



Development

PROTECTED STRUCTURE:

Conversion, renovation, and alteration of 'Stone Villa' (a Protected Structure) to accommodate 32 apartments

Location

297 North Circular Road,
Phibsborough, Dublin 7. This site includes a house known as Stone Villa

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

4515/19

Applicant(s)

Lilacstone Ltd.

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party

Appellant

Lilacstone Ltd.

Observer(s)

TII

Cherrymount Park, NCR, and St
Peters Ave Residents.

Cabra Road Residents Association

St. Peter's Ave. Environmental Group

P. Burke and D. Higgins

J. and C. Doyle

R. Scaife and G. Lardner

C.Nevin

P. Magee

M. Fichtner and N. Stynes

G. and E. Fitzgerald

Shadowmill Ltd

P. Quinn

Cllr. Joe Costello

Cllr. Sherlock

Date of Site Inspection

17th September 2020

Inspector

Suzanne Kehely

DECISION QUASHED

1. Site Location and Description

- 1.1. The site of .27 hectares relates to a large, detached house on the north side of North Circular Road in close proximity to Phibsborough Village.
- 1.2. The site extends deeply from the road and is irregular in shape with almost a c.27m frontage. It widens to almost 40m before narrowing to around 17m at the northern end. It is flanked on the western side by a pair of Edwardian houses fronting the North Circular Road. The eastern side of a lollipop shaped cul-de-sac development (Cherrymount Park) backs onto the remaining western boundary with the houses at various distances and angles. To the east, the site is adjoined by a car sales forecourt, sales room and motor repair shed. Two-storey over basement and two-storey terraced housing that fronts Cabra Road and St. Peter's Avenue also back onto the site to the north end of the site. A laneway separating the site appears to have been partly amalgamated into adjoining properties.
- 1.3. The site is presently in a dilapidated state in so far as the house and boundaries are boarded up and not readily accessible and the grounds are extensively overgrown. 'Stone Villa' as the house is called, is, in its principal form a three-bay three-storey house of generous proportions relative to its context. It has a two storey return and ancillary extension with an overall floor area of around 260 sq.m. Its features include an asymmetrical entrance door, pointed arched openings, double pitched roof (the rear pitch is split with internal hips), an ashlar stone façade and plain rendered brick gables. Based on documentation, a later Edwardian porch entrance at ground/basement level has been removed. The windows are blocked up with concrete blocks.
- 1.4. The boundary wall includes three decorative chamfered stone capped pillars and a granite topped externally rendered random rubble stone wall. The original principal road entrance appears to be at the eastern end of the frontage as marked by the gate piers and smaller entrance (pedestrian) is at the western end. The original wrought iron gates (3 in total) are stored inside the house as noted during my site inspection. A detailed description of the house and its interior is included in the building conservation report submitted with the application. A newspaper report at date of its sale after continuous family ownership since its construction in around

1847 is informative and is appended to the observation from a resident of St. Peter's Avenue. The planning authority reports also include a description.

- 1.5. There are mature trees on the site which are quite visible from the surrounding roads. Presently there are views from Cherrymount Park to the west through the site to the spire of St. Peter's Church. The boundary walls and structures form an uneven boundary line with the subject property and parts of the boundary have been recently constructed. Garden fences/walls presently enclose some trees that appear to be shown within or along the subject site boundaries.
- 1.6. The site is close to an array of services and is a 5-10-minute walk from Phibsborough village, the Mater Hospital, Mountjoy Prison, Grangerstown campus, Broadstone Bus Depot
- 1.7. North Circular Road is a busy arterial route linking the city to outlying areas and also includes local services in the immediate vicinity of the site. It provides for multi-modal access to local destinations as well as connecting to the city network. There is a frequent bus service, cycle lanes and the Phibsborough Luas stop is immediately to the east. Car parking is restricted by the inclusion of double yellow lines along the road fronting the site. Disc Parking is provided along Cherrymount Park to the west and other surrounding roads.
- 1.8. In terms of residential character, there is a diversity of accommodation which includes student accommodation complexes (existing and approved), hostel/support accommodation, subdivided older Victorian housing stock and 19th and to mid-20th century lower density family houses.

2.0 Proposed Development

- 2.1. The proposed development for a total of 32 residential units involves the refurbishment of the house - Stone Villa and its conversion to three apartments and construction of two number four-storey apartment blocks in a contemporary style to provide 29 apartments.

The apartment Blocks are proposed to the rear of the existing house in a stepped linear format extending deep into the site. The design is contemporary with a recessed top floor. The total building area of 2529sq.m. provides for 32 units of varying sizes. Block A @ 1263 sq.m., Block B @ 1009 sq.m. and the house at 257

sq.m. The site coverage is proposed at 23% and plot ratio is .93 in the overall development. It is proposed to widen the entrance from 2.9m to 7.5m to provide an access road through the site.

