



An
Bord
Pleanála

Inspector's Report

ABP-305293-19

Development	Amendment to Planning Ref. No. 3601/18 for the increase in height to 8 storey building consisting of 20 apartments
Location	87, North Strand Road / Poplar Row, Dublin 3, D03 HH56
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3228/19
Applicant(s)	Peter Plunkett.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Peter Plunkett.
Observer(s)	None
Date of Site Inspection	4h December 2019
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The appeal site is a corner site located at the junction
- 1.2. The site is bounded to the west by a site currently occupied by an existing car sales warehouse, on which there is permission for a six-storey building (reduced by condition from seven storeys), fronting Poplar Row, while to the south is an existing two-storey terrace of red brick houses, in a mix of residential and commercial use. The site faces an existing two-storey building on the northern side of the corner with Poplar Row. Further west are existing four-storey residential blocks at Ballybough House, which are protected structures.

2.0 Proposed Development

2.1.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council determined to refuse permission for the following reason:

1. Having regard to the existing permission on the site, to the scale and bulk of the proposed development and to the failure to provide an appropriate transition in height between the proposed development and the adjoining two-storey streetscape on North Strand Road, it is considered that the proposed increase in height would result in the development being visually incongruous and failing to integrate successfully with the existing streetscape and built environment, and the existing and permitted streetscape on Poplar Row, or to enhance the existing character and built environment of the area. The proposed development would therefore be contrary to the provisions of the Dublin City Development Plan (2016-22), to the Urban Development and Building Height Guidelines set down by the Department of Housing, Planning and Local Government and to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The planners report is consistent with the decision of the planning authority.

3.2.2. Other Technical Reports

Drainage – no objection

Transportation – no objection

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

None

4.0 **Planning History**

3601/18: Permission granted for demolition of existing structure on site & the construction of a five-storey mixed use development consisting of: ground floor commercial/ café unit, with 14 apartments (six x one-bedroomed, seven x two-bedroomed and one x three-bedroomed).

2097/17: Permission refused for part change of use and alterations to existing commercial building to accommodate a commercial office and a three-bedroomed apartment at ground floor level and a two-bedroomed apartment at ground and first floor levels.

4138/15: Permission refused for part change of use of existing commercial building to accommodate two apartment style dwellings with a two and a three-bedroomed apartment, construction of an entrance door to the southeast corner along North Strand Road.

2585/15: Permission refused for change of use of the existing commercial building to accommodate three apartment style dwellings with three bedrooms per apartment.

Adjoining site to rear

3541/19: Permission was refused for amendments to permitted 'build to rent' residential apartment development to increase number of apartments from 39 to 46 and increase height to 7 storeys.

3900/18: Permission granted for demolition of existing commercial building at 3 Poplar Row (with service access on Annesley Place), and development of a 'build to rent' residential apartment development, intended for use as a long-term rental housing scheme comprising of a seven-storey building to accommodate a total of 52 apartments. Condition 4(a) omitted one storey, resulting in a five-storey building with additional setback storey.

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2016-2022

The site is zoned Z4 which seeks to provide for and improve mixed services facilities.

- Section 4.5.3.1 Urban Density - quality density is delivered through a variety of mechanisms such as contextual streetscapes, urban form, stepped heights in transitional zones
- Section 6.5.4 Regeneration/Vacant Land/Active Land Management
- Section 16.10 Standards for Residential Accommodation
- Section 16.7.2 Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development* (See Building Height in Dublin)
- QH21 – Provision of adequate residential amenity
- CC4 – Daylight and natural ventilation
- Section 16.10.11 Mixed-Use Development
- Section 4.5.2 - District Centres: These are usually urban villages. These have a smaller scale than the KDCs but continue to promote an important economic, social and physical focal point for neighbourhoods and communities

- Policy SC10: To develop and support the hierarchy of the suburban centres, ranging from the top tier key district centres, to district centres/urban villages and neighbourhood centres, in order to support the sustainable consolidation of the city and provide for the essential economic and community support for local neighbourhoods, including post offices and banks, where feasible, and to promote and enhance the distinctive character and sense of place of these areas.

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

- SPPR 2 – Dwelling mix.
- SPPR 5 – Ground floor ceiling heights
- Section 4.11 - adequate levels of sunlight to reach communal amenity space throughout the year.
- Section 4.15 Bicycle Parking and Storage.
- Section 4.18 – Carparking.
- Section 6.5 – Apartments and daylight provision.

Project Ireland National Planning Framework 2040

Section 1.2 Making the vision a reality

Section 4.5 Achieving urban infill / brownfield development

5.2. Natural Heritage Designations

The nearest Natura 2000 sites are as follows:

The South Dublin Bay and River Tolka Estuary SPA is located c. 720 metres east of the appeal site.

The South Dublin Bay SAC is located c. 3.3km south east of the site.

North Dublin Bay SAC and Bull Island SPA are located c. 4km east of the appeal site also.

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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 grounds of appeal have been prepared by Anthony O'Beirne & Associates on behalf of the applicant. The issues raised can be summarised as follows:

- The proposed development is an efficient use of city land.
- Existing tow storey properties will be redeveloped over time.
- The site is ¾ mile from IFSC and Connolly Station.
- Examples of 6/7 and 9 storey developments have been granted in the vicinity.
- Site on opposite side has been granted for 6 storey.
- New Oakley housing development is of 5 storey.
- The proposed development will provide a mix of uses which will improve the vibrancy of the area.
- The bank building has been vacant for over a decade and is a blight on the streetscape.
- The proposal meets the requirements of SPPR1, SPPR2 & SPPR 3 of the Urban Development and Building Heights: Guidelines for Planning Authorities.
- The applicant will accept the removal of the top floor and has submitted drawings to this effect for consideration.

