



An
Bord
Pleanála

Inspector's Report ABP-306310-20

Development	Demolition of 'The Haven', 'The Lodge' and a single storey garage and construction of 44 apartments in 3 no. blocks.
Location	'The Haven' 126 Howth Road Clontarf, 'The Lodge' Ashbrook, Howth Road, Clontarf and 183-194 Ashbrook, Howth Road Dublin 3.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3234/19.
Applicant	Sheelin McSharry Construction Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	First and Third Party appeals
Appellants	1. Frances and Edward Kelly 2. Donal and Gladys Duggan 3. Mary Bergin 4. Yvonne Reid 5. Ian Pilkington 6. Sheelin McSharry Construction Ltd
Observer	Martin and Lorraine Williams.
Inspector	Mairead Kenny.

1.0 Site Location and Description

- 1.1. The subject site is located at 126 Howth Road. The site is occupied by 'The Haven', a dwellinghouse and associated buildings and front and rear gardens. The site context is largely defined by the streetscape at Howth Road to the south, by Greenmount a protected structure at 124 Howth Road to the west, and the Ashbrook development to the north and east. At the opposite side of the Howth Road is a new residential scheme Norabrook.
- 1.2. Ashbrook is a residential scheme which is accessed to the south of Greenmount at 124 Howth Road. It contains two storey houses which are in private ownership and apartments which are retained in the ownership of the applicant and are included in the blue line defined for this application. The apartment blocks include one building which is immediately adjacent 'The Haven' and which broadly shares a front building line. The majority of the apartments are in blocks to the rear of the site, separated from the north/rear of the site by an internal road. Overall, the rear half of the site is generally surrounded by two-storey terraced houses and by an access road.
- 1.3. The site comprises a plot of overall depth of 142m with a frontage of 24m onto Howth Road and is of stated site area of 3723 m². It is flat and is largely set out in lawn with trees being limited in number and restricted mainly to the site boundaries. At the public road frontage there are a few mature trees and a privet hedge which also runs along the front of the adjoining apartment block.
- 1.4. 'The Haven' is a dwellinghouse which dates from the start of the twentieth century. It is a three bay two storey building finished in red brick and a low profile slated hipped roof. 'The Lodge' is located at the rear of the site and there is a single storey garage / boat store which is positioned close to the main house.
- 1.5. Greenmount at the adjacent site is set back from the front boundary by 55m. The front garden contains a number of mature trees including a line positioned along the boundary with 'The Haven'.
- 1.6. Photographs which were taken by me at the time of my inspection are attached.

2.0 Proposed Development

2.1. Original submission:

Permission was sought to:

- Demolish buildings of stated floor area of 316.6 m² comprising 'The Haven', 'The Lodge' and a single storey garage.
- Construct 3 no. three and four storey blocks containing 44 apartments – 11 no. studio / live work units, 8 no. one bed units, 25 no. two bed units with a stated area of 3,355 m².
- Block 1 is the northern most of these and is of three storey height (10.65 m) and to contain 11 no. apartments.
- Block 2 is to be centrally positioned, of three storey height (10.65 m) and to contain 15 no. apartments.
- Block 3 would be four storey (13.1 m), the upper level being a setback penthouse.
- All blocks are proposed to have basement level plant rooms.
- Vehicular access will be from the existing Ashbrook development. Pedestrian and cycle access will be by way of Ashbrook and through the existing entrance to The Haven.
- 23 no. surface car parking spaces and 50 no. Surface bicycle parking spaces are proposed.
- Ancillary works include a substation, all associated infrastructure and drainage works.

Documentation submitted included application drawings and the following reports:

- Supporting Planning Statement (Downey Planning).
- Architects Design Statement (O' Mahony Pike).
- Description and Assessment of 126 Howth Road (ARC Architectural Consultants).

- Visual Impact Assessment (ARC Architectural Consultants).
- Sunlight and Daylight Access Analysis (ARC Architectural Consultants).
Landscape Design Statement (Murray and Associates Landscape Architects).
- Transport Assessment Report (NRB Consulting Engineers).
- Supporting Planning Statement (Sheelin and McSherry Construction Ltd).
- Appropriate Assessment Screening Report (Sheelin and McSherry Construction Ltd).
- Life Cycle Report (O' Mahony Pike).
- Housing Quality Assessment (O' Mahony Pike).

2.2. Further information response submission.

Revisions submitted to scheme included:

- Minor repositioning of blocks. Separation between Block 1 and Block 2 reduced to 18.9 m.
- The revised site layout plan is shown in drawing OMP drawing number 1812 – OMP – 00 – 00 – DR – A– 1001.
- Creation of 89 m² playground between Block 1 and Block 2.
- Additional footpath links including to Ashbrook.
- Revisions to parking including 2 no. spaces for a 'car club' - total of 26 spaces.

Documentation to supplement revised drawings submitted included:

- Preliminary Construction Management Plan (NRB Consulting Engineers).
- 3D Views (O' Mahony Pike).

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to conditions including:

- To be in accordance with plans and particulars including further information received on the 13th of November 2019.
- No. 126 Howth Road and the existing front garden/parking/access shall be retained while the area assigned for 7 no. car parking spaces, bin store and footpath to the rear within the existing dwellings curtilage shall be used as residual amenity space to serve the existing dwelling (condition 4(a)).
- Boundary details (condition 4(b) and 4(c)).
- A curfew for accessing the new gateway into the playground shall be agreed in writing prior to the commencement of any development (condition 4(d)).
- Modification to 2nd floor apartment 09 to omit the living/kitchen/dining room and balcony and to incorporate the remaining floor area into another apartment with any new side opes to be at least 1.8 m above finished floor level (condition 4(e)).
- Glazed sides of balcony shall be opaque or opal glazing (condition 4(f)).
- No additional plant or structures at roof level (condition 5).
- Requirements of Transport Planning Division to be adhered to including prohibition on sale or rental of car share spaces and residential car parking spaces and requirements relating to cycle parking, mobility management including appointment of mobility manager for the overall scheme, construction management plan and other measures.
- Developer to comply with stated archaeological requirements.
- Requirements of Drainage Division to be undertaken as specified.
- Street naming and numbering to be agreed.
- Requirements for public lighting including measures to avoid light pollution (conditions 11 and 12).
- Refuse storage facilities to be agreed.
- Requirements relating to the construction phase including hours of construction (conditions 14 – 17 inclusive).
- Requirement to agree provision of social and affordable housing.

- Applicant to delineate on a map those areas which are to be taken in charge for written agreement of the planning authority. A management company to be established for future maintenance of areas not taken in charge.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Planner's report of 11 December 2019:

- The existing dwelling and site is relatively well screened from the road.
- The test as to whether density is acceptable relies on interrelated qualitative and quantitative factors set out in Sustainable Residential Development in Urban Areas and the Urban Design Manual. The stated density in this case will be 119 units per hectare providing a potential 137 bed spaces at a notional density of 370 bed spaces per hectare. An overall plot ratio of 0.9 and site coverage of 27% will result.
- Policy SC16 of the development plan and section 16.7 allows for a 16m maximum height in the outer city. Development management criteria in the national guidelines are noted.
- At no. 119 Howth Road a similar detached three bay 2 storey redbrick hipped roof non-listed building was demolished to facilitate the Norabrook scheme.
- The 1903 building 'The Haven' on site contributes to the streetscape and appears to be relatively untouched.
- The conservation officer considers that by reason of its height and footprint the proposed development would have a negative impact on the setting of Greenmount. Retention of The Haven as part of a more considered development is recommended.
- The excellent condition of the house which retains period features including high ceilings, original plasterwork and joinery and the fully intact historic floor plan of the house are noted. Demolition cannot be justified. It is preferable that the dwelling is retained due to its contribution to the streetscape, which will not be replicated by the replacement block in this instance.