Table: Summary

	Application	Revised Plans lodged in appeal
Total units	32	23
Block A	15	10
Block B	14	10
House division	3	3

New build:		
Studio	7	5
One bed	8	3
Two bed	17 (all dual or triple aspect)	15
Density	118.5/ha	85/ha
Plot ratio	1.1:1.0	
Site coverage	23%	No change
Roof Height Block A	12.75m	9.25m
Roof Height Block B	12.45m	9.375m
Private Open space	309 sq.m. (Block A and B terraces/balconies)	No change
Public and communal Open space	29% (788sq. open space) Note: DCC/DoE 2018 req. 187 sq.m. communal and 10% of site for public	365sq.m. public 450sq.m. communal
Car parking spaces	9 Note: Dev plan area 2 : max 1 space per unit	9
Bicycle parking	60	60

DECISION QUASHED

2.2. A detailed description and rationale for the principal and nature of the development is provided in the 86-page Planning Report (November 2019) submitted with the application. Other reports (all dated November 2019) include:

- A life cycle report
- AA Screening report
- Conservation Assessment (Building)
- Engineering Drainage Report
- Traffic/Travel Report: Outline residential travel plan and technical notes
- Bat Survey Report
- Arboriculture report and landscape planting plan. A tree removal plan is mapped and shows the removal of all mature trees except for those along the western boundary to the rear of the site and some along the western frontage.
- External Lighting Report
- Daylight/Sunlight Analysis Report
- Photomontages– this includes an aerial CGI which illustrates the south western profile of the proposed apartment blocks
- Urban Design and Architectural Statement and
- Schedules of development areas and amenities.

2.3. Revised plans: as part of the appeal revised proposal have been submitted which reduce the apartments block to three storeys.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the stated reason:

1. Having regard to the constricted nature of the application site and the layout of the proposed development in terms of height and location of the proposed blocks within close proximity to the boundaries of the site, it is considered that the proposed development would have an adverse impact on the residential amenity of occupants of properties on Cherrymount Park, Cabra Road and Saint Peters Avenue (Cabra Villas) by way of significant overshadowing and

excessive levels of overlooking. It is further considered having regard to the height and proximity to shared boundaries that the development will have an overbearing and obtrusive appearance for occupants of adjacent dwellings and has an adverse impact on the setting of the Protected Structure. The proposed development would therefore seriously injure the amenities of property in the vicinity, be contrary to the provisions of the City development Plan 2016-2022 and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. The report assesses the proposal by detailed reference to the Dublin City Development Plan and national guidelines in respect of housing strategy and standards, building conservation and transport.
- 3.2.2. While there is no objection to the principle of housing and the overall design which is considered is architecturally attractive, there are concerns regarding impact on amenities of surrounding residential development and to the impact on the curtilage of the protected house.
- 3.2.3. Notwithstanding the acceptability of high density at this well serviced site and height being within maximum height limits of 16m for the city location generally, the proposal is not considered to adequately respect and integrate with the surrounding character by reason of height and proximity to the boundaries with existing residential properties at Merrymount Park, Cabra Road and St. Peter's Avenue
- 3.2.4. The following key points are notably raised in the assessment:
- Conservation of Stone Villa: support of Conservation office is noted in its comment about bringing the Protected Structure back to residential use subject to best conservation practice. A Conservation report (2003) by the council is cited in respect of its good building condition at that time. It is considered to be of cultural and historical significance as it represents an 19th c. villa house type once common but now quite rare on the outskirts of the city which was regarded as the countryside until the beginning of the 20th century. The survival of the house maintains the link with the historic rural character of the location.
 - Impact on residential amenity with particular reference to
 - 287 and 289 North Circular Road,

- 5-13 Cherrymount Park ,
- 1-2 St. Peter's Avenue
- 24, 26 and 28 Cabra Road.
- Housing Mix: The ratio of units is considered to be in compliance with the SPPR 1 of Sustainable Urban Housing: Design Standards for New Apartments
- The daylight and sunlight analysis report findings are noted with particular regard to the below target value of Annual Probable Sunlight hours for nos. 9-11 Cherrymount Park and no.28 Cabra Road. Reduction is otherwise considered to be within an acceptable range for Cabra Road. One rear window would not be in compliance with target. It is concluded that the development would have a significant detrimental impact by way of overshadowing due to the height and proximity of Blocks A and B.
- Separation distances are noted at approximately :
 - 5.6m between Stone Villa and Block A ,
 - 6.1-8.5m between Block A and 5-7 Cherrymount Pk,
 - 3.4m with no. 8 Cherrymount Pk. The proposed layout would result in severe overlooking , overbearing and intrusive impact.
- Blocks B will be
 - 10m from rear elevation of Cabra Villas (St Peters Avenue 16
 - 24 m from the rear elevations of Cabra Road
 - 22.1- 28.3m from the rear elevations of Cherrymount Pk.
- While noting screening measures such as placement and angling of windows and decorative screening, there are concerns about amenity value of proposed apartments. The decorative screens are an inappropriate strategy.
- Compliance with Average Daylight Factor in BRE guidance is noted proposed units. The compliance applies to all units bar one kitchen window in a unit in Stone Villa which is acceptable.
- Internal space and floor areas of apartments are acceptable as they meet with SPPR 3 and section 3 of Design Standards for Apartments whereby the majority of units exceed minimum floor area. The only deviance is the 2.29m floor to ceiling height at ground level of Stone Villa which is acceptable given its protected status.
- Entrance space to apartment Block B is considered restricted and not welcoming.