6.2. Planning Authority Response

Dublin City Council have prepared a response to the grounds of appeal which can be summarised as follows:

- It is not planned to demolish the existing two storey dwellings.
- Examples given at the five lamps are stepped back and are of a different scale and character to that proposed. Other such examples are not comparative to the appeal site.
- The original proposal provided for a density of 343 units per hectare and a plot ratio of 3.49.
- The proposed omission of one storey is not considered to improve the proposal. DCC consider that the revisions would still detract from the streetscape.

6.3. Observations

- None

7.0 Assessment

7.1. The site is located in an area zoned Z4 which seeks to provide for and improve mixed services facilities, the principle of the proposed mixed-use development is therefore appropriate to this zoning objective. This is a first party appeal against Dublin City Council's decision to refuse permission for an additional 3 floors of accommodation. The proposal would alter the original 5 storey block to an 8-storey block providing for an additional 6 apartments. The issues for consideration before the Board pertain only to the additional 3 storeys and the reason for refusal by the Council which was restricted to the visual impact of the proposal. The issues for consideration can therefore be summarised as follows:

- Visual Impact
- Appropriate Assessment

7.2. It is contended by Dublin City Council within the reason for refusal that the proposed development by virtue of its overall scale and bulk failed to provide an appropriate

transition in height between the proposed development and the adjoining two-storey streetscape. This failure was considered by the Council to result in the development being visually incongruous.

- 7.3. The applicant has stated within the grounds of appeal that recently permitted development extends to 5 and 6 storeys in the vicinity of the site and the proposed 8 storey development would compliment these higher buildings. It is further stated that the proposed development provides for a good mix of tenure at this location, providing for both residential and commercial and will complement the social housing in this area. The applicant also contends that the building is vacant and the proposal will add to the character of the area, it is stated that the design of the building offers variety in both the massing of its volumes, the stepping, receding and creates a strong corner feature.
- 7.4. The appeal site is located at the edge of the city centre at the junction of North Strand Road and Poplar Road adjacent to the River Tolka. North Strand road is a wide street and the junction on which the appeal site is located is adjacent to the River Tolka and provides for a large expanse within this section of the street and views of both the River Tolka, Fairview Park and East Point. Such open areas are particularly suited to tall buildings and can accommodate large feature buildings with ease. Having regard to the location of the appeal site and the context of the surrounding landscape I consider the principle of a taller building at this location to be acceptable.
- 7.5. It is of note to this assessment that the Dublin City Development Plan 2016-2022 requires that in all cases, proposals for taller buildings must respect their context and address the assessment criteria set out in the development standards section, to ensure that taller buildings achieve high standards in relation to design, sustainability, amenity, impacts on the receiving environment, and the protection or framing of important views.
- 7.6. These sentiments are reflected in the Urban Development and Building Height Guidelines for Planning Authorities 2018. Section 3.2 of the guidelines requires that proposals respond to the overall natural and built environment and make a positive contribution to the urban neighbourhood and streetscape. The guidelines also require that proposals are accessible by frequent public transport and that the

proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.

- 7.7. I note that there is a terrace of two storey dwellings adjoining the site to the south and the proposal in response to this significant difference in height has sought to step the proposed development back from these properties. Whilst this was effective with the original 5 storey block which provided for a development that whilst higher sat comfortably within the existing streetscape, I have concerns regarding the provision of the additional floors and the integration of these within the building and existing low rise streetscape. Whilst I consider there is capacity to accommodate a higher building within this site I do not consider that the development as proposed adequately responds to the surrounding environment, nor do I consider the design of the proposal to be a positive contribution to the existing streetscape.
- 7.8. Whilst I acknowledge the applicants attempts to step back the eastern elevation from the existing two storey dwellings at this side of the development, I do not consider the plain block of additional floor space which sits on top of the permitted scheme to provide any significant architectural contribution to the surrounding area and as such I do not consider that the proposed development would meet the design tests within the Urban Development and Building Height Guidelines for Planning Authorities 2018 or the requirements of the Dublin City Development Plan. The proposal would therefore be contrary to the proper planning and sustainable development of the area.

Appropriate Assessment

- 7.9. I have assessed the information provided and carried out a site inspection and note that no pathway exists between the appeal site and these sites and as such in the absence of any pathway connecting the development site with the sites above and 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

8.1. I recommend that permission is refused for the following reason:

9.0 Reasons and Considerations

Having regard to the design and massing of the proposed development and its relationship with neighbouring buildings in the immediate vicinity it is considered that the proposed development fails to comply with both the provisions of the Dublin City Development Plan 2016-2022, in particular Section 4.5.4.1 which seeks to provide for taller buildings which respect their context, and the provisions of the Urban Development and Building Height Guidelines for Planning Authorities 2018 in which it is a requirement for taller buildings to make a positive contribution to the urban neighbourhood and streetscape. The proposed development would fail to adequately respect and complement the prevailing character of the buildings along North Strand Street and would fail to appropriately address or make a positive contribution to the streets and would fall short in terms of the quality of building required in this context. The proposed development would therefore be visually obtrusive and would seriously injure the visual amenities of the area and would thereby prove contrary to the provisions of both the Dublin City Development Plan 2016-2022 and the Urban Development and Building Height Guidelines for Planning Authorities 2018 and would be contrary to the proper planning and sustainable development of the area.

Sarah Lynch

Planning Inspector

4th December 2019