obtrusive or detract from the existing character of the area.

### **Removal of Trees:**

- 97 trees to be removed and 46 trees to be planted. The trees selected for removal are as per advice from the arborist following a detailed survey of the trees on site.

### **Reason No.2:**

#### **Open Space Provision:**

- Notwithstanding that the applicant is of the view that the original provision is acceptable. The alternative layout submitted with the appeal provides a second area of communal open space in lieu of houses no. 4&5 and access to Hyde Park off this area. The amended design provides 15.83% of the total site area as communal open space.
- The quantum of private amenity space provided to each dwelling complies with Development Plan standards, Given the layout of the scheme, orientation of dwellings and adjoining uses, it is considered that a reduction in garden depths bounding Hyde Park is acceptable.

**Precedent:**

- Details of precedents for similar types of development submitted from Dun Laoghaire Rathdown and other Dublin Planning Authorities.

**Alternative Scheme considered:**

- Details of alternative proposals considered for the site that included 2 apartment blocks which had been the subject of pre-planning consultations. The design process however resulted in the current proposal as the most optimal solution for the site.

**6.2. Planning Authority Response**

The Planning Authority refused permission without seeking the FI requested by the Drainage Section. Therefore the drainage issues were not addressed. The Planning Authority in its decision to refuse planning permission did not cite drainage issues or refer to the outstanding drainage issues by way of commentary.

Should the Board consider a grant of permission, conditions are attached that should be included to address the issues raised in the Drainage Report dated 21<sup>st</sup> May 2019.

**6.3. Observations**

29 valid Observations have been received. There is a significant overlap and reiteration of issues raised throughout the observations. Therefore I proposed to summarise them by topic. A list of the observers is set out in Appendix 1 of this report.

**Layout and density of development:**

- The proposal constitutes overdevelopment of the site.
- Inadequate public and private open space.

- The site is more suited for a small scheme of 2 storey and single storey house with 'Richmond' retained in line with the manner of development of St. Margaret's Close adjoining the site.

**Design:**

- Design is not in keeping with the character of the area.
- Excessive height.
- Inappropriate use of materials and finishes.
- No Landscape and Visual Impact Assessment submitted with the application.

**Impact on adjoining properties:**

- Overlooking.
- Overshadowing.
- Overbearing impact.
- Loss of outlook.

**Ecological:**

- No ecological assessment carried out.
- Loss of woodland habitat.
- No bat survey submitted.
- Excessive removal of trees.

**Architectural Heritage:**

- No justification for the removal of 'Richmond' and structures on site.
- 'Richmond' should be retained and incorporated into a more appropriate scheme for the site.

**Traffic:**

- Inadequate sightlines at the proposed entrance.
- Creation of a five way junction.

- Inadequate parking provision would result in overflow of parking onto adjoining residential streets.
- The additional traffic would exacerbate congestion on existing busy road network.

**Drainage:**

- Inadequate drainage and inconsistencies in the information submitted.
- Potential flooding of adjoining sites.

## **7.0 Assessment**

In an attempt to address the Planning Authority's reasons for refusal the applicants have submitted revisions to the original scheme in the documentation that accompanied the appeal. I note that the scope of the modifications proposed reduces the number of houses from 10 to 8, by omitting houses no. 4&5 to provide an additional area of communal open space and a pedestrian/cycle link to Hyde Park, elevational changes to houses and apartment block are also submitted. The extent of the modifications proposed which are set out in detail in section 6 of this report do not require advertisement.

The main issues in this appeal are those raised in the grounds of appeal which seek to address the Planning Authority's reasons for refusal. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design & Layout
- Impact on neighbouring properties
- Other Issues.
- Appropriate assessment.