- Private open space is in excess of guidance.
- Concerns about hedge only boundary around private terraces at ground level – requires a solid boundary.
- Concerns about screens.
- The absence of private space for the converted house units is offset by the refurbishment and protection of a Protected Structure.
- 187 sq.m. of communal open is required but this is not delineated. While the application indicates 788 sq.m. of public open which cumulatively exceeds standard, the area is not delineated as such and is not considered to comply with the development plan standards in section 16.3.4
- Part V – Letter from applicant noted regarding agreement in principle with the preferred option of acquisition of units by DCC.
- A total of 22 letters of observation are summarised.
- Clarification of boundary line and evidence of consent where required.
- No appropriate assessment issues arise.

3.2.5. Technical Reports

- Conservation Department: Additional information required. The report fully supports the return of residential uses provided works are in accordance with best conservation practise. Notes and welcomes the omission of an extension as approved in a previous proposal. notes the alterations to include new windows. Further details of the interior features and notable drawings setting out the structural intervention and evidence of a conservation led stabilisation. Key points:
 - With respect to the apartment blocks they are considered to be too close to Stone villa. And revised plans demonstrating a reduction in the bulk eight and missing of Blocks A and B.
 - Block A should be scaled back in width and height so as to align more with the Stone Villa
 - It is probable from inspection of old OS maps and building characteristics that the main entrance was first floor level and this does not appear to inform the design.
 - The rear garden should be appropriate in size for the house.

- Further details of boundary required
- More details drawings and information on windows, porch original features.
- In terms of impact on wider area it is stated that the high-quality adjacent mid-20th housing set in a mature setting would be adversely impacted.
- Roads Streets and Traffic Department: The Transportation Planning Division has concerns about shortage of car parking and overspill into surrounding streets and requests a car parking strategy and management plan supported by data on car ownership or apartments and a mobility management plan. Further information is also required in respect of secure bicycle parking and the splayed entrance.
- Waste Management: no objection subject to conditions.
- Drainage: no objection subject to conditions

3.3. Prescribed Bodies

TII: S. 49 Supplementary Development Contribution Scheme – Luas Cross City applies. The applicant shall ensure no adverse impact on the Luas operation and safety. The development shall comply with the Code of engineering practice for such work.

Irish Water: No submission.

Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs: No submission

4.0 Planning History

4.1. The Site

- 4.1.1. An Bord Pleanála reference: 303902 (DCC ref VS/0055) refers to an appeal against a section 18 Demand for Payment on the basis that Stone Villa was a residence on which property tax was paid. The demand for payment was confirmed by Board Order.
- 4.2. An Bord Pleanála Ref: 247378 (DDC ref 4313/15) refers to permission for an extension (reduced from three to two-storey) and conversion of Stone Villa into apartments (6 no.2-bed) and construction of 6 no. 4-bed three-storey houses to the rear.

4. The Adjacent Site

4.3.1. An Bord Pleanála Ref: 302876 refers to permission for relatively minor alterations to commercial car sales premises.

4.4. Other development

4.4.1. On the opposite side of North Circular Road permission was granted for student accommodation - 444 bedspace (248726) and subsequent extensions and variations have been permitted in a number of cases before the Board. An Bord Pleanála refs: 300926, 300925 and 306172

4.4.2. An Bord Pleanála ref: 301673 refers to conversion of premises for 9 student accommodation units at 296A North Circular Road

4.4.3. An Bord Pleanála reference 300993 refers to extension to the Dublin Simon Community accommodation

5.0 Policy Context

5.1. National Policy and Guidance

5.1.1. National Planning Framework

- Chapter 4 of the Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it is considered will assist in achieving same.
- National Policy Objective 4 sets out to ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being
- National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- National Policy Objective 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway, and Waterford, within their existing built-up footprints.
- National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages,

subject to development meeting appropriate planning standards and achieving targeted growth.

- National Policy Objective 13 provides that in urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33 seeks to prioritise the provision of new homes at locations which can support sustainable development at an appropriate scale of provision relative to location.
- National Policy Objective 35: seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.
- National Policy Objective 57 sets out to enhance water quality and resource management, this includes the requirement to ensure that flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities.