- There would be no objection to converting and extending the existing house to accommodate apartments. Internal insulation would be feasible. The redevelopment of the remainder of the site would be possible.
- The need for EIA can be excluded preliminary examination.
- The proposal on its own or cumulatively will not have any significant impacts on the nearest Natura 2000 sites. A Stage 2 AA is not required.
- Overlooking issues can be addressed by condition.
- Regarding the pedestrian access adjacent to 72 Ashbrook to the south-west, a curfew for accessing this gateway is appropriate.
- The inclusion of an 89 m² play area in the site layout is noted. It would be highly accessible, subject to passive surveillance and relatively well lit.
- In relation to a contribution in lieu of on-site public open space within the development the applicant has confirmed willingness in this respect.
- Regarding the concern that configuration of Block 1 and Block 2 will be overbearing in relating in relation to existing houses to the south-west and noting the reposition northwards, they are not considered by the applicant to be overbearing having regard to the separation distances involved and the 1.3m height difference. However, the subject scenario involves deep block plans of three full storeys and the applicant's further information response has not sufficiently consider the comparative difference in parapet/eaves height and massing to the flanks. Following revisions Block 1 is still considered overbearing to number 72 Ashbrook and it is recommended that apartment 9 be modified.
- The considerations of the Transport Planning Division are adopted.

3.2.3. Other Technical Reports

Conservation Officer The final report states that demolition would be contrary to section 16.10.17 of the development plan. The building is described as making a positive contribution to the character and identity of the area. As far back as the pre-planning meeting concern was raised relating to justifying the demolition, which is not supported. The building is fully intact, retains a significant amount of historic

fabric of high quality including joinery, staircases, historic floor plan etc and is set in a mature garden of high perimeter hedges and mature and semi-mature trees and contributes to the mature / established streetscape. Refusal is recommended.

Drainage Division The report indicates no objection to the development subject to compliance with these conditions and with the code of practice.

Road Planning Division The report indicates no objection to the development subject to conditions.

City Archaeologist The report notes that the development is large in scale and close to the zone of archaeological constraint for a recorded monument DU019 – 013 (Holywell site) which is listed on the RMP and is subject to statutory protection. Attachment of a 'notify condition' is recommended.

3.3. **Third-party submissions**

The issues in third-party submissions to the planning authority relate to:

- Impact on the general character of the surrounding area in terms of excessive height and design. Norabrook is more sympathetically designed. Proposal is overpowering and oppressive. Buildings are of inappropriate colour and design and not in keeping with the established area.
- Impact on the protected structure at 124 Howth Road.
- Development plan policies relating to built environment, traffic and transport, green space, conservation (natural heritage and architectural), boundary walls, zoning, provision of sustainable communities and neighbourhoods, design principles, density standards and mix of units and parking standards.
- Effect would be claustrophobic and result in overlooking and overshadowing.
- Potential to adversely impact on trees as buildings are within the root zone. Trees were recently removed from the site.
- Habitat disturbance will affect species in the area including squirrels and hedgehogs on site and bats in trees at no. 124.
- Poorly considered landscaping includes removal of hedging and shrubs along existing access road and existing gardens of 126 Howth Road.

- Need for provision of age suitable play areas in Ashbrook.
- Additional traffic will negatively impact on the quality of life in terms of excessive traffic and noise pollution. Existing road does not comply with DMURS and should be amended including by reducing parking along the access road. DMURS also actively discourages use of cul-de-sacs that do not allow for through access - two such cul-de-sacs are introduced adding to the traffic congestion on the main road into Ashbrook.
- Increased traffic and parking will increase risk of congestion and accidents.
- Road width is too narrow for the increased traffic. Road cannot take emergency vehicles at times due to the layout and overspill parking issues.
- The high quality bus routes connect with the city centre and do not provide connectivity to major employers. Residents need a car for work and other reasons and the proposed 23 spaces for 44 apartments is insufficient. At the AGM last year it was decided to introduce parking permits. There is simply no more room for additional cars.
- The proposed secondary fenced boundary is insufficient and not in keeping with surrounded protected property and a brick wall should be agreed.
- The automated security gate should be retained in the interest of security.
- Objection to tenure on assumption that would be used for a rental/investment.
- Depreciation of property value.
- Construction phase issues.
- Water and sewage facilities are not adequate and require regular maintenance to avoid sewage intruding into a particular garden.
- Spot flooding and surface water issues affect the location of the proposed development and will be exacerbated.

4.0 **Planning History**

PAC No: 10253/19.

The planning authority referenced the following during pre-application consultation:

- Need to justify the demolition of the existing house.
- Block form and layout rationale required.
- Block 3 breaks established building line and needs to be justified.
- Car parking issues and the amount proposed to be addressed.
- Sunlight / daylight report required.
- Overlooking to be addressed.

There is no relevant planning history related to the site.

At the opposite side of the road at a 0.69 hectare site at 119 Howth Road a scheme of 19 no. houses and involving demolition of a detached dwellinghouse was permitted under PL29N.246648 in 2014 and has been implemented and is known as Norabrook. An earlier permission at the site for demolition of the existing house and development of 59 apartments was granted under PL29N.222287.

5.0 Policy and Context

5.1. National Guidance

National Planning Framework - Project Ireland 2040.

National Strategic Outcome 1 (Compact Growth) - the focus is on pursuing a compact growth policy at national, regional and local level. Delivery of a greater proportion of residential development within existing built up area of cities, towns and villages is envisaged. This will involve facilitating infill development and enabling greater densities to be achieved, whilst achieving high quality and design standards.

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

This document states the need for a sustained increase in housing output and apartment type developments in particular to meet demand. It places emphasis on ensuring that apartment living is increasingly attractive and a desirable option for a range of household types and tenures. Design parameters for apartments include considerations relating to location, mix of units, internal space standards, dual aspect ratios, storage spaces, amenity spaces and parking.

Sustainable Residential Development in Urban Areas and Best Practice Urban Design Guidelines (May 2009).

This puts emphasis on delivery of quality residential development and promotes higher residential densities on residential zoned land in particular locations such as city and town centres, brownfield sites and high quality public transport corridors. The vision is subject to the provision of a good quality living environment for future occupants and the protection of the amenities of adjoining property.

Building Height Guidelines for Planning Authorities (December 2018)

Meeting the scale of the challenge set in the NPF involving greatly increased residential development in urban areas requires a new approach. Assessments should take into account the development management criteria in section 3.2. Where these criteria are met and the planning authority is in agreement then the planning authority may approve development notwithstanding specific development plan objectives.

