



An
Bord
Pleanála

Inspector's Report ABP 305238-19

Development

Demolition of the existing roof and associated 3rd floor office accommodation within the roof space, and the construction of a new stepped back 3rd floor of office accommodation with roof terrace

Location

1-3, Sandford Road, on the corner of Colliers Ave., Ranelagh, Dublin 6.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

3191/19

Applicant(s)

Hermitage Estates limited

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Fiona Condron

Observer(s)

1. Margaret McKenna
2. Maire O'Connell and Michael O'Connell
3. Elva Duggan

Date of Site Inspection

21st November 2019

Inspector

Irené McCormack

1.0 Site Location and Description

- 1.1.1. The appeal site is located on the corner of Sanford Road and Colliers Avenue in Ranelagh Village approx. 3km south of Dublin City Centre. The site is bounded to the northwest east by adjacent commercial properties along Sandford Road with a terrace of single storey (extended) cottages located to the rear along Colliers Avenue Architectural Conservation Area, Sandford Park School is located to the southwest of the site on the other side of Colliers Lane.
- 1.1.2. The existing building is a three-storey structure with fourth floor attic office accommodation. The fourth-floor attic accommodation is recessed behind the main building line and not visible from the public road and reflects a hipped roof profile. The property is occupied at present by a restaurant at ground floor level and by office uses above. The stated site area is 0.0369ha.
- 1.1.3. The area is varied in character with commercial and office development located on Sandford Road and residential development located in the wider Ranelagh area.
- 1.1.4. On street car parking (both 'pay and display' and permit parking) is provided in the general area.

2.0 Proposed Development

- 2.1.1. The development comprises:
 - The demolition of the existing roof and associated 3rd floor office accommodation within the roof space.
 - The construction of a new stepped back 3rd floor of office accommodation, with roof terrace fronting onto Sandford Road.
- 2.1.2. The floor area to be demolished is 133sqm. The proposed development will provide for 235sqm of additional floor area. The total floor area of the building will increase from 982sqm to 1084sqm. The total office floor area will be 801sqm over the first, second and third floor.

3.0 Planning Authority Decision

- 3.1. Decision

Dublin City Council issued notification of its decision to grant permission subject to eight conditions, the following of which are of note:

Condition no. 2 - Section 48 General Development Contribution

Condition No. 3 - Referred to compliance with the requirements of the Transport Planning Division.

Condition No. 5 & 6 – refer to Noise control and pollution

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planning Officer's reports notes the zoning provisions of the area and that the proposed development would match the parapet height of the existing roof space and would extend this space to create an additional floor at roof level. As noted above, the additional floor would be set back from the front and side building lines with Colliers Avenue and with Sandford Road. Having regard to the setback distances and the existing parapet height, it was considered that the scale, massing and height of the proposed development would be acceptable in this instance development and would not have a significant negative impact on the residential development in the vicinity or a significant negative impact on the visual amenity of the Architectural Conservation Area.

3.2.2. **Other Technical Reports**

Transportation Planning Division– no objection subject to conditions.

Engineering Department – Drainage Division - no objection subject to conditions.

3.3. **Third-Party Observations**

A total of three submissions were made in relation to the development. A brief summary of the issues raised in the submissions to the Planning Authority are set out below:

- The proposal does not take due cognisance of the impact on Colliers Avenue (An Architectural Conservation Area) or the wider area including Anna Villa.

- The proposal would be obtrusive from all points on Colliers Avenue and from Anna Villa.
- The proposal will further exacerbate traffic and parking pressures on Colliers Avenue and nearby streets.
- The residents of Colliers Avenue and the surrounding areas are already being subject to the impacts of over development.
- The proposed development, if permitted would have a serious deleterious effect on an old, historic laneway of special architectural value.
- The proposed development fails to address the reasons for refusal set out in previous planning ref. 3950/18
- The works to the offices and the restaurant has resulted in inconvenience to the residents of Colliers Avenue and to full and clear access to Sandford Road.
- The proposal to match the height of the existing roof is flawed in that the existing roof is hipped and offers no vertical surface to the perimeter of the building.
- The proposal for building line setback and terraces is no more than nominal gestures to break up the mass of the proposal.
- No consideration of the mass of the extension from any other approach/elevation is offered.
- The mass of the extension when viewed from Colliers Avenue is totally inappropriate.
- The proposed bike rack area takes no consideration of the current use of the area below the existing fire escape.
- Logistical difficulties for construction work and the public.
- Highly unlikely that a development of such a scale would not attract additional car use.
- There is no demand for additional office space in Ranelagh.