5.1.2. The following section 28 Ministerial Guidelines provide guidance for multi-storey urban residential developments.

- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities as updated March 2018. These set out detailed design standards for apartments. It notes that in general terms apartments are most appropriately located in urban areas and should generally increase in density in closer proximity to core urban areas and close to existing public transport nodes.
- Specific Planning Policy Requirement 1: Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory

development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

- Specific Planning Policy Requirement 2: For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha:
 - Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units;
 - Where between 10 to 49 residential units are proposed, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1, shall apply from the 10th residential unit to the 49th;
 - For schemes of 50 or more units, SPPR 1 shall apply to the entire development.
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas including the associated Urban Design Manual Best Practice (2009)
- Design Manual for Urban Roads and Streets (DMURS) (2013) (Including Interim Advice note Covid-19 May 2020)
- Urban Development and Building Heights – Guidelines for Planning Authorities
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).

5.2. Dublin City Development Plan 2016-2022

- 5.2.1. The subject site is zoned Z1 “to protect, provide and improve residential amenities”. Stone Villa, the two-storey structure fronting the site is a Protected Structure.
- 5.2.2. The following policies are relevant to the proposed development:

- Policy QH7 to promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.
- Policy QH8 to promote the sustainable development of vacant or underutilised infill sites and to favourably consider higher density proposals with respect to the design of the surrounding development and the character of the area.
- Policy QH18 seeks to promote the provision of high quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments and within each apartment development and ensuring that suitable social infrastructure and other supports and facilities are available in the neighbourhood in accordance with standards for residential accommodation.
- Policy QH19 seeks to promote the optimum quality and supply of apartments for a range of needs and aspirations including households with children, in attractive, sustainable mixed income, mixed use neighbourhoods supported by appropriate social and other infrastructure.
- Policy QH22 seeks to ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.
- Policy SC25 seeks to promote development which incorporates exemplary standards of high quality, sustainable and inclusive urban design, urban form and architecture benefiting the city environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city's built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and includes the creation of new landmarks and public spaces where appropriate.
- Chapter 12 relates to sustainable communities and neighbourhoods.
- Chapter 11 relates to built heritage and culture.
- Policy SN1 seeks to promote good urban neighbourhoods throughout the city which are well designed, safe and suitable for a variety of age groups and tenures which are robust, adaptable, and well served by local facilities and public

transport, and would contribute to the structure and identity of the city, consistent with standards set out in this plan.

- Policy SN2 seeks to promote neighbourhood developments which build on local character as expressed in historic activities, buildings, materials, housing types or local landscape in order to harmonise with and further develop the unique character of these places.
- Policy CHC1 seeks the preservation of the built environment of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.
- Policy CHC2 seeks to ensure that the special interest of Protected Structures is protected. Development will conserve and enhance Protected Structures and their curtilage.
- Policy CHC5 seeks to protect Protected Structures and preserve the character and setting of architectural conservation areas.
- Policy CHC8 seeks to facilitate off-street parking for residential owner/occupiers where appropriate site conditions exist, while protecting the special interest and character of Protected Structures and conservation areas.

5.2.3. Section 16.10.8 relates to back land development. Dublin City Council will allow for the provision of comprehensive back land development where the opportunity exists. Backland development is generally defined as development of land that lies to the rear of existing property building lines. The development of individual backland sites can conflict with established pattern and character of development in the area. Backland development is recognised as potentially causing a significant loss of amenity to existing properties by way of loss of privacy, overlooking, noise disturbance and loss of mature vegetation or landscape screening. Height is influenced by the immediate context in addition to standard height.

- Car parking is not mandatory but a mobility management plan is required. Bicycle parking must be at a rate of 1 space per 2 bed spaces.

5.3. Natural Heritage Designations

5.3.1. The following European sites are nearest to the development site.

- North Dublin Bay SAC (000206)
- South Dublin Bay and River Tolka Estuary SPA (004024)
- North Bull Island SPA (004006)

5.3.2. Other Natura 2000 sites within a 15km radius are: Baldoyle Bay SAC (Site Code: 000199), Baldoyle Bay SPA (Site Code: 004016) Malahide Estuary SAC (Site Code: 000205), Malahide Estuary SPA (Site Code: 004025), Ireland's Eye SAC (Site Code: 002193), Ireland's Eye SPA (Site Code: 004117), Rockabill to Dalkey Islands SAC (Site Code: 003000), Glenasmole Valley SAC (Site Code: 001209), South Dublin Bay SAC (Site Code: 000210), Rogerstown Estuary SAC (Site Code: 000208), Rogerstown Estuary SPA (Site Code: 004015), Rye Valley / Carton SAC (Site Code: 001398), Howth Head SAC (Site Code: 000202), Howth Head Coast SPA (Site Code: 004113), Lambay Island SAC (Site Code: 000204) and Lambay Island SPA (Site Code: 004069).