A sensitive approach to sites in historic environments is advocated involving assessment of proposals through urban design statements and taking into account the Architectural Protection Guidelines, which remain in force.

Architectural Heritage Protection Guidelines for Planning Authorities (DEHLG 2004)

These refer to development within the curtilage of a protected structure in Chapter 13. Protection extends to the curtilage of a protected structure. Section 13.7.2 sets out questions to consider including what effect the scale, height, massing and alignment of a proposed construction would have on the protected structure and whether the protected structure would remain the focus of its setting.

Sustainable Residential Development in Urban Areas and Best Practice Urban Design Guidelines (May 2009).

This focuses on the delivery of quality residential development. It promotes higher residential densities on residential zoned land in particular locations such as city and town centres, brownfield sites, public transport corridors, inner suburban/infill sites etc, subject to good design, the provision of a good quality living environment for future occupants and the protection of the amenities of adjoining property.

Dublin City Council Development Plan 2016-2022.

The site is zoned Z1 - Sustainable Residential Neighbourhoods the objective of which is 'to protect, provide for and improve residential amenity'.

Residential quality standards for apartments are in Section 16.10.1 and 16.10.3.

Greenmount at no. 124 is a protected structure. Policies in relation to protected structures are set out in Section 11.1.5.1. The overarching objective is to seek to protect the structures of special interest included in the development plan.

Section 16.10.17. The planning authority will actively seek the retention and re-use of buildings of historic, architectural, cultural, artistic and / or local interest or buildings which make a positive contribution to the character and identity of streetscapes and the sustainable development of the city. Where the principle of demolition is accepted a detailed inventory of the building shall be required for record purposes.

Policy CHC2 sets out criteria to ensure that the special interest of protected structures is protect and to conserve and enhance protected structures and their curtilage. These criteria include

- (d) not cause harm to the curtilage; therefore the design, form, scale, proportions, siting and materials of new development should relate to and compliment the special character of the protected structure.

Section 16.7 refers to building heights in general and under Fig 39 the site is in an area described as 'low rise – rest of city'. The height limit would be 16m under section 16.7.2.

Section 16.10.10 refers to infill sites and that infill housing should have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials and have a safe means of access to and egress from the site.

There are many objectives relating to housing in Chapter 5. QH22 is to ensure that new housing development close to existing houses has regard to the character and scale of existing houses unless there are strong design reasons for doing otherwise.

Various policy support is given for increased densities including for sites close to high quality public transport. SE13 is one such policy.

The site is in parking Zone 2 where a maximum of 1 space per unit applies.

The site is in a zone of archaeological constraint for recorded monument (a holy well site).

5.2. Natural Heritage Designations

None.

5.3. EIA Screening

Having regard to the nature and scale of the proposed development involving demolition of a single dwellinghouse and other small structures within the confines of a suburban site and to the nature of the receiving environment 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 Appeals

6.1.1. Third party appeals

The submission points of the 5 no. third party appeals are summarised below. These are considered as a group in order to avoid undue repetition.

Failure to comply with development plan policies including those relating to:

- attractive active functional and publicly accessible streets and spaces
- design to respond to established pattern, form, design and scale and to integrate with surroundings.

Scale and massing and building line:

- the site is curtailed by the need to adhere to the existing building line at Howth Road, resulting in an overconcentration of development next to existing properties in Ashbrook

- the relocation of blocks under the further information is minimal.

Overlooking, overbearing and loss of privacy:

- Block A is particularly injurious to number 72 Ashbrook a dormer unit with all habitable rooms facing the proposed development and with a narrow area of private open space and the development will be overbearing.
- Block A almost encloses the private open space of the existing property and is unacceptable and should be replaced by a four sided building.
- The proposed blocks when viewed next to the existing two-storey and dormer properties are out of scale.
- There are inaccuracies in the drawings.

Design

- The façades along the long boundaries are monolithic, uncompromising and unappealing and completely unsympathetic and architecturally unaccomplished.
- The existing development employs a variety of forms and architectural motifs which serve to provide visual interest and reduce massing and to create a visually rich environment with a very limited material palette.
- The applicant should consider redesigning the entrances for improved threshold experience, introduction of further materials, architectural motifs and reduced extensive break to address the monolithic east and west elevations and change of material at penthouse levels and setbacks to reinforce the two-storey brick plinth element.

Roads, traffic and parking.

- 26 car parking spaces for 44 private residential apartments is not realistic.
- Presently there is a level of unauthorised parking in the estate. The revised proposals would exacerbate an already chronic problem.
- We must draw attention to the constant car parking issues, which include parking on the corners, preventing access for emergency vehicles.

- Existing road does not comply with DMURS and needs to be modified to provide safe sightlines for drivers and pedestrians. Proposed cul de sacs do not comply with DMURS.
- The extra cars on streets where children play will be disastrous. Pedestrian movement in this area is presently unsatisfactory. These issues make any further traffic in the estate unsustainable.
- Parking in front of the existing apartment buildings on the access roads should cease.
- Spaces numbers 25 and 26 are already in use.
- The proposed car parking spaces 1 – 6 will create a bottleneck.
- Where there is provision below the maximum it is necessary under the development plan to avoid negative impacts on the amenities of surrounding property. The proposed development will exacerbate the situation.
- We query the comments that there is a surplus amount of space in the basement car park. There is a surcharge placed on the use of the basement.

Detailed design:

- Queries are presented relating to provide waste storage facilities, bicycle storage and an existing pedestrian/cycle gate.
- There is no need for pedestrian access through 72 Ashbrook as there is sufficient permeability within the development onto Howth Road. The curfew would be unmanageable and the gate should be removed.
- Measures to protect trees along boundary lines as required in the development plan need to be described and the trees assessed in terms of their value as set out in the development plan. The established hedgerow at the end of the cul-de-sac has been well maintained, creates a softening effect to The Haven wall and should be retained.
- Regarding condition 4a we request that the Board retain this condition. The developments which are cited by the applicant are four different sites in vastly different context.

Miscellaneous items:

- Objection to the likely tenure which may include short-term letting.
- It is queried how it is intended to comply with condition 18 given the complications in establishing independent management companies for private and public tenants.
- Ashbrook Management Co Ltd is the registered owner of the common areas and has not consented to the vehicular access through Ashbrook.

6.1.2. First Party appeal

The main points of the first party appeal are:

- The background information presented relates to precedent cases and to the planning history at 124 Howth Road which is a protected structure. The OS map and images are evidence that the precedents noted are a natural fit in what is a substantially infill area of increasing density.
- The Haven lacks particular architectural merit.
- The development has been sensitively designed in order to respect and maintain existing setting and character while achieving an appropriate density and is of a scale that is appropriate. The retention of the area of open space to the front of the site ensures the building line at Howth Road is maintained.
- Block 3 includes a setback floor in order to integrate successfully with the adjoining block to the east of the site and helps to create a strong urban edge.
- Blocks 1 and 2 are three storey in height and of more contemporary design reflecting their position within the site and setting adjoining Ashbrook.
- The applicant (developer) retained 104 units within the application blue line and these are managed as a PRS since construction.
- The appeal is against conditions 4(a), 4(b) and 4(d).
- Conditions 4(a) and 4(b) are interlinked and have a detrimental impact on the overall design for the site. The issue of demolition was justified in the response to the further information response.