- Ranelagh is an example of a vibrant living quarter which needs to be protected from inappropriate commercial development.
- Pressure for infill development will occur if this is permitted.
- The plot ratio for this development would be 2.9, and the maximum ratio for Z4 sites is 2.0.
- The height of the building would have an injurious impact on the amenities enjoyed by residents of Colliers Avenue.
- The applicant lacks any proper assessment of its impact on the ACA including any design steps taken to ameliorate the negative amenity and visual aspects.
- There has been no additional provision made for bicycle parking or smoking facilities.
- If this development is permitted, it will undermine the protection provided by the designated ACA status.
- The proposal is not appropriate in the context of this historic village setting, in an area of Architectural Conservation significance and is overdevelopment of this site.

4.0 **Planning History**

Site

DCC Reg. Ref. 3950/18- Planning permission refused in 2018 for the demolition of the existing roof and associated 3rd floor office accommodation within the roof space, and the construction of a new stepped back 3rd and 4th floor of office accommodation, with roof terraces for reason of inappropriate design resulting in an unacceptable transition in scale to the adjoining residential development to the rear which would adversely affect the established historic character of the Architectural Conservation Area.

DCC Reg. Ref. 0533/00– Planning permission granted for a pitched roof behind existing parapet and elevational changes.

DCC Reg. Ref 0681/91 - Planning permission granted for alterations to ground floor front elevation.

5.0 Policy and Context

5.1. Development Plan

The site is located in an area zoned Z4 – To provide for and improve mixed-service facilities.

Office use is a permissible use on lands that are zoned Objective Z4 up to a limit of 600 sq. metres and are Open for Consideration up to 1,200 sq. metres.

The indicative plot ratio standard for Objective Z4 lands is 2 and the indicative site coverage standard is 80 percent. There is provision in the plan for the relaxation of these standards in areas where, inter alia, the site adjoins a major public transport termini or corridor, to maintain existing streetscape profile or where there is already a higher site coverage / plot ratio on the site.

Architectural Conservation Area - The site is located to the northwest of Colliers Avenue ACA.

The building to the southeast of the site on is a protected structure.

Relevant policies and standards of the Dublin City Development Plan 2016-2022 include:

- The subject site lies in car parking Area 2 – The maximum car parking requirement for an office development in this zone is 1 no. space per 200 sqm GFA. The cycle-parking standards for offices in Zone 2 is 1 cycle space per 100 sqm.
- Section 4.5.9 Urban Form and Architecture
- Policy SC25 – To promote high standards of design
- 11.1.5.3 Protected Structures – Policy Application - In order to protect the city's Protected Structures, the City Council will manage and control external and internal works that materially affect the character of the structure.
- CHC1 – Preservation of the built heritage of the city.

- CHC2 - To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage.
- Chapter 16 sets out Design Principles and Standards
- 16.2 Design Principles and Standards.

“All development will be expected to incorporate exemplary standards of high quality sustainable and inclusive urban design and architecture befitting the city’s environment and heritage and its diverse range of locally distinctive neighbourhoods.

In the appropriate context, imaginative contemporary architecture is encouraged provided that it respects Dublin’s heritage and local distinctiveness and enriches its city environment. Through its design, use of materials and finishes, development will make a positive contribution to the townscape and urban realm, and to its environmental performance. In particular, development will respond creatively to and respect and enhance its context.”

5.1.1. **National Policy and Guidelines**

- Urban Development and Building Heights Guidelines for Planning Authorities (2018)
- Architectural Heritage Protection Guidelines for Planning Authorities (2004)

5.2. **Natural Heritage Designations**

The site is not located within or directly adjacent to any Natura 2000 sites. There are two designed sites within 3km of the site.

- South Dublin Bay SAC (site code 00210) is located 2.9km east of the site.
- South Dublin Bay and River Tolka Estuary SPA (site code 004024) is located 2.9km east of the site.

5.3. **EIA Screening**

- 5.3.1. On the issue of Environmental Impact Assessment screening I note that the relevant class for consideration is class 10(iv) “Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the

case of other parts of a built-up area and 20 hectares elsewhere”. Having regard to the size of the development site (.0369ha) and scale of the development it is sub threshold and the proposal does not require mandatory Environmental Impact Assessment. Having regard to the nature and scale of the proposed development, the brownfield nature of the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The appellants' property is located at no. 5 Colliers Avenue to the rear of the site. The following is a summary of the main issues raised in the third party appeal submission:

- The appeal submission sets out that the proposal does not address the previous reason for refusal under DCC Reg. Ref. 3950/18 in any meaningful way. The third floor will result in overpowering the residents of Colliers Avenue and represent a significant visual impact.
- The development will have a detrimental impact on the ACA, the village environment and will increase potential for further undesirable long-term changes.
- The development provides for only a limited floor area increase. There is no demand for increased office space as the area is well served by mixed-use supply.
- The increase in the height and mass will be used as a precedent for further height increases in the area.
- The existing pitched roof design ensures no overshadowing of Colliers Avenue and has minimal visual impact.