## 7.1 Design & Layout

- 7.1.1 The site is currently occupied by Richmond, a large detached two storey house which is set within landscaped gardens, albeit overgrown at present with a former walled garden, orchard and parkland occupying the rear (eastern section). The proposal includes the demolition of Richmond (gfa c.418sq.m) and ancillary buildings/sheds and the construction of 1 no. four storey apartment block containing 14 units and 10 no. semi-detached houses (2 storey and 3 storey) and landscaped communal open spaces and play ground on a site within an overall area of c. 0.464 hectares. The focus of the Planning Authority's concerns related to the overall scale, height, bulk and proximity of the development to the site boundaries.
- 7.1.2 At the outset I consider it appropriate to acknowledge that the development would give rise to a change in the character of the area. The introduction of buildings constitutes a significant landscape and visual impact. The matter for the Board to determine is whether that impact would fall within the parameters set by the development plan and other standards.
- 7.1.3 The County Development Plan sets out that sites within 1km of a public transport corridor should achieve densities in excess of 50 units per ha, regard must also be had to the prevailing character and constraints of the site. This is reinforced in the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) which state:  
*“In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.”*
- In this context, the subject site has a number of constraints, notably the presence of very low density housing bounding the site.
- 7.1.4 A density of 52 units per hectare (24 units) is proposed. The Observers raised concerns that the density is excessive for the area and would result in the overdevelopment of the site. The Area Planner considered the proposed density acceptable however concerns were raised in relation to the overall

layout of the scheme in terms of overdevelopment of the site. The revised proposal submitted with the appeal results in a density of 47 units per hectare (22 units).

- 7.1.5 Notwithstanding the requirements of density, regard must also be had to the quality and design of the proposal. In this regard, I have serious concerns, particularly in relation to the 4 storey apartment block proposed on the western portion of land. The proposal, in my opinion, is an inappropriate design for the site which fails to integrate or respond to its context. I am not satisfied that this is the optimal architectural solution for this site and proposals to address the relationship of the site to its surrounds (both streetscape, adjoining residential properties and Hyde Park) should, in my view, form part of a cohesive design response for the overall site. I consider the changes required would be material in nature and therefore beyond the scope of a planning condition, therefore permission should be refused.
- 7.1.6 The development as proposed locates a contemporary style 4 storey apartment block to the front (western section) of the site and 3 and 2 storey semi-detached large semi-detached houses to the middle section and rear of the site. Limited pockets of public open space are proposed with a new vehicular access from Castlepark Road. The relationship of this proposed apartment block with the existing two storey dwelling (No. 41 Castlepark Road) to the south and the modest houses in St. Margaret's Close to the north is problematic. The development as proposed provides for a large 4 storey, with the upper floor recessed, bulky apartment block flanking the northern boundary of the rear garden No. 41. Angled windows have been provided to the southern elevation to address overlooking, however my main concern is the overbearing impact of this block when viewed from adjoining properties. Given the height and scale of the apartment block and its limited set back from the site boundaries, it would in my view, appear somewhat overbearing and monolithic when viewed from the rear of no. 41 Castlepark Road and the side of Saint Margarets in particular . The impact of this apartment block is exacerbated by its prominent location along Castlepark Road and its incongruous design and scale given the context of the site.

- 7.1.7 I note that computer-generated images of the proposed development have been submitted. They show the relationship of the scheme with the existing built environment. In my view, taking into account the abrupt transition in height between the existing built environment the overall height and scale of the apartment block, in particular, the proposal is not acceptable at this location.
- 7.1.8 In my view the application site lends its self to redevelopment and could accommodate a high calibre development that reflects the prominent and sensitive location of the site along Castlepark Road which is characterised by modest single storey houses, St. Margaret's Close, and larger two storey houses (detached and semi-detached) along Castlepark Road. While I have no objection to a modern intervention at this location and I consider the overall design, height, and mass of the proposal inappropriate for this site. In my opinion the current proposal does not respond to or address the context and sensitivities of the site.-Any development of this prominent site should maximise the sites potential while also respecting the character of the area. Connectivity and permeability throughout and within the site with linkages from Castlepark Road to Hyde Park should be explored further and the potential for linking into the Park maximised.
- 7.1.9 The proposed three storey houses in terms of design and form are considered acceptable in principle and would not detract from the residential amenities of adjoining properties in terms of overlooking. Any new application may wish to reconsider their configuration as a whole in any revised design and layout for the site, in particular the depth of rear gardens.
- 7.1.10 The observers and planning authority raised concerns regarding the potential for the proposed development to be overbearing when viewed from within St. Margaret's Close to the north and the adjoining houses along Castlepark Road to the south. I note that the closest dwelling to the northern elevation of the apartment block is Saint Margaret (single storey) which is separated from the site by the open space, landscaping and access road serving St. Margaret's

residential scheme. No. 1 St. Margaret's Close (single storey) is set at an angle from the apartment block and set back from the boundary. The southern elevation of the block is set back c.8.16m from the gable of No. 41 Castlepark Road, the closest adjoining house to the south. I note that angle windows are proposed to the southern elevation which address the issue of overlooking of No. 41 and its rear garden.