- To seek to retain the existing house significantly affects the achievable density, in conflict with local and national planning policy.
- The design team did look to incorporate the existing dwelling into the overall scheme but this was not feasible given the size and layout of the house and the site itself. Following engagement of a conservation architect it was considered that it would not be detrimental from a conservation perspective to demolish the building. Complies with section 16.10.17.
- Recent permissions granted include 174 Howth Road where the Board permitted demolition of a similar Edwardian style house (ABP 301535).
- The maintenance of the building line along Howth Road was raised at the preplanning stage of the application and the front block was set back further in line with the neighbouring apartment block. It will be 33 m from the site boundary at Howth Road. The result is that the site is already restricted.
- The proposed development represents a density of approximately 119 units per hectare and if the existing house is retained there would be a net density of just 73 units per hectare.
- The house is heavily screened from public view and not readily visible.
- Regarding condition 4 the concern that apartment 09 of the northern block could be overbearing to neighbouring house number 72 is strongly refuted. Windows are high level and balconies will be fitted with obscure glazing. The elevational treatment is broken up in terms of pallet of materials and finishes. To omit the living/kitchen/dining area of this apartment would materially affect the architectural quality of the block which is relatively narrow in width. As the bedroom area is to be retained and incorporated into another apartment there would still be three storey element to the block as it addresses number 72.
- Section 6 outlines the planning context for the development including national, regional and local plans policies and guidance. There is a requirement under the development plan for minimum net densities of 50 dwellings per acre. SE13 seeks sustainable developments. The density exceeds the required minimum densities of 50 units per hectares for sites within public transport corridors. It thus accords with the current guidelines.

- There is discussion on development management standards.

6.2. Responses

6.2.1. Applicant's response

The first party response to 3rd party appeals was received by the Board on the 5th of February 2020. It contained a drawing showing the contiguous north elevation and for this reason was circulated to the parties. The significant points in the applicant's submission are summarised below:

- A description of the site, context and the merits of the scheme is provided.
- The development is in line with emerging trends in the area.
- Regarding the impact on 72 Ashbrook it is reiterated that there would be no direct overlooking. The separation distance between the apartment block and the front of the appellant's roof gable would be at least 6 m. The apartment block is east/south-east of no. 72 and would not give rise to undue overshadowing or loss of daylight as was confirmed in the ARC report.
- Traffic considerations in the third party appeals are unsubstantiated.
- There is no retail or enterprise elements and there is an error in condition 6C.
- The minimum net density of 50 dwellings per hectare is relevant in terms of the development plan and the proposal has a density of 119 units per hectare.
- The site is in an area where a reduction in parking standards could be facilitated under section 28 guidance. The proposed 23 parking spaces is consistent with national guidelines.
- If the existing house is to be retained this would reduce the plot ratio to 0.59 and the site coverage to 21% which would be far below the ranges set out in the development plan. These specify a plot ratio of 0.5 – 2.0 and a site coverage of 45% – 60%.

6.2.2. Third Party Responses

The responses to the first party appeal and first party response to appeals are presented below.

Ian and Orla Pilkington:

- The west elevation of Block 1 will significantly overbear no. 72 and the line of that house should be shown on site section EE.
- If one floor of the development was omitted to provide a more appropriate density based on suburban conditions the density in terms of units per hectare would be 81.6.
- The applicant's claims that the development will seamlessly integrate into Ashbrook are strongly refuted in view of the height, footprint, character, proximity and roof finish. The proposal is not appropriate and is contrary to building heights guidelines and the development plan.
- Conditions 4(a), 4(b) and 4(e) should be retained.
- Condition 4(e) is necessary. Indeed the overall plan should be reconsidered.
- The Board should review the massing, materiality, architectural design prior to determining the application.

Ms Bergin:

- At minimum removal of the front block and retention of the existing house is required.
- Proposal is inconsistent with the policies and objectives of the development plan. The planning authority considered that The Haven assisted in determining the character and pattern of development in the area. The condition highlights the piecemeal nature of the development and mismatch between existing and proposed developments.
- No objection to a well-designed unobtrusive development.

Edward and Frances Kelly:

- The amended plan submitted at further information stage show the relevant measurement to no. 72 is 3165mm, while in the initial drawings it was further away at 3605mm – the planning authority effectively invited the applicant to move the blocks 0.44 m closer to the north eastern boundary.

- Paragraph 2.3 of the daylight and shadow analysis illustrates how our sunlight will be reduced during the day and shows the massive adverse impact on the use and enjoyment of our garden and property.
- The daylight and shadow analysis report pre-dates the amendment to Block 1. The impact on daylight and shadowing of property can only be greater than the figures in the report of ARC, which is referenced in the planner's report and relied upon in the making of the decision to grant permission.
- Will result in removal of 70% of morning sunlight from our garden and due to the 3.2 m separation it cannot be stated that the development has been sensitively designed in order to respect and maintain the existing character.
- By requiring that the front of the site be walled off the site is split into two sites and approval give for development of 26 apartments in a reduced area at a density of about 150 units per hectare on that half of the site.
- In terms of the precedents none involve construction of apartment blocks so close to an existing semi-detached neighbouring house.
- A development at this site should strikes a balance between the conflicting rights of all parties and a more even spread of housing densities throughout the site. Permission should be refused.

Yvonne Reid:

- The photograph on page 18 figures 12 from Howth Road is outdated. The house is now even more visible since removal of shrubbery.
- Photographs are inaccurately marked.
- The reference to an increasing number of car parking spaces is incorrect as the introduction of a play area is at the loss of 2 no. spaces.
- The height of the blocks dwarfs all houses. The design does not integrate.
- The perspective in figure 9 is misleading.
- Regarding vehicle access by way of Ashbrook, the road is inadequate.
- There is no basis for the assertion on page 13 that retention of the Haven has a detrimental impact on overall design. The house should be retained.

6.3. **Planning Authority Response**

The planning authority acknowledged the appeal. No detailed comments.

6.4. **Observation**

The observation of Martin and Lorraine Williams raises issues relating to tenure, overlooking and loss of privacy, introduction of a pedestrian access adjacent to 72 Ashbrook. There is insufficient legal consent in relation to vehicular access. Future residents will not rent basement parking and therefore the proposed development will exacerbate existing parking problems. The residential travel plan is unrealistic.

7.0 **Assessment**

I consider that the main issues in this appeal fall under the following headings:

- Architectural Heritage - the principle of demolition.
- Height, Scale and Detailed Design - impacts on the Howth Road, Ashbrook and Greenmount in terms of visual / streetscape and the impact on residential amenities.
- Open space, Landscaping and Trees.
- Parking, Roads and Traffic.
- Drainage and Flood Risk.
- Other issues.
- Appropriate Assessment.