- The plot ratio at 2.9 is in excess of development plan standards.
- The overall height of 12.645m including 2.257m of sheer glazed wall will impact on the amenities enjoyed by the residents of Colliers Avenue.
- It is set out that the application lacks any proper assessment of its impact on the ACA including any design steps taken to ameliorate the negative amenity and visual aspects in accordance with the Architectural Heritage Protection Guidelines
- It is set out the development will put further pressure on parking in the area. No provision is made for bicycle parking or smoking area. These may impact on the residents of Colliers Avenue.
- The submission concludes that the development would adversely affect the established historic character of the ACA, have an unacceptable impact on the residential amenities of adjoining properties and set an undesirable precedent for similar development.

6.2. Applicant Response

6.2.1. The first party did not respond to the grounds of appeal.

6.3. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

6.4. Observations

Three no. observations were received.

1. Margaret McKenna , 2 Sandford Row, Colliers Avenue, Ranelagh, Dublin 6. A brief summary of the issues raised in the submission to the Planning Authority are set out below:

- The proposal does not address the previous reason for refusal under DCC Reg. Ref. 3950/18.
- The revised design does not address Colliers Avenue and is out of scale and character to the Artisan cottages.
- Full Mobility Management plan and Construction Management plan should have been submitted.

2. Maire O'Connell and Michael O'Connell, 10-11 Colliers Avenue, Ranelagh, Dublin 6. A brief summary of the issues raised in the submission to the Planning Authority are set out below:

- The planning authority has failed to consider the existing pressure on Colliers Avenue with respect to the existing uses. It is set out that the development will exacerbate the already difficult traffic situation.
- No bicycle parking has been provided.
- It is set out that the main issue is the impact of a substantial increase in the size of the commercial building and the consequent increased commercial activity and its adverse effects on a small residential community in an ACA.

3. Elva Duggan , 9 Colliers Avenue, Ranelagh, Dublin 6. A brief summary of the issues raised in the submission to the Planning Authority are set out below:

- The proposal does not address the previous reason for refusal under DCC Reg. Ref. 3950/18.
- The application lacks any proper assessment of the impacts on the ACA.
- The proposal will be visually obtrusive and set an undesirable precedent.
- The development will impact on available parking.

6.5. Further Responses

None

7.0 Assessment

The main issues that arise for assessment by the Board in relation to this appeal can be considered under the following broad headings:

- Principle of Development
- Design, Overdevelopment and impact on Visual Amenity and Architectural Heritage.
- Impact on established amenity. Overshadowing and Overlooking
- Other Issues
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. The appeal site is located on lands that are zoned Objective Z4 '*to provide for and improve mixed services facilities*' under the provisions of the 2016-2022 Dublin City Development Plan.
- 7.1.2. On lands that are zoned Objective Z4, '*Office*' up to a maximum of 600 sq. metres is identified as a Permissible Use and '*Office*' up to a maximum of 1200 sq. metres is stated to be Open for Consideration. The total office floor area of the development will increase from 699sqm to 801sqm and is considered acceptable in principle. The development provides for a modest increase in floor area and I do not consider this will generate significant additional traffic. Furthermore, the area is well served by public transport including the Luas and frequent bus service.
- 7.1.3. The provision of a modern office development will clearly improve the overall vibrancy and vitality of this area and provide for critical mass of employment generating uses. I consider that in terms of the principle of development, there is policy support for this development.

7.2. Design, Overdevelopment and impact on Visual Amenity and Architectural Heritage

- 7.2.1. The site is located at the corner of Colliers Avenue and Stanford Road. The cottages to the rear of the site are located within a designated Architectural Conservation Area and the building to the southeast of the site is a protected structure. The third-party appellant contends that the development will have a detrimental impact on the Architectural Conservation Area and the represent visually incongruous feature in the village environment and will increase potential for further undesirable long-term changes in the area.
- 7.2.2. The appellant and the observers have raised concerns with regard to the proposed **plot ratio** and **site coverage** and contend that both the plot ratio and site coverage proposed are in excess of the indicative level set out in the development plan and is reflective of a development that is excessively large for the site. The indicative plot ratio figure for lands zoned Objective Z4 is 2.0 and it is noted that the development proposal will increase the plot ratio to approximately 2.9. Site coverage is 87% again

exceeding the indicative average of 80%. The Development Plan provides for increased plot ratio and higher site coverage in particular circumstances such as:-

- adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses is proposed and where a site already has the benefit of a higher site coverage plot ratio, both of which are applicable in this case. However, in assessing the wider considerations, it is appropriate to rely on the qualitative factors defining built form including height, design and finishes.

