



An
Bord
Pleanála

Inspector's Report

ABP-305152-19

Development	Construction of 2 no. apartments on top of existing structure.
Location	331/333, Kimmage Road Lower, Terenure, Dublin 6w
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1335/19
Applicant(s)	DriveGlade
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Drive Glade
Date of Site Inspection	21 st November 2019
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.0484 hectares, is located on the western side of Kimmage Road Lower to the south of Kimmage and north west of Terenure. The appeal site is occupied by a two-storey structure with a pitched roof consisting of 5 no. apartments. The existing structure has a vehicular access and rear yard providing parking for the existing structure on site. Adjoining uses include a single-storey dwelling located on the site immediately adjoining the site to the south and a two-storey dwelling adjoining the site to the north. Adjoining the rear boundary of the site (south west) is a housing development of two-storey terraced dwellings (Hazel Park). There is a three-storey apartment block located to the west (Riverside) with access from Poddle Park.

2.0 Proposed Development

2.1. Permission is sought for the construction of 2 no. apartments on the top of an existing two-storey structure. The total number of apartment will be increased from 5 apartments to a total of 7 apartments. The building will be increased from a two-storey building to a three-storey building. The proposal will also include 2 no. additional car parking spaces.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on one reason...

1. The proposed development is located within an area covered by zoning objective Z1 in the Dublin City Development Plan 2016-2022, the objective of which is to protect, provide and improve residential amenities. It is considered that the proposed development by reason of its height and proximity to the nearest residential properties, would result in an unacceptable form of development that would be out of scale and character with the existing development in the immediate vicinity. In addition, the proposed development would significantly reduce privacy of residential properties to the rear by way of overlooking. As such, the proposed development

would seriously injure the amenities of residential properties in the vicinity, would contravene the aforementioned zoning objective, and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (26/07/19): The additional floor would have an overbearing visual impact on the streetscape and the second floor balconies would cause overlooking of adjoining properties. Permission was refused based on the reason outlined above.

3.2.2. Other Technical Reports

Drainage Division (11/07/19): No objection.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

3.4.1 A third party submission was received from Aingle NiCheallaigh, Apt 12 Riverside, Poddle Park, Kimmage, Dublin 12, D12 NW58.

- The proposal is not significantly different from the previous proposal refused on site.
- The balconies on the front and rear elevation would overlook adjoining properties.
- The height would be out of scale and character and have a visually obtrusive impact.
- The block in which the observer is located is at a lower level than Kimmage Road with the proposal impacting on views from the existing block.

4.0 Planning History

1141/19: Permission refused for an additional 2 no. two bed apartment units increasing the existing structure from two-storey to three-storey. Refused based on one reason...

1. The proposed additional storey, by way of its design, scale and massing, would result in the building being unduly obtrusive and out of character when viewed in the context of the existing streetscape along this part of Kimmage Road Lower, including the adjoining single storey and two storey buildings. The proposed development would therefore be seriously injurious to the visual amenities of the area. In addition the proposal would be overbearing and result in overlooking of adjoining properties having regard to the scale and design of the proposal in particular the cantilevered projection including balconies at the rear and oversailing of existing buildings on both sides. The proposed development would be contrary to residential development standards of the current development plan and would be seriously injurious to the residential amenities of the adjoining properties and of the area, and would therefore be contrary to the proper planning and development of the area and would contravene the use zoning objective for the area 'to protect, provide and improve residential amenities'.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant Development Plan is the Dublin City Development Plan 2016-2022. The site is zoned Z1 with a stated objective 'to protect and provide for residential amenity'.

Section 16.4 Residential Density:

The Regional Planning Guidelines settlement hierarchy designates Dublin city centre and the immediate suburbs as a gateway core for international business, high density population, retail and cultural activities. The guidelines indicate that development within the existing urban footprint of the metropolitan area will be

consolidated to achieve a more compact urban form, allowing for the accommodation of a greater population than at present.