- 7.1.11 Ground levels are relatively flat across the site. The proposed apartment building would have a maximum height of c.15.3m (plant) and c.13.3m (parapet of penthouse) and the surrounding area is dominated by a mix of two-storey houses and single storey of varying designs. The design of the four storey apartment block with the upper floor recessed and the overall design of the three and two storey houses within the scheme does not have regard to the two storey and single storey dwellings which bound the site at different points. The bulk of the houses (No. 1 to 7) are bounded by the Cuala GAA pitches. The four storey, with upper floor recessed, apartment block is bounded to the St. Margaret's Close communal open space area, which is heavily planted, to the north and to the south by the gable of No. 41 and its rear garden.
- 7.1.12 Whilst the apartments themselves have been designed in accordance with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2015) in terms of unit size and private open space, there are some concerns regarding other design aspects of the proposal. It is noted that a surface parking is proposed with a total of 14 spaces for the apartments and 2 spaces per dwelling. Whilst the level of parking is considered acceptable, I have concerns regarding the proposed location of the bicycle parking and bin storage area. It is considered that this layout would give rise to a significant degree of dis-amenity to future residents. This issue could be addressed by a reconfiguration of the overall layout. It is not considered appropriate however, to address this issue by way of condition given the material amendments to the development that would be required.
- 7.1.13 The applicant in an attempt to overcome the planning authority's reason for refusal submitted an alternative design with the grounds of appeal consisting of:



The omission of 2 houses (No. 4 &5) to provide a second communal area of open space and a pedestrian link to Hyde Park, modification to elevation of houses 3 & 6 to create a sense of surveillance of the new open space and to the rear of house No. 2 to address perceived overlooking. The application includes a four storey apartment block with the third floor stepped back (14 apartments) along the western (front) portion of the site bounding Castlepark Road, No. 41 Castlepark Road to the south and St. Margaret's Close to the north. I note that the revisions submitted with the appeal relating to the proposed to the apartment block are to accommodate a footpath.

7.1.14 On balance, I have concerns regarding the overall scale, bulk and design of the development and its potential to impact negatively on adjoining residential properties, most notably no. 41 Castlepark Road to the south. I consider the design fails to consider the constraints and context of this infill site, the juxtaposition of the large bulky apartment block and houses with the existing built environment is poorly conceived. I consider the development to be an inadequate design response that fails to create a sense of place.

## **7.2 Impact on Residential Amenity**

7.2.1 Concerns are raised by the Planning Authority regarding the impact of the development on the residential amenities of adjacent properties. The applicant refutes this, however as a response, the applicant has submitted modifications with the grounds of appeal which seeks to address the concerns of the planning authority.

7.2.2 The southern elevation of the apartment block face the gables of No. 41 Castlepark Road and No. 11 St. Margaret's Close. Saint Margarets is a single storey house with windows and a conservatory facing the site, separated from it by a landscaped linear communal green area associated with St. Margaret's Close which was built in the original garden of 'Saint Margarets'. The public open space, which is heavily planted, for St. Margaret's Close houses forms the northern boundary of the western section of the appeal site, the remainder of the northern boundary is bounded by houses 1 to 8 St. Margaret's Close, a mix of single storey and two storey terraced houses. With the exception of a small section bounding houses No. 5 to 8 St. Margaret's Close the remainder are

bounded by the proposed communal open space that would serve the scheme. The gable and rear garden of house no. 10 (2 storey) bounds the rear gardens of houses no. 5 to 8 St. Margaret's Close. The gable and rear garden of No. 41 Castlepark bound the apartment block to the south and angled windows have been provided to address issues of overlooking.

7.2.3 I note that given the orientation of the proposed house and No. 24, 25 & 26 Hyde Park to the rear overlooking is not an issue. House No. 1 & 2 would be bounded to the south by no. 4 & 5 Gosworth Park, which do not directly face the proposed rear elevation of the houses.

7.2.4 I do not consider that overlooking between opposing upper floor an issue as this scenario does not present itself throughout the proposed scheme, furthermore adequate set backs are provided to address overlooking of private amenity areas, notwithstanding that in urban areas a degree of overlooking of this area is expected.