7.1. **Architectural Heritage**

- 7.1.1. Condition 4(a), which requires the retention of the house is supported by third parties and for some of the appellants it is of considerable importance. The issue of demolition was flagged from the pre-planning stages as being of importance and requiring justification.
- 7.1.2. Regarding the justification for the demolition of The Haven the applicant cites the assessment of Bill Hastings a grade 1 conservation architect presented in the ARC

report. The assessment is that the house has limited architectural heritage value. The assessor noted that the change in fenestration of the house from the original sash windows and recessed front door which it is considered has done much to undermine the character of the original house.

- 7.1.3. In addition to its limited inherent architectural value the first party case for demolition includes consideration of matters relevant to its re-use. The applicant's justification references the very poor BER energy rating of the building. The intervention required would mean that the original fabric of the building would be significantly eroded. Furthermore the house is described as not being designed for modern family living given its internal layout and configuration or for incorporation into a larger apartment block or subdivision into apartments. The construction of a new modern apartment building is described by the applicant as a far more efficient use of land and there are many precedents in the area. There is no reasonable possibility of retaining the existing dwelling and integrating it with a revised apartment layout scheme.
- 7.1.4. The subject building is not a protected structure or located in a designated Architectural Conservation Area. The National Inventory of Architectural Heritage would provide a rating of this house in terms of it being of national, regional or local importance. However, the mapping on the website does not extend to this part of the city and there is no available information on the rating which might be attributed.
- 7.1.5. Regarding the demolition of 'The Haven' the relevant development plan policy is set out in section 16.10.17 as follows.

The re-use of older buildings of significance is a central element in the conservation of the built heritage of the city and important to the achievement of sustainability. In assessing applications to demolish older buildings which are not protected, the planning authority will actively seek the retention and re-use of buildings/ structures of historic, architectural, cultural, artistic and/or local interest or buildings which make a positive contribution to the character and identity of streetscapes and the sustainable development of the city.

Where the planning authority accepts the principle of demolition a detailed written and photographic inventory of the building shall be required for record purposes. (My emphasis).

- 7.1.6. No information provided suggests that the house is of historic, cultural, artistic or local interest. Regarding the 'sustainable development of the city' I will comment on this issue in relation to the achievement of an energy efficient development as well as density of development. Therefore, based on the submission on file I consider that any case for retaining the building in the context of section 16.10.17 must be assessed in terms of:
- architectural interest
 - contribution to the character and identity of the streetscape
 - energy efficiency and density.
- 7.1.7. Regarding the **architectural interest** of the house, I consider that the planning authority reports overstate the intact nature of the floorplan. The conservatory at the side is likely to be original. There have been significant modifications to the rear including the conservatory attached to a living room and the bay feature attached to the kitchen. These are of good quality factory specification and would be relatively recent additions. Due to their position they do not interfere with the prime living rooms to the front or the central staircase. Nevertheless, I do not share the opinion expressed by the planning authority that they add to the architectural interest of the house.
- 7.1.8. I agree with the planning authority that the decorative fixtures and fittings including the staircase and joinery, plasterwork, fireplaces (at first floor at least), ironmongery, stained glass windows and the casement windows are largely intact.
- 7.1.9. The report of ARC Consultants states the sash windows to the rear are the original while the casements would be replacements. On inspection of the interior I noted that the two sliding sash windows which light a first-floor bathroom have timber surrounds which appear not to match. Having regard to the Edwardian era of the building I concur with the planning authority that the casement windows are original.
- 7.1.10. Regarding the architectural interest of the main house as discussed above I consider that it is reasonable to conclude that while The Haven is a fairly well-preserved Edwardian house it would not be described as of particular architectural interest. The subject Edwardian building might warrant retention for reason of the scarcity of buildings of this quality and in this condition but in such case it would be likely to be a

protected structure. In the event that the interiors were associated with particular crafts people of note or were otherwise unique or particularly rare that might also add to arguments to retain the building. No arguments of this nature are presented in the planning authority reports. In my opinion the nature of the fittings and the intrinsic architectural quality of the building would not be particularly uncommon or unique. There are many buildings of this era and character in suburban Dublin. I do not see that a case has been made to distinguish The Haven in terms of its architectural interest.

- 7.1.11. In relation to the contribution to the **character and identity of streetscapes** the conservation officer refers to the building being set in a mature garden of high perimeter hedges and semi mature trees and that it contributes to the mature/established streetscape in this location. The planner describes the house as making an obvious contribution to the streetscape. The applicant's case is that the building is not highly visible. The third parties state it is clearly visible from Howth Road, particularly since trees within the site were removed.
- 7.1.12. The subject building is well set back from Howth Road. I consider that when viewed from the public realm The Haven does not read as a building of particular significance in the context of the wealth of the building stock in the city. The streetscape contribution in my opinion is primarily related to the sylvan character formed by boundary planting at the site and by the presence of trees, which are largely outside of the site and in the grounds of Greenmount the protected structure. There are very short glimpsed views from Howth Road into the site. My photographs depict the main view to the house, which is access to feature boundary wall defining the entrance to Ashbrook. The house would have more of a presence in the winter when the trees are bare. Nevertheless, I am entirely unconvinced that the streetscape presence of this building and the associated gardens would warrant its retention under the development plan policy. I do not consider that further assessment of this matter is required as has been suggested by an appellant.
- 7.1.13. Regarding the streetscape at this point of Howth Road I note also that it is largely composed of modern buildings (Ashbrook and the Norabrook scheme) with the exception of no. 126 on site and no. 124 a protected structure to the west. Norabrook was constructed in the last 15 years and the permission allowed for

demolition of the house at 119 Howth Road, which the record shows was a detached Victoria three bay 2 storey redbrick hipped roof non-listed building.

- 7.1.14. In relation to the contribution of The Haven to the character and identity of the streetscape, my conclusion is that any such contribution is insignificant.
- 7.1.15. Regarding the matter of **energy efficiency** I agree with the applicant that internal insulation would be likely to adversely impact on the internal architectural fittings. I consider that guidance and experience in the upgrading of heritage buildings has advanced. However, the upgrading of the house to a high BER at this building while maintaining its architectural interest would be relatively challenging and costly and I would question whether such effort is warranted.
- 7.1.16. I agree with the planning authority that there would be no objection in principle to the construction of further extensions to the house.
- 7.1.17. The applicant states that policies and objectives within section 16.10.17 must be balanced against other policies and that it cannot be considered unreasonable to demolish this house to facilitate a larger residential development that will fully utilise zoned and serviced site in the metropolitan area. I concur with the applicant that there are arguments related to density of development which would support a comprehensive approach to redevelopment of this site.
- 7.1.18. I conclude that in the context of achieving **suitable energy efficiency and increased density** demolition of this house of limited architectural and / or streetscape value is acceptable in principle.
- 7.1.19. In the circumstances of this case I consider that the house on site does not command sufficient inherent architectural interest or streetscape value to warrant its retention and that the sustainable approach to development of this site could include its demolition.
- 7.1.20. The other two buildings (a lodge at the rear and a garage) which are to be demolished do not appear on the 1907 map reproduced in the ARC Consultants report. I have no objection to their demolition.
- 7.1.21. I conclude that the demolition of the buildings on site is acceptable in principle.