The Department of Environment, Heritage and Local Government (DEHLG) Guidelines on Sustainable Residential Development in Urban Areas 2009 supercede the 1999 Guidelines for Planning Authorities on Residential Density. In this context, Dublin City Council will promote sustainable residential densities in accordance with the standards and guidance set out in the DEHLG Guidelines on Sustainable Residential Development in Urban Areas and having regard to the policies and targets in the Regional Planning Guidelines 2010 – 2022 or any Regional Spatial and Economic Strategy that replaces the regional planning guidelines.

Sustainable densities promoting the highest quality of urban design and open space will be sought by the City Council in all new developments. The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity. Public transport capacity will also be used to determine the appropriate density allowable.

An urban design and quality-led approach to creating urban densities will be promoted, where the focus will be on creating sustainable urban villages and neighbourhoods. A varied typology of residential units will be promoted within neighbourhoods in order to encourage a diverse choice of housing options in terms of tenure, unit size, building design and to ensure demographic balance in residential communities.

All proposals for higher densities must demonstrate how the proposal contributes to place-making and the identity of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods.

5.2 National Policy

Sustainable Urban Housing: Design Standards for New Apartments-Guidelines for Planning Authorities (March 2018).

The Urban Development and Building Height - Guidelines for Planning Authorities (December 2018) build on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. It is acknowledged that increasing building heights has a critical role to play in addressing the delivery of more compact growth in urban areas, particularly cities and large towns.

SPPR1:

In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

SPPR3:

It is a specific planning policy requirement that where;

(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and

2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

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

(B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the

planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme

(C) In respect of planning schemes approved after the coming into force of these guidelines these are not required to be reviewed.

Guidelines on Sustainable Residential Development in Urban Areas 2009

Appropriate locations for increase densities

Public Transport Corridors:

Walking distances from public transport nodes (e.g. stations / halts / bus stops) should be used in defining such corridors. It is recommended that increased densities should be promoted within 500 metres walking distance¹⁸ of a bus stop, or within 1km of a light rail stop or a rail station. The capacity of public transport (e.g. the number of train services during peak hours) should also be taken into consideration in considering appropriate densities. In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes. Minimum densities should be specified in local area plans, and maximum (rather than minimum) parking standards should reflect proximity to public transport facilities.

5.3 Natural Heritage Designations

5.3.1 None.

5.4 EIA Screening

5.4.1 In this circumstance, upon preliminary examination, it is concluded that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by Jutakuspace on behalf of the applicants, DriveGlade. The grounds of appeal are as follows...

- Development plan policy promotes higher density close to transport infrastructure with the site with walking distance of local amenities, employment, recreational facilities, school and shopping.
- There are similar scale developments permitted in the area with a number of examples cited with it noted that there is a three-storey apartment block to the rear of the site.
- It is noted that the apartment proposed would overlook the car park to the rear. One objection was received from a resident of the existing three-storey apartment block to the rear of the site. It is noted that the proposal would cause no overlooking or loss of light relative to the existing three-storey block.

6.2. Planning Authority Response

6.2.1 No response.

7.0 Assessment

7.1. Having inspected the site and examined the associated documents, the following are the relevant issues in this appeal.

Principle of the proposed development

Design, scale, visual impact,

Adjoining amenities,

Traffic/car parking,

Appropriate Assessment.