7.2.5 The Observers assert that the development would result in excessive overshadowing of neighbouring properties and the adjoining public open space in St. Margaret's Close. A Sunlight and Daylight Assessment was submitted with the application. I have examined the daylight and sunlight analysis submitted and given the location of the proposed 4 storey apartment block, with the upper floor recessed along the eastern side of Castlepark Road. Overshadowing of adjoining residential properties is a concern. Overlooking has been addressed by privacy screens and opaque glazing where required. I consider given the set back of the apartment block and the houses from the site boundaries I am not satisfied that the development will not have a material adverse impact on the residential amenities of adjoining properties by virtue of overshadowing and overbearing impacts.

### **7.3 Public and Private Open Space**

7.3.1 The premise of the planning authority's second reason for refusal relates predominantly to the quality of communal and private open space. With regard to communal open space, it is set out by the applicant in their appeal that the public open space is to be provided that the primary space, located at the centre of the development, is designed for active use and includes a play area.

Included with the modifications submitted with the appeal are proposals for an additional area of communal open space and a path/link to Hyde Park.

7.3.2 Notwithstanding the modifications proposed on appeal, I consider, that the overall layout regarding communal open space is poor and provides for a substandard form of amenity for future occupants. The areas delineated as public open space are in my view, incidental and their usability is questionable. Having regard to the nature of the infill site, some relaxation of public open space may be acceptable particularly where sufficient private open space is provided to serve the individual dwellings. In this instance however, I note that neither high quality public open space nor high quality private open space is provided.

7.3.3 Of particular concerns is the private open space for the 3 storey semi-detached houses (some with balconies). Whilst I acknowledge that adequate quantum of private amenity space is proposed, I have serious concerns regarding the quality and usability of same, in particular house no. 8, a three storey house set back c. 3.8m from the boundary. In conclusion, I consider that the provision and layout of both public and private open space within the development is inadequate and will provide a poor level of amenity to future occupants.

7.3.4 I have examined the alternative proposal submitted with the grounds of appeal which include the omission of two houses and the provision of a second area of communal open space with a path/ link to Hyde Park. I note that this layout has moved the play area within the scheme to the north western corner as well. Elevation changes and other minor amendments are also proposed. I have concerns that the revised layout results in the play area removed from the majority of the units within the scheme. In this instance I consider the relocation of the bin store for the apartments is a more appropriate solution than moving the children's area to a less supervised point within the scheme. In terms of quantum of open space the additional area is not required given the quantity of open space provided within the scheme and the location of the development within the context of Dalkey village and public amenities areas. However, in this instance the creation of quality public open space is required and the provision of additional amenity space and paths within the appeal site with the possibility of future linkages to promote connectivity and permeability through the site and

reduce walking/cycling times to local amenities should be welcomed in any future application. I note that indicative links are shown along the boundary with St. Margaret's Close, these would require third party agreement. Any future application should address the Transportation Division and Parks and Landscape Services requirements.

## **7.4 Other Issues**

### **7.4.1 Architectural Protection**

7.4.1.1 A common issue raised by observers has been the issue of Architectural Heritage and the negative impact the proposal would have on the character of the area and the need to protect Richmond from demolition and integrate it into any scheme on the site. There is no report on file from the Council's Conservation Officer. Richmond is not a protected structure and Castlepark Road is not a designated Architectural Conservation Area.

7.4.1.2 While the development would be visible from Castlepark Road, I am generally satisfied that the development would not have any significant adverse impact on The Metals candidate Architectural Conservation Area, or on the wider area including Dalkey Village.

7.4.1.3 The Department of Culture, Heritage and the Gaeltacht did not raise objections to the current proposal on built or natural heritage grounds. I consider the demolition of the structures, Richmond and its outbuildings which are not protected structures, is acceptable.

### **7.4.2 Loss of Woodland**

7.4.2.1 The existing site has a substantial amount of mature trees and other vegetation and the observers have raised concerns relating to the removal of mature trees, a woodland habitat, and the absence of a bat survey or ecological assessment.

7.4.2.2 The application site is not within a designated site, it is not identified in the Development Plan as being of special interest to warrant specific protections. The Area Planner in their Report did not highlight that the site forms part of an important ecological corridor. Furthermore, I note that no detailed surveys have been carried out by the observers to support their assertions. Based on the information on file there is no evidence of Bats on site.