6.0 Grounds of Appeal

- 6.1.1. The first party appeal has been submitted by the applicant's agent. It is submitted that the proposal accords with national spatial and housing policy in that it is a highly accessible site and its development supports public transport through density and limited car parking. Considerable attention to detailed layout and integration with surrounding development has informed the design. The planning authority is understood to be supportive in principle of a residential scheme at this accessible urban site and also in terms of the architectural style and density. The level of impact on residential amenity is however disputed in respect of the impact of a 4 storey high building on surrounding houses. More specifically the following points are made in support of the design approach.
- 6.1.2. The Building Height Guidelines advance the NPF objective to actively seek greatly increased levels of residential development in urban centres and significant increases in building heights and overall density. In this context part 3 part 4 storeys (max 12.45m) is appropriate.
- 6.1.3. The site is centrally located and highly accessible and accordingly supports densification in line with National policy.

- 6.1(The site is submitted to be underutilised given its location – easily accessible by foot, bike, and public transport – 54metres from the Luas stop and served by up to 11 bus routes.
- 6.1.5. The low-rise development should not be the dictating form and there are numerous examples to support this. a number of cases are cited in support of the higher height.
- Aparthotel at Little Mary Street 300987 for 3-7 storey development.
 - 6 storey over basement development on former Myra Glass Premises Dublin 8 245162 adjacent to 2 and 3 storey houses. - an acceptable insertion and not detract from St Patrick's Cathedral
 - Our Lady's Grove Goatstown up to five storeys high and adjacent to
 - Student accommodation in Cork 300846
 - Charleville Harbour Road Dalkey 300080
 - The Grange Stillorgan 206308
- 6.1.6. The narrowness of site is conceded as a design challenge with little scope to position blocks differently.
- 6.1.7. The blocks have been positioned appropriately relative to neighbouring low-density dwellings having regard to limited options and the existence of a Protected Structure.
- 6.1.8. There is good adherence to BRE guidelines. 16 houses of the site have been assessed for overshadowing. Of those only one falls short. The 24% impact on 1 Cabra villas is only slight and the impact is submitted to be reduced due to trees. In its assessment the PA fail to consider the shadow analysis and the extent of sunlight remaining.
- 6.1.9. The overbearing impact is subjective and the planning consultants hold the view that the well designed scheme creatively addresses perceived impacts and that the scheme compares favourably with other permitted high density and higher rise schemes in suburban areas (Holywell, Foxrock 206308, Blackrock 302926) . These schemes have been permitted by the Board and there is it is submitted an apparent disconnect between the planning authority (e.g. Capel Street and Addison Lodge development overturned by the Board)
- 6.1.10. There is going to be an inevitable change in character if the form of development is to sustainably densify the city. Some overshadowing is inevitable in infill sites and this is supported in the decision by the Board in the case of 305659.

- 6.1.11. In the national policy context the remodelled 2 - 3 storey block revision is compromise by the developer. The breaking down into 3 modestly scaled blocks integrates positively with the area.
- 6.1.12. The open space vastly exceeds that required in both options. The footprint is the same.
- 6.1.13. The proposal constitutes an improvement on the extant permission with respect to impact on the Protected Structure.
- 6.1.14. That car parking is inadequate is strongly disputed by reference to accessibility and also to a number of cases determined by the Board. E.g. in the cases of Tallaght (0.28 spaces) and Foxrock (0.64) spaces per unit as cited. The revision reduced terraces in north elevation of Block A.

6.2. Planning Authority Response

- No further comments

6.3. Observations

- 6.3.1. Fifteen observations on the ground of appeal have been lodged. These are from the neighbouring residents and representatives on behalf of Cherrymount Park, NCR and Cabra Road/St. Peter's Avenue – the most comprehensive being from Future Analytics. They object to the proposed format of development principally primarily on the grounds that the scale and height is inappropriate in the context of existing pattern of development for the site. It is submitted there is an over reliance on the national strategy approach to consolidating development in well serviced nodes and insufficient consideration to the particular context. Overall it is submitted to be substandard in terms of integration and impact on amenity of adjacent houses and also on that of future occupants of development. The following issues underline the concerns raised among the residents and site-specific concerns follow:

- Four storey height conflicts with policies to protect character of historic environments. Phibsborough is intended to remain low rise with site specific exceptions in the Development Plan.
- Overshadowing and loss of access to daylight and sunlight and visible sky.
- Overbearing impact – subjectivity is disputed
- Loss of privacy and nuisance due to overlooking, noise and light pollution

Impact on natural environment: Loss of trees which is more than previously permitted. Trees – In case 247378 all trees were to be retained in Arb. Report where 5 were considered to be in danger. In this case 14 trees are to be felled. (Unacceptable to remove for sunlight (T80)).