7.2 Principle of the proposed development:

7.2.1 The appeal site is located in area zoned Z1 with a stated objective 'to protect and provide for residential amenity'. The provision of additional residential development is consistent with the zoning objective and the established use on site. The two additional apartments are consistent with the standards set down under the Sustainable Urban House: Design Standard for New Apartments (March 2018) in relation to apartment size, room dimensions, storage space and the provision of private open space. The provision of additional residential development within the city along a public transport corridor would be also be in accordance with policy objectives under the City Development Plan and national policy under Sustainable Urban Housing: Design Standards for New Apartments-Guidelines for Planning Authorities (March 2018), and The Urban Development and Building Height - Guidelines for Planning Authorities (December 2018)

7.3 Design, scale, visual impact.

7.3.1 The existing structure on site is a two-storey building with 5 no. apartments (2 no. one bed units at ground floor, 2 no. one bed units and 1 no. two bed unit at first floor level). It is proposed to reconfigure the first floor internal layout to provide for an access stairs to a new second floor level, which is to have flat roof profile and be recessed to provide balcony areas along the front and rear elevation. The two new apartments are one bed units with a floor area of 73sqm.

7.3.2 The existing structure has a shallow pitched roof, which is small bit lower in ridge height (0.6m) compared to the adjoining development to the north. The structure to the south is a single-storey structure. It is proposed to provide an additional storey, which is have a flat roof and be set back from both the front and rear relation of the existing structure to provide open space areas to serve the 2 no. apartments. The external finish of the new storey is to be timber cladding. The ridge height of the new development is to be a small amount higher (0.4) than that of the existing two-storey dwelling on the site to the north. Despite being a small increase in height over the existing structure to the north, I would consider that overall design and scale would have a prominent and obtrusive visual impact at this location. The proposed

additional storey would be highly visible at this location and would be out of character with adjoining development. The proposal would have an adverse impact on the visual amenities of the area and is not of sufficient architectural quality considering how visible it will be from the public road and surrounding area. The proposal would have an adverse impact on the visual amenities of the area.

7.4 Residential Amenity:

7.4.1 The proposal entails an additional storey on top of an existing two-storey structure. As noted above adjoining development to the north, south and west are residential in nature. The proposal does not extend the footprint of the existing structure and increases the structure in height only. I would consider that the proposal would have no adverse impact in relation to its impact in relation to overshadowing or loss of light. In relation to orientation, the windows on the structure are consistent with the established orientation of existing windows (south east/north west). The proposal provides for private open space areas to the front and rear due to the setback of the additional floor on both sides. The private open space on the front elevation overlooks a public area however the private open space at second floor level to the rear would allow for overlooking of the private amenity space of the adjoining dwellings to the north and south due to its elevated location and proximity to such. The proposal would therefore be injurious to the residential amenities of adjoining properties and contrary to the proper planning and sustainable development of the area. I am satisfied that the proposal by virtue of its distance relative to the existing apartment development to the west (Riverside) would have no adverse impact on the residential amenities of such.

7.5 Traffic/car parking:

7.5.1 The proposal entails the provision of two additional car parking spaces in the yard to the rear of the site. The site is located within Area 3 for the purposes of car parking. Maximum parking standards are set down under Table 6.1 with the requirement in Area 3 being 1.5 space per residential unit. These are maximum standards and deviation from such is allowed on the basis of a number of criteria including location and accessibility to public transport. It is not made clear in the drawings how many

car parking spaces are available in the rear yard, however there is a reasonable amount of off-street car parking. Notwithstanding such the proposal is on a public transport corridor. The proposal is satisfactory in the context of traffic safety, vehicular access and car parking.

8.0 Recommendation

8.1. I recommend refusal based on the following reasons.

9.0 Reasons and Considerations

1. The proposed additional storey, by virtue of its design, scale and massing, would result in the building being unduly obtrusive and out of character when viewed in the context of the existing streetscape along this part of Kimmage Road Lower, including the adjoining single storey and two storey buildings. The proposed development would therefore be seriously injurious to the visual amenities of the area. In addition the proposal would be overbearing and result in overlooking of adjoining properties having regard to the design and location of the balconies to the rear at second floor level. The proposed development would have an adverse impact on the visual amenities of the area and would be seriously injurious to the residential amenities of the adjoining properties, and would therefore be contrary to the proper planning and development of the area and would contravene the use zoning objective for the area 'to protect, provide and improve residential amenities'.

Colin McBride
Planning Inspector

21st November 2019