- 7.4.2.3 Reference to the removal of trees from the site is noted. I have examine the reports and tree replacement strategy submitted and I am satisfied that the trees to be are not the subject of a TPO. A tree survey and arboricultural report submitted with the application includes a Tree Replacement Strategy for the site.
- 7.4.2.4 Concerns were also raised that the development would result in damage to mature trees on the open space serving St. Margaret's Close as the apartment building would be constructed within the root protection buffer zone of these trees. No surveys have been carried out by the observers to support this.
- 7.4.2.5 I consider that a fundamental issue relates to site clearance and the impact this would have on the character and setting of the area, the loss of a 'woodland habitat' and ecosystem. The observers have not submitted surveys or evidence to support their assertions that the planted area within the curtilage of Richmond is an important local habitat that needs to be retained. The issue remains as to facilitate the development of the site, substantial site clearance is required. I have examined the Council's Parks and Landscape Services report and the arborist report submitted with the application and I conclude that there is no doubt that any site clearance will have an irreversible impact on the immediate settings. However, the area is question is not a designated site and the use of Richmond and its substantial gardens and wooded area is sustainable use of serviced urban lands. There are no TPO for trees on site and no specific objective for their retention in the current County Development Plan. Given the context of the application site on zoned serviced lands I consider it suitable for development and an appropriate use of a zoned serviced site.–

7.4.3 **Drainage:**

- 7.4.3.1 Irish Water and the Drainage Division outlined numerous issues with the proposed foul sewer system for the site. This matter could not be addressed by condition and any future application should address outstanding issues raised by the Drainage Division and Irish Water.

7.4.4 **Access & Parking:**

- 7.4.4.1 1 carparking space per apartment and 2 car parking spaces per house are proposed. Bicycle parking is provided. The Transportation Section noted a

number of issues that were outstanding which have been addressed by the applicant in the appeal documentation. I am satisfied that the proposed development would generally accord with the provisions of the County Development Plan in terms of car parking provision. The provision of secure covered bicycle parking should be addressed in any future application.

7.4.4.2 The Observers also highlighted concerns that the additional traffic associated with the proposed development would result in excessive traffic movements along a busy road which is already the subject of excessive congestion. With regard to access and traffic, I note the concerns by third parties regarding the existing condition and character of Castlepark Road and the additional congestion that may arise as a result of the development. I consider however, that the development is a relatively modest infill development and traffic associated with it is likely to be minimal and have an imperceptible impact on the local road network.

7.4.4.3 The site is located on lands zoned for residential use as set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022. The impact of the land uses zonings and permitted densities on public infrastructure is taken into consideration during the Development Plan process. I am satisfied the proposal would not constitute a traffic hazard due to increase traffic movements on the local road network.

7.4.4.4 Any future application should address outstanding issues raised by the Transportation Division

#### **7.4.5 Noise & Vibrations**

7.4.5.1 The observers have raised concerns that the amenities of local residents would be impacted by noise during both the construction and operational phases of the proposed development. I note that the impacts associated with the construction works and construction traffic would be temporary and of a short duration. I do not consider that the impacts on surrounding residential properties during the operational phase would be significant.

## **7.5 Appropriate Assessment**

- 7.5.1 The applicant submitted a stage 1 screening report for appropriate assessment and an ecological impact assessment. The Planning Authority concluded that a stage 2 appropriate assessment was not required.
- 7.5.2 The nearest European sites are Dalkey Islands SPA (Site code No. 004172) and Rockabill to Dalkey Island cSAC (Site code No. 003000). There is a 1.2 km buffer of urban development and open water between the development site and the closest European site (Rockabill to Dalkey Island cSAC), and this will not be impacted by the development.
- 7.5.3 Given the urban location of the site, the lack of direct connections with regard to the source-pathway-receptor model and the nature of the development. It is reasonable to conclude, on the basis of the information on the 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 the Dalkey Islands SPA (Site code No. 004172), Rockabill to Dalkey Island cSAC (Site code No. 003000) or any other Natura 2000 site in the wider area. A Stage 2 Appropriate Assessment is, therefore, not required.