7.2.3. The proposed development is for the demolition of an existing third floor attic office space and the construction of a replacement contemporary design recessed third floor reflecting a glass box design with a flat roof and floor to ceiling glass panels on all facades. The recessed area fronting Sandford Road provides for roof terrace access with glazed balustrades. The existing ridge height is 12.645m, the proposed replacement third floor will increase the ridge height to 12.845m. I note the concerns raised within the third-party appeal with regard to the scale and height of the proposed building. Clearly additional building height over and above prevailing height can have a considerable impact in the context of historic buildings. However, this is not that case in this instance and the increase in the ridge height is imperceptible. I am satisfied that the development will not set an undesirable precedent given the nature of the development and the location within the commercial core of Ranelagh.

7.2.4. I consider the modern design approach will enhance the character of the existing building and the contrast in architectural form and design will serve to highlight the building in a positive manner. The recessed design will reduce the visual impact and I am satisfied that the proposal will not detract from adjoining views or the Architectural Conservation Area on Colliers Avenue and will only be visible in a wider context on approach to the site. I also consider the proposal will add architectural interest to the building and I consider this approach acceptable and in line with the Architectural Heritage Protection Guidelines to preserve the character of Architectural Conservation Areas.

7.2.5. The third-party appellant is also critical of the architectural expression and materials and asserts that the structure is out of character in this locale. I note the innovative contemporary character of the design and as regards the façade treatment the

extensive use of glass contrast to the rendered and brick finishes elsewhere in the area.

7.2.6. I consider in relation to the visual impact and impact on architectural heritage that the proposal is of a high standard and is innovative and contemporary yet acknowledging of its context and is successful from an urban design perspective.

7.3. **Impact on established amenity. Overshadowing and Overlooking.**

7.3.1. The potential for negative impact on established amenity is assessed particularly with regard to impact of overshadowing, overlooking and overbearing of the adjacent properties.

7.3.2. It is noted that the primary views of the development will be from the wider approach to the site along Sandford Road, Colliers Avenue and Woodstock Gardens. Views of the proposed development from elsewhere will be largely screened by existing buildings. The development has been set back from the primary building line and will be intermittently visible only. There are a number of other three-storey similar type developments in the vicinity of the site and it is considered that the proposals will not have a significant visually overbearing impact given the urban context.

7.3.3. The third-party appellant assert that the development will negatively **overlook**, **overshadow** and has an overbearing impact on the properties on Colliers Avenue and Anna Villa to the southwest of the site. In this regard, I note that most of the rear gardens of the properties on Colliers Avenue located to the southwest of the site are almost entirely roofed and as such cannot be overlooked. The existing extensive roofed areas mean that the rear gardens are already enclosed and overshadowing, and overbearing impact are not an issue. Furthermore, the recessed southwestern facing elevation and building height, in addition to established building forms and separation distance will limit the potential for overlooking towards Anna Villa to the northwest of the site.

7.3.4. Having regard to the location and zoning designation of the site, it is reasonable to conclude that the proposed development will not have significant adverse impact on established amenity as a result of overlooking, overshadowing or overbearing impact.

7.4. **Other issues**

7.4.1. The Development Plan establishes that **car parking** provision maybe reduced or eliminated in areas that are well served by public transport. This site is accessible to public transport and there are numerous shops and services within walking distance. Accordingly, I consider the proposal not to provide car parking on site acceptable. I note the Roads & Traffic Planning Division in their report of 16th July 2019 have no objection to the non-provision of cycle parkin on site. However, I note the recommendation of the Roads & Traffic Planning Division requiring the submission of a Mobility Management. I recommend this condition be repeated in the event that permission is granted.

7.4.2. The third-party appellant and observers have raised concerns regarding the lack of a detailed **construction management** plan noting traffic and car parking issue in the area and, in particular Colliers Avenue. Concerns regarding construction management are in my opinion an issue which can be addressed satisfactorily by way of a requirement for a detailed construction and demolition management plan in the event that permission is granted.

7.5. **Appropriate Assessment Screening**

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 be granted for the proposed development having regard to the reasons and considerations and subject to conditions as set out below.

9.0 **Reasons and Considerations**

Having regard to the nature and scale of the proposed development, the pattern of development in the vicinity, the existing development on site and the policies of the Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not

detract from the character of the adjacent Architectural Conservation Area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details, including samples, of the materials, colours and textures of all the external finishes to the building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, no additional plant, machinery or telecommunications structures shall be erected on the roofs of any of the building; height shall any external fans, louvres or ducts be installed without a prior grant of planning permission.

Reason: In the interest of visual amenity.

4. No signage, advertising structures / advertisements, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times

will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

8. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme.

Irené McCormack
Planning Inspector

25th November 2019