- Loss of green space and impact on habitats and species already displaced by the Luas and loss of aspect and open space.
- Boundary encroachment
- Impact on Protected Structure by reason of nature and extent of development. Scale of development dominates rather than being subordinate
- Impact on features of Stone Villa – insufficient records of interior as specified at time of house sale. Cabra Road Residents Association submission attaches newspaper report on house.
- Insufficient parking and management of same and impact of this on surrounding roads.
- Over reliance on public transport despite changes in the Bus Connects plan which would remove direct city services from this location.
- Section 16.10 requires mix that is not met and will damage local area. Excessive one and 2 bed units at the expense of 3 bed units which is contrary to the development plan. Family units such as three beds would be more appropriate to address the balance of nature of housing units in a location where there is abundance of bedsit/single occupancy units. Many of the residents of the neighbourhood as for example expressed by residents of Cherrymount Park and St. Peter's Avenue would welcome more family type housing.
- Loss of front boundary features
- Opening up the site presents security risks.
- Boundary treatment and use of wooden fencing queried.
- While acknowledging the revised plans in the appeal and reduction by a storey in A and B Blocks, the footprint is the same and does not address conservation issues in the redesign or car parking and management of same e.g. no mobility management plan. Such cannot be addressed by condition.
- Sustainable neighbourhood should be the objective in line with the development plan policies aims.

- The Urban Development Building Height guidelines acknowledge that historic environments can be sensitive to large scale tall buildings.
- Even at 12.3m in height there is no justification for four storeys by reference to these guidelines or development plan. The context of 2-3 storey development defines the strong urban character.
- P320 of the Development plan confirms suburban areas of this nature will remain low rise with some exceptions. This is a backland site where the proposed development conflicts with the established pattern and character and will generate overlooking, noise, disturbance, and loss of mature vegetation.
- The curtilage of the Protected Structure should be respected.
- While numerically plot ratio and site coverage are within acceptable ranges, the format and proximity to multiple boundaries gives a dense development. (118.5 units/hectare.
- Over reliance on amenities of adjacent garden.
- Backland development of 2 apartment blocks at 4 storeys high dominate the site and there is no meaningful open space.
- The recreation space is not of any quality – Block B is 4.3m from boundary
- Conflict with existing development – overlooking from north facing Balconies in Block A.
- The screens will result in substandard amenity for occupants, but the removal would be overbearing.
- Loss of original boundary features for sightlines is unacceptable.
- Unduly oppressive for St. Peter's Avenue.
- Encroaches on boundary of nos. 9-13 Cherrymount Pk.
- The reasoning for the previous permission for 12 houses on the site and the restriction to a two-storey extension to the protected structure is cited in support of the arguments against the scale of apartment development.
- Insufficient water pressure.

6.3.2. Cllr. Sherlock

- Mix – too many single occupancy in this (47%) and does not provide diversity guided in SPPRS Design Standards 2018 and needed for Phibsborough – more family houses are needed to balance the single occupancy accommodation. Too high in context of Development Plan.

6.3 Cllr. J. Costello

- Supports objections regarding impact on residential amenity and build and natural heritage

6.3.4. Paul Quinn, 9 Cherrymount Park

- One of his windows (9b VSC of 29.4% to 25.75%) will have a 12.5% loss of vertical sky. 3 hours of winter sun will be lost from sunrise.
- Loss of privacy – Balcony of unit 6 in block B, terraces in Units 13 of Block B and units 4,5,8,9,13 and 14 in Block A will be source of overlooking. Direct overlooking from Bed 2 of Units 13 and Kitchen of unit 14.
- Boundary landscaping drawings include trees in his property that do not exist – misleading.
- The height and density will give rise to noise, light pollution and nuisance.

6.3.5. P. Burke and D. Higgins, 8 Cherrymount Park

- Impact on privacy

6.3.6. R. Scaife and G. Lardner, 11 Cherrymount Park

- Excessive overlooking and overbearing impact - Attaches a sketched view of proposed Blocks from house in support of case.

6.3.7. Cormac Nevin, 6 Cherrymount Park

- Visible Sky component - the spot measurement takes no account of size or number of windows e.g. from the kitchen window where there is a sink - sky views would be blocked. The building is 8.1m from boundary as compared to his set back of 14.5m not sufficient for 12.3m high development where his is 8.4m. Mix- 15% should be three bed whereas there are 7 studios, 8 one beds and 12 two beds.

6.3.8. J. and C. Doyle, Cherrymount Pk.

- 12.3m high effective wall of development at 8m from boundary will have negative impact

6.3.9. G. and E. Fitzgeralds, 5 Cherrymount Pk.

- No privacy will be left.

6.3.10. St Peters Avenue Residents/ P. Magee 1 St. Peter's Avenue

- Particular concern about loss of heritage that they have as community worked hard to protect.
- Overshadowing and loss of light: The rear of No. 1 and a small yard and is already enclosed by the commercial garage wall to the south. The addition of Block B in close proximity would box in this confined open space.
- No. 3 St. Peter's Avenue: the baseline data and conclusion that no.3 could not have any less light than other properties is disputed. There will be unreasonable infringement on privacy.