## **8.0 Recommendation**

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

## **9.0 Reasons and Considerations**

1. Having regard to the prominent location of the site, to the established built form and character of Castlepark Road, it is considered that the proposed development, with particular reference to the proposed four storey apartment block, would be incongruous in terms of its design, height, bulk and form which would be out of character with the streetscape. The proposed development provides an inadequate design response to this

sensitive infill site, would be of insufficient architectural quality and would seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

2. The proposed development due its overall scale, height and limited set back from the boundaries would be visually obtrusive when viewed from the rear garden of no. 41 Castlepark Road, St. Margaret's Close and along Castlepark Road. It is considered that the proposed development would be overbearing and would unduly overshadow adjoining properties. The proposed development would, therefore, seriously injure the residential amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.
3. It is considered that the provision of both communal public open space and private open space associated with the proposed houses is substandard in terms of quality and layout and would fail to provide an adequate level of amenity for future residents of the development. The proposed development is considered contrary to the requirements set out in Section 8.2.8 of the Dun Laoghaire Rathdown County Development Plan regarding Open Space and Recreation. The proposed development is, therefore, contrary to the proper planning and sustainable development of the area.

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Daire McDevitt  
Planning Inspector

13<sup>th</sup> November 2019



## **APPENDIX 1**

### **List of Observers:**

#### **Castlepark Road:**

- Jamie & Amanda Chambers, 34 Castlepark Road, Sandycove, Co. Dublin.
- Alan & Rebecca Maughan, 35B Castlepark Road, Dalkey.
- Cecil Hayes, 'Valentia'. 36 Castlepark Road, Sandycove, Co. Dublin.
- Mai Santamaria & Paul Whitaker, 37 Castlepark Road, Dalkey, Co. Dublin.
- Emer Flanagan & David Kelly, 41 Castlepark Road, Dalkey, Co. Dublin.
- Ann P Murphy, 'Summerland', 43 Castlepark Road, Sandycove, Co. Dublin.
- Mr & Mrs A. Ryan, 'The Acrons', 45 Castlepark Road, Dublin.
- Richard & Deirdre O'Reilly, 47 Castlepark Road, Dublin.
- Joe Cunningham & Jillian Mahon, 50 Castlepark Road, Sandycove, Co. Dublin.
- Philip Bayfield, 70 Castlepark Road, Sandycove, Co. Dublin.

#### **St. Margaret's Close:**

- Edmond & Mary Cummins, 1 St.Margaret's Close, Dalkey, Co. Dublin.
- Claire O'Donnell, 2 St. Margaret's Close, Dalkey, Co. Dublin.
- Brian & Julie Kane, 3 St. Margaret's Close, Dalkey, Co. Dublin.
- Andrew & Orla O'Connor, 4 St. Margaret's Close, Castlepark Road, Dalkey, Co. Dublin.
- Garrett & Enda O'Hagan, 6 St. Margaret's Close, Dalkey, Co. Dublin.
- St. Margarets Close Management Company Ltd, c/o 6 St. Margaret Close, Dalkey, Co. Dublin.

#### **Hyde Park:**

- O'Gorman, 24 Hyde Park, Dalkey, Co. Dublin.
- Emer & Pat Torpey, 26 Hyde Park, Dalkey, Co. Dublin.

**Gosworth Park:**

- Colin & Jennifer Edwards, 1 Gosworth Park, Sandycove, Co. Dublin.
- Stanley & Pamela Clarke, 2 Gosworth Park, Sandycove, Co. Dublin.
- Tom Molloy, Gosworth Park Residents Association.

**Dundela:**

- Kate Sheehan & David Blennerhassett, 6 Dundela Avenue, Sandycove, Co. Dublin.
- Brian Mc Ateer, 17 Dundela Avenue, Sandycove & John O'Hagan, 15 Dundela Avenue, Sandycove.
- Michael & Mary Craig, 22 Dundela Avenue, Sandycove, Co. Dublin.
- Thomas & Jean Cleary, 39 Dundela Park, Sandycove, Co. Dublin.
- Roisin & Tom Nesdale, 84 Dundela Park, Sandycove, Co. Dublin.

**Glenageary:**

- Derek Synnot, 20 Arkendale Road, Glenageray, Co. Dublin.
- Fraser Michelle & Laura Barker, 32 Villarea Park, Glenageary, Co. Dublin.

**UK:**

- Clodagh Keogh, 35 Second Avenue, London, SW14 8QF, UK.