7.2. Height, scale and detailed design

This section of this report addresses:

- Height in relation to policy provisions.
- Height, scale and detailed design in relation to the Howth Road frontage and Greenmount.
- Height, scale and detailed design in relation to residential development at Ashbrook.

7.2.1. Regarding **compliance with policy** including the Building Height Guidelines and the development plan policies I note that under Policy SC16 of the development plan a 16m maximum height is allowable in general in the outer city. Third parties refer to the requirement of the Building Height Guidelines that the developer demonstrate compliance with the development plan. I consider that no particular assessment is required in the context where the height of the development is within the specified limits under the development plan. I conclude that the height of the development is acceptable in principle.

7.2.2. Regarding the **streetscape at Howth Road** neither The Haven nor Greenmount make a significant contribution to the streetscape. The building line of The Haven is substantially forward of the older house Greenmount, a protected structure. I have referred to the screening of the house on site by trees at Greenmount. In theory the site may be described as an infill site. However, if the trees in the grounds of Greenmount were removed the existing house and in particular the western façade would be very prominent. Even with the trees in place when viewed directly across the garden and from within the grounds of Greenmount any proposals for development in close proximity to the shared boundary could significantly impact the character of the protected structure. The view from the entrance road to Ashbrook is relevant in this context. In my opinion it is critical in the interest of the streetscape and the protection of the architectural heritage of the area that any new building should be successfully integrated into the streetscape and should read well when viewed from Greenmount.

7.2.3. The applicant contends that the successful integration of the proposed development is achieved. The proposed development is considered by the conservation architect

of DCC by reason of its height and footprint to have a negative impact on the setting of Greenmount and retention of The Haven as part of a more considered development was recommended. The proposed Block 3 generally respects the existing front building line. I do not have any reservations about the scheme proposed in this regard.

- 7.2.4. The proposed development would be materially different in terms of its height and scale to the house Greenmount in particular. Notwithstanding the recessed building line I consider that Block 3 would also be relatively prominent in the context of the built form in the area and the streetscape. In this respect I consider that the fenestration and overtly contemporary design of the building represents a significant departure from the established architectural character of the area, which leans towards the suburban vernacular. In itself however a departure from established pattern would not necessarily be an unacceptable design approach. In this case however I have concerns relating primarily to the height and width of the proposed block as further considered below.
- 7.2.5. The Haven is set back from the public road by about 25m and the separation between the western façade of Block C and the closet point of Greenmount is 17m. No significant discord arises as a result of the different building lines as both houses were constructed to be set in spacious gardens, including to the side of the houses. In addition, the scale of the buildings is comparable and is reduced by their two-storey height and associated pitched roof.
- 7.2.6. The proposed development displays a different character. Block 3 would be a 22m long three-storey plus penthouse block positioned 2m from the boundary with Greenmount. The western façade is functional in character and the massing of the block is dominant. Having regard to the relative positions of Greenmount and the height, mass and detailed design of proposed Block 3 I consider that the development would detract from the setting of the protected structure. The protected structure would largely be viewed in the context of a long utilitarian façade situated close to the shared boundary, which in my opinion would constitute a significant infringement on the setting of the protected structure. The applicant's submissions include a photomontage across the front garden of Greenmount. I consider that this image represents the proposed Block 3 at its most dominant and unappealing.

While I disagree with the third parties and the planning authority in relation to the principle of demolition, I share their concerns relating to the replacement building.

7.2.7. To conclude, for reason of the following design features I consider that the proposed Block 3 fails in the objective of integration and is unacceptable to a degree which warrants a refusal of permission:

- Block 3 extends the full width of the site. Combined with its four-storey height Block 3 would have a significantly greater volume than the buildings in the vicinity and would constitute a dominant feature.
- The monolithic form and position of the block at the western side where the 22m long three-storey plus penthouse positioned 2m from the boundary with Greenmount, a protected structure.
- The design of the western façade which will be a dominant feature immediately adjacent the curtilage of Greenmount and which is of functional style and fails to provide visual interest or high-quality architectural treatment.

7.2.8. The applicant has submitted a range of precedent developments which show a number of three-storey plus penthouse apartment schemes including some in the context of protected structures. I do not consider that any of these are relevant, other than to the extent that they demonstrate that contemporary designs can be successfully married with more vernacular characters and positioned in the setting of protected structures. The issue is that in this case the architectural response of the approach to Block 3 does not achieve the desired outcome.

7.2.9. In relation to matters of concern relating to **height, scale and detailed design and the impact on Ashbrook** I concur with the approach of the planning authority, which was focused on Block 1. I agree that any matters relating to Block 2 would not be significant and could be addressed by condition. The issues arising can be addressed in terms of sunlight and daylight and secondly to visual amenity.

7.2.10. The submitted **sunlight and daylight** report concludes that there would be no undue impacts in terms of the technical assessment under BRE guidance, which is the adopted policy and accepted best practice for assessment. While the relevant ARC was undertaken prior to the repositioning of the block and should be updated prior to any grant of permission, I also note its conclusions in all of the zones identified which

is that the assessment for both sunlight and daylight is that the BRE standards will be achieved. In the case of no. 72 Ashbrook for instance, which is one of the houses most proximate to the proposed development, the predicted impact in terms of daylight access is a decrease to 0.85 times the former value.

- 7.2.11. Regarding the impact on sunlight penetration to the small gardens of Ashbrook, I note that some of the assessed properties are relatively close to the BRE limits. Table 2.2 shows that while the proposed development will result in moderate overshadowing (or less) in the assessed gardens the requirement that at least half the garden achieve two hours sunlight on March 21st is met. The appellant's house at no. 169 is one such case in point.
- 7.2.12. I note that the assessment undertaken addressed a range of sample circumstances and scenarios and I consider that the document is detailed and that its conclusions in relation to compliance with the BRE guidance can be adopted by the Board. The assessment provided quantifies the impact and describes the impacts for the closest properties. Having regard to the contents and conclusions of submitted report I conclude that the development is acceptable in terms of impacts related to sunlight and daylight.
- 7.2.13. I now address the **visual impact** of the development as viewed from residential properties. This proposed three storey Block 1 (of overall height of 9.95m) would be situated at the end of a residential cul de sac and close to no. 72 Ashbrook. It is represented in photomontages submitted in response to the further information request. The proposed block is also shown in site section A-A in which it is viewed in the context of the 14m high apartment building to the north.
- 7.2.14. Regarding the view along the residential cul de sac (View 4) Block 1 would be highly visible and would terminate the cul de sac and impinge on the sense of openness and views to distant trees and the sky. While the block is of relatively significant scale and different character, I consider that when viewed from the cul de sac it would read as a simple residential building and would not adversely affect the character of the residential street or its amenities. In this regard I note that here is some available open space at the southern end of Block 1 and proposals are incorporated for planting trees which would be visible from the existing cul de sac.