6.3.11. Cabra Road Residents Association (also representing St. Peter's Avenue)

- Three storey will still dominate relative to ridge height of Stone Villa.
- Excessive overlooking, overshadowing and loss of privacy

7.0 EIA Screening

7.1. The relevant classes for consideration in screening for the proposed development area Class 10(b)(i) 'construction of more than 500 dwelling units' and 10(b) (iv) 'urban development which would involve an area greater than 2 hectares in the case of business district, 10 hectares in the case of other parts of a built up area and 20 hectares elsewhere'. Having regard to the size of the development site which is less than 0.3 hectares and the scale of the development which amounts to 32 units together with the developed nature of the receiving environment and to the nature, extent, characteristics and likely duration of potential impacts, I am of the opinion that the proposed development is not likely to have significant effects on the environment and the submission of an environmental impact statement is not required. The need for the environmental impact statement can, therefore, be excluded at preliminary examination. A preliminary examination form has been completed and a screening determination is not required.

8.0 Assessment

8.1. Issues

8.1 This appeal is against the decision to refuse permission for conversion of a Protected Structure (Stone Villa) into apartments and construction of two apartment blocks in its grounds to the rear. The site is in the inner-city suburbs and within 100m of the Phibsborough Luas stop and is highly accessible. The applicant has submitted revised plans in response to the concerns of the planning authority and these are presented as an option in the event that the Board does not accept the initial proposal to the planning authority. The main change is that a middle level has been cut out thereby reducing the blocks to 3 storeys from 4 and this retains and includes the top floor recess. Other amendments include alterations to the balcony/terrace on the north elevation, screening and entrances. All details are described in page 49/50 of the grounds of appeal. This assessment has regard to both options.

8.1.2. The issues relate to:

- Principle and nature of the proposed use
- Impact on Stone Villa - a Protected Structure
- The height, scale and layout and interface with the surrounding development
- Standard of development
- Traffic
- Appropriate Assessment

8.2. Principle and nature of the proposed use

8.2.1. The planning authority is generally satisfied that the infill apartment development is acceptable in principle, however there is concern about the constraints of the narrow deep site and impact on adjacent properties and the protected structure within the site.

8.2.2. This site, which is somewhat dilapidated, is zoned for residential use and also includes a Protected Structure and therefore the proposal for the restoration of Stone Villa and a residential type of development can, I consider, be seen as a positive development in principle in terms of achieving the land use objectives for the area. In policy terms, the provision of additional housing also supports the development plan housing objectives in line with national policy which clearly advocates the consolidation of serviced urban areas.

- 8.2.3. The principal of multi-storey apartment is also queried in terms of height having regard to the Protected Structure context and also proximity to established surrounding housing. The lack of diversity and emphasis of 1-2 bed units is raised as issue in the objections given the need for family housing in the area and incompatibility of the development with achieving a sustainable neighbourhood.
- 8.2.4. In terms of height, the overall height of 12.3m is acceptable in principle at this location but predicated on the proximity to other development and impact on the setting of Stone Villa .
- 8.2.5. With respect to diversity of unit types, I note the overall density is 118.5/hectare in the four-storey layout and further reduced to 85/hectare in the three storey layout which is at the lower end of density levels for a site at such a strategic location. The residual development area is however confined by virtue of the necessity to retain and refurbish Stone Villa and accordingly an apartment layout is I accept an appropriate and reasonable way to address and counterbalance the relative low density to the front of the site. Accordingly the principle of multi-storey apartment development is acceptable. The level of diversity in this case is a function of the detailed constraints of the site capacity. The absence of 3 bed units in this scale of development for example is addressed in more detail but does not by itself amount to a reason of refusal in my judgement.
- 8.2.6. I note that the character of the environs is predominantly residential comprising a mix of established 2-3 storey houses many of which have been subdivided along NCR and Cabra Road . This is in addition to extensive new and older multi-unit accommodation (I refer to the student accommodation opposite the site, hostels, support centres and to the more recent planning history in the environs.)It is argued by the residents and councillor for the area that 3 bed units would reinforce the family housing in the area providing in many ways for a more balanced community. While there are no statistics or information that would amount to a strictly evidence based Housing Need and Demand Assessment (as referred to in the SPPR1) , it seems quite clear from the recent history in the immediate locality that the pattern of development supports the observations in this regard and I accept that there is a case to be made by reference to section 16.10 of the Development Plan that more diversity is needed by way of 3 bed units in order to provide for families so as to consolidate the proportionally shrinking family based community as indicated in the

(submission. I accept that more family sized accommodation would contribute to a balanced the social fabric. In this case, in terms of housing mix, the accommodation is quite varied in style and floor area with range of unit size at 38-88 sq.m. which qualifies as a mix but does not include 3 bed units. I accept that provision of such would provide for family accommodation thereby consolidating with the existing family housing enclave in the area and the social fabric to which such contributes. While the extent of single occupancy units meets with the guidance of SSPR1 and SSPR2, it is at the upper limits for this extent of single occupancy units. In my opinion this matter could be addressed by amalgamating the studio units at ground floor level and this would also address other issues such as nuisance and interface with the boundary. However in view of the overall size (under 50 units) and density which could be at 85 units per hectare I consider the provision of such sized units is limited.