- 7.2.15. In terms of the contribution of the new building to the streetscape at the northern end of the site (view 5), I am of the opinion that Block 1 is of significant height and mass relative to the immediately adjacent row of houses to the west. However, this is an area of mixed building forms and heights. I consider that Block 1 is of acceptable design in the context of the terrace to the east (nos. 169-174) and the apartment building and that it would also comprise an acceptable intervention in the context of the terrace to the west. In this regard the fact that it is on a corner site is a consideration.
- 7.2.16. The impact on the residential amenities associated with no. 72 warrants careful attention. Condition 4(e) of the decision of the planning authority requires amendment to the design of Block 1 to reduce its impact through omission of part of the building at second floor level. The condition is part of the first party appeal.
- 7.2.17. The house at no. 72 is of modest height at 6.7m roof ridge height and the windows to habitable rooms are primarily in the eastern façade facing towards the subject Block 1. The first-floor windows on the eastern façade comprise two velux (one of which is possibly associated with a bathroom) and a standard window to the rear of the house. At ground floor level there are a series of large fully glazed opes all facing to the east and within 2m - 5m of the boundary wall, which I estimate is 1.8m high. There are likely to be some limited views from these windows over the site and to the proposed development.
- 7.2.18. The imposing nature of the development as viewed from the front (south façade) would not be visible at all from the front door, which is recessed and any views from the bay window to the front would be very limited due to the boundary wall and angle of view and would only be visible from a standing position. The windows to the east of the house would be subject to most significant visual change but the outlook from the ground floor windows would be limited to glimpses over the boundary wall. An appellant (Iain Pilkington who resides at no. 169) in a response submission received on 18 February has suggested further modifications involving a reduced building footprint and provided an indicative floorplan involving squaring off the block. That approach does seem to me to minimise the impact on residential amenities by providing further open space and reduced bulk of building and in my opinion would be more successful than the recommended condition 4(a). The response document has not however been put to the applicant for comment, which would be appropriate.

7.2.19. In relation to the height, scale and detailed design of Blocks 1 and 2 and their impact on residential properties in the area I agree broadly with the conclusion of the planning authority that the development is acceptable subject to some amendment of Block 1, in relation to which I consider that condition 4(e) does not provide sufficient response. At minimum condition 4(e) should be retained.

7.3. Open space, landscaping and tree protection

- 7.3.1. The proposals are presented in the Landscape Design Statement which incorporates specifications and management proposals. Contrary to some descriptions of the existing site conditions there are few trees in the grounds of the Haven as the majority are within the grounds of Greenmount and close to the shared boundary, During my site inspection, I found very little evidence of tree removal. Within the site the front boundary hedgerow of privet provides screening from the public road and its main value would be to the residents in terms of privacy.
- 7.3.2. I consider that the main issue relating to tree protection relates to the trees at Greenmount, the root zone of which is within The Haven. The protection of these trees can be addressed by condition. I consider that standard construction methods can be relied upon to be successful.
- 7.3.3. The open space provision for the proposed development involves a large space at the Howth Road and an enclosed designated play area. While the amount of open space is below the development plan standards, I consider that the position, shape and general quality of the spaces to be provided is good. The provision of access to the play space from the residential cul de sac to the west is appropriate. Boundary treatments are appropriately considered by the planning authority in condition 4, which requirements should be re-iterated in the event of a grant of permission.
- 7.3.4. Regarding the deficiency of on-site public open space, the applicant confirmed willingness to accept a development contribution in lieu. A standard landscaping plan condition would be appropriate to ensure that high quality hard surfaces and appropriate planting are incorporated and to provide for agreement on relatively minor matters such as privacy screening for residential terraces and positioning and screening of bicycle and bin storage. It would also provide an opportunity to address some of the detailed concerns set out in the appeals.

7.3.5. In conclusion I consider that the proposal is acceptable in terms of proposals for open space and landscaping.

7.4. **Parking, roads and traffic**

7.4.1. **Car parking** appears to be a problematic issue in Ashbrook and the residents AGM last year decided to introduce parking permits for residents and visitors. The concern that the proposed development would exacerbate the situation is a common theme. In support of the level of parking proposed the applicant has reviewed CSO data for car ownership and commuting modes and notes that there is a low commuting car usage rate. Appellants note that major employers are not served by public transport and that there are other reasons for car ownership.

7.4.2. The Transportation Assessment Report presented by the applicant justifies the **proposed parking provision of 26 spaces for the 44 units** on the basis that the development plan standard of 1 space per dwelling is the maximum levels, that the Sustainable Urban Housing Guidelines set a default policy for the elimination or substantial reduction in parking in this location within 10 minutes of the DART and adjacent a high quality bus route. The submission is that for the existing 92 apartments all under control of the applicant there are 28 surface level car parking spaces and 72 spaces in the basement and that there is ample provision overall to cater for the proposed development. By way of the further information submitted a Residential Travel Plan and a Mobility Management Plan and letter of support from a car share company with two spaces reserved for a car club.

7.4.3. My inspection coincided with the Codiv-19 pandemic and the associated high levels of persons working from home, as well as the peak holiday season. As such the conditions I witnessed cannot be taken as wholly representative. However, it is supplementary information, which the Board may consider in conjunction with the applicant's submission. At the time of my inspection there were only 13 cars parked in the basement car park, which has a capacity of 72 spaces. The applicant's survey over a one week period found that the peak demand in the basement was for 20 spaces. Data has been provided for a full week in March 2019 and over a 24 hour period. This in my opinion is definitive information which supports the applicant's submission that there is ample capacity in the existing basement. Subject to agreement relating to the use of these spaces, which should be open to use by

existing and future apartment residents, the development is acceptable in terms of car parking provision. As the relevant lands are included within the application blue line there is considerable scope in terms of the attachment of conditions to regulate use of the basement car park.

- 7.4.4. The **Residential Travel Plan** is a further and key submission involving a Travel Plan Coordinator role for the scheme's Management Company to promote sustainable modes of travel. This would commence from first full occupation of the development. I consider that this measure would be viable and effective at this location in view of the availability of a wide range of travel options and the number of apartments involved.
- 7.4.5. The provision of **50 bicycle parking spaces** within the development is proposed at a rate which is in excess of the development plan requirement of 1 space per residential unit. The spaces are well distributed through the site and are sheltered.
- 7.4.6. I consider that the general provision for roads and **pedestrian routes** is acceptable. Pedestrian access is proposed from both the existing vehicular entrance at 126 Howth Road and through the existing Ashbrook pedestrian gate at Howth Road. The applicant has appropriate legal entitlement and the gates have been in situ for over 20 years. In addition the development would be accessible to pedestrians by the existing gates at the rear of the Ashbrook block 183-194. An additional gate was introduced in response to the further information request, to provide a route to the playground. That is to be closed in the evening and is subject of condition 4(d). I consider that condition 4(d) should be retained.
- 7.4.7. The **general layout of the road network** is stated not to be in accordance with DMURS. Regarding the suitability of the existing roads I consider that they appear to be acceptable in terms of serving the existing and future development. I note that the applicant has provided vehicle tracking drawings to demonstrate that large vehicles can be accommodated. The regulation of parking is not within the remit of the planning system. Regarding the introduction of new cul de sacs into the roads layout I consider that this is necessary in the circumstances of this case at this infill site.

7.4.8. Regarding the impact of the **additional traffic at the signalised junction** at Howth Road, which serves Ashbrook, I consider that it has been demonstrated that there is ample capacity in that junction.

7.4.9. To conclude therefore I consider that the proposed development is acceptable in terms of the provision of parking for cars and bicycles, that the scheme provides for pedestrians and is permeable and that the roads layout including the junction with the Howth Road are suitable to serve the development.

7.5. **Drainage and Flood risk.**

7.5.1. Third parties state that water and sewage facilities in the existing development are not adequate and require regular maintenance to avoid sewage intruding into one garden. The applicant indicates that there is sufficient capacity within the existing infrastructure at Ashbrook to meet the needs of the development. Foul drainage flows calculations undertaken are provided and flows will discharge to the Irish Water network in Ashbrook subject to approval. Water supply will be from the existing watermain adjacent the site. The Drainage Division supports the proposed development subject to conditions. I do not consider that any substantive concerns arise in relation to the provision of suitable infrastructure for foul waste and the provision of water supply and it appears to me that subject to further agreement, the information presented is sufficient for the Board to conclude that the site can be suitably served in terms of foul discharges and water supply.

7.5.2. The objectors have referred to the **occurrence of spot flooding** and surface water issues which affect a section of the Howth Road between the entrance to Ashbrook and 126 Howth Road at exactly the location of the proposed development. There is concern that this will be exacerbated by removal and concreting of such a large green area adjacent to the flooding and that this would greatly increase the risk to property and endanger road safety. The arrangements for **surface water collection and discharge** include SUDS, which will be incorporated throughout the scheme. Specifically, there will be attenuation storage with controlled discharge. The Drainage Division of DCC indicates that this is in accordance with the relevant requirements.

- 7.5.3. The matter of flood risk is addressed in the applicant's Drainage Report. This report sets out a floor risk assessment in accordance with the OPW Flood Risk Assessment Guidelines for Planning Authorities. The report notes that the nearest flood event was 450m from the site and that the site is in Flood Zone C.
- 7.5.4. Having regard to the information on the OPW Floodmaps website and the information presented referenced by the applicant I agree with the conclusion in the applicant's submission that the site is at low risk of flooding from groundwater, tidal and fluvial sources.
- 7.5.5. The pluvial flood risk identified in the general area is not specific to this site. The external site levels of the development have been set to fall away from building entrances. For these reasons it is concluded in the Drainage Report that the risk of pluvial flooding is sufficiently low to be acceptable.
- 7.5.6. The objectors' reference to localised flooding does not appear to be supported by the OPW records and has not been raised as an issue in the reports of the planning authority. I would anticipate that any flood issue of significance would be known to the relevant authorities.
- 7.5.7. Further, considering the proposals for surface water attenuation there will be no adverse effect from the removal of the green area and its replacement with the proposed development. I consider that it may be concluded that the risk of pluvial flooding is acceptable.
- 7.5.8. I note that the Drainage Report references other potential sources of flooding including from construction. I agree with the submission that these are capable of suitable management.
- 7.5.9. I consider that it may be concluded that the site is at low risk of flooding and that it will not give rise to flooding of adjacent lands.

7.6. Other issues

- 7.6.1. Regarding the **detail of the proposed apartments**, 43% of units are one-bed or studio. The size of units meets the Apartment Guidelines minimum standards. Dual aspect is achieved in 73% of units. There will be no more than five units per core. All units will have a 2.7m floor to ceiling height and to be provided with storage.

Regarding the durability of the scheme the building lifecycle report submitted refers. I consider that the development in terms of the criteria to achieve a quality living environment for future occupants complies with Sustainable Urban Housing Design Standards for New Apartments, 2018 and the development plan.

- 7.6.2. **Future tenure of the development** has been raised as an issue by appellants, who note that the existing apartments are rented including on a short -let basis. Short-term rental usage could be restricted by condition.
- 7.6.3. I note that the matter of **legal interest to undertake the development** was queried by the planning authority as part of the further information request and resolved to their satisfaction. I consider that the Board can be satisfied that there are no legal issues to be resolved in terms of this planning application.
- 7.6.4. **Part V requirements would apply** to this development and engagement has been ongoing. A standard condition to provide for agreement with the planning authority would be appropriate.
- 7.6.5. Regarding the potential for construction phase impacts on residential amenities and traffic safety I note the submission of a **Preliminary Construction Management Plan**. This is intended to be supplemented with an agreed Traffic Management Plan. For the duration of construction, the existing entrance to Howth Road will be utilised. Notwithstanding the potential consequences in terms of traffic congestion along this relatively busy road, I consider that the selected option is appropriate in the interest of the safety of residents of Ashbrook.
- 7.6.6. Construction will be in a single phase working from the north-west. The applicant indicates that the stated hours of construction commencing at 7.00 during weekdays and at 08.00 on Saturdays will be adhered to except in the case of exceptional circumstances and prior approval from the local authority will be obtained.
- 7.6.7. Measures to ensure that noise and vibration levels comply with any specific requirements of the local authority and with BS5228 are outlined. Dust emissions will be limited and monitored. Mobility management measures will be put in place and parking associated with the construction phase will be limited to the site.
- 7.6.8. Subject to further agreements with the planning authority, I consider that the development is acceptable in terms of construction phase impacts including traffic management.

I note the recommendation of the **City Archaeologist** that in view of the large scale of the development and the proximity to the zone of archaeological constraint for a recorded monument DU019 – 013 (Holywell site), which is listed on the RMP and is subject to statutory protection. A 'notify condition' is recommended to be attached. This condition is recommended if permission is granted.

7.7. **Appropriate Assessment**

- 7.7.1. The applicant's submission includes an Appropriate Assessment Screening Report. The Natura 2000 sites which are within 15km of the site and their qualifying interests are described in section 2.3 of that report. I consider that the information provided is accurate.
- 7.7.2. There are no Natura 2000 sites within the site of the proposed development, and none are in the immediate vicinity. The subject development would be situated at a 0.37 hectare site which has been in residential use for decades. The subject residential development is 850m from the nearest Natura 2000 sites. There is no connecting watercourse from the site of the proposed development and the Natura sites.
- 7.7.3. During the construction phase the proposed development would not give rise to high levels of sedimentation or polluting material which would be likely to enter any watercourse as there is no such watercourse and therefore no pathway to the European sites.
- 7.7.4. The contribution of the development to the wastewater treatment plant in the operation phase would be minimal in the scale of the city and would not lead to significant effects on any Natura site.
- 7.7.5. It may be concluded that the development in the construction and operation phase would not give rise to significant impacts on any Natura site. Any issues which have been raised in observations relate to species which are not qualifying interests of the relevant European sites.
- 7.7.6. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the likely emissions arising from the proposed development, the availability of public water and sewerage in the area, and distance to the nearest European sites, I am satisfied that 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 be refused for the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to the size and configuration of this restricted site, the recessed building line at Greenmount a protected structure and the architectural character of the buildings in the vicinity, it is considered that the proposed four-storey development by reason of its height, design of the western façade and its position close to the western boundary would constitute an incongruous and visually obtrusive form of development, which would be out of character with the existing pattern of development in the area, would seriously injure the visual amenities of the area and the setting of Greenmount as viewed from Howth Road and from the entrance to Ashbrook. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Mairead Kenny
Senior Planning Inspector

17 August 2020