8.2.7. While I consider the proposed residential scheme has some merit in principle in the context of housing policy for the city, there are however significant issues relating to the scale and layout and the physical interface with surrounding development on a site that is constrained.

8.3. Impact on Stone Villa - a Protected Structure

8.3.1. The proposal seeks to refurbish the existing structure and convert it into 3 apartments and in doing so will, I note, maintain the external envelope of the building and principal rooms in the new layout. It is proposed to put one apartment unit at each level – the apartments at ground and second floor levels are one bedroom while the first floor is proposed as a two-bed unit. All apartments are provided with generous living accommodation and adequate sanitary and storage facilities by reference to the Sustainable Housing Guidelines, while at the same time, substantially respecting the existing layout and window locations. The north facing bedroom at ground and first floor levels is proposed to be permanently blocked as there are already two other windows (east and west facing) in each of these rooms.

8.3.2. The observations include a detailed reference to the quite unique comprehensive social history of the house which is stated to have been occupied up to relatively recently by four generations of the same family since its construction around 1847 and personal accounts indicate that the house was a spacious and elegant family

home with a tennis lawn and orchard as part of its grounds. The reference to Gothic openings and use of old church doors is interesting but unverified. There is reference to fireplaces and joinery detail, and I note there is not a full record of these in the submitted details due in part to the boarding up to the house. While I note that there are further survey and methodological details required by the Planning Authority Conservation Division, I note the general contents of the submitted conservation report and the alternations to the building over time and am satisfied that the proposed layout generally respects the integrity of the structure in as far as is practicable for subdivision and that the new use and alterations are both appropriate and reasonable in principle. To continue the use of the House as a single occupancy use would I consider be unduly restrictive.

- 8.3.3. In respect of the site layout and impact on curtilage, I note each side of the Villa is kept free from development and there is no extension proposed to either side and in my judgement the omission of the extension as permitted in an extent permission is a further improvement in protecting the character and integrity of the Villa and the streetscape. I also note that the landscape design is informed by the detailed historic OS mapping which will significantly enhance the setting of Stone Villa and its relationship with the public realm. This approach is I consider respectful of the original semi-rural setting of this large, detached villa – a characteristic that was identified in the council's conservation report of 2003 on the architectural features of the building.
- 8.3.4. I also consider that in terms of site layout and curtilage that the protection of the open nature is generous in this city location and mitigates the juxtaposition of the proposed block A to the rear.
- 8.3.5. As a matter of detail, there is also concern expressed by the local residents about the loss of front boundary features associated with the widening of the original vehicular access (2.9m) and possible alterations to the pedestrian gate. During my site inspect I noted the storage of wrought iron gates from the pedestrian and vehicular entrances inside the Villa. These should be reinstated into the boundary. The pedestrian gate should be reinstated to its original position and the pair of gates could be used to mark a new paved pathway alongside the road entrance.

8.3(The structural integrity of the existing house is not fully clear based on the submitted conservation report which, while detailed, refers essentially to the superficial observations of the architectural building character and form. There is reference to some bowing in the façade, but this is attributed most likely to the façade finish rather than the underlying structure. It is stated that intervention will be required to address this problem but that due to the uncertainty it is suggested by the applicant that a detailed method statement could be a condition of permission or agreed by a Section 5 Declaration. While I note that there is external cracking and extensive repair work required, the scope of the permission is for the refurbishment and I agree with the planning authority that further details of how this can be precisely achieved while protecting the features needs further clarification. The planning authority in its assessment refers to an extensive list of further details that are required including; detailed survey drawings and full details on how new work and repairs shall be carried out; detailed drawings that co-ordinate the structural intervention, services installation and general upgrade and repairs and in respect of structural integrity and most importantly, details on conservation led stabilisation.

8.3.7. In view of the foregoing, and particularly that there is an extant permission for an extension to Stone Villa, while I accept further details need to be clarified which can be done so by condition, I do not consider it reasonable to refuse permission on the basis of impact on a Protected Structure by reason of intervention to the structure or impact on the curtilage.

8.4. **Interface with surrounding residential development**

8.4.1. The key issues arising primarily relate to overlooking, overshadowing and impacts on amenity and character of the area. The nature and degree of impacts varies between the surrounding development and is best assessed in terms of the different boundary development:

- Cherrymount Park
- St Peter's Avenue (Also referred to as Cabra villas)
- Cabra Road
- North Circular Road.

8.5. Cherrymount Park

- 8.5.1. This cul de sac development contains a crescent shaped 1950s development of semi-detached houses that back onto the western boundary of the site. Due to the crescent shaped layout some houses are at an oblique angle with the boundary.
- 8.5.2. The gardens of number 5, 6, 7 and 8 extend to around 15m at right angles to the western site boundary whereas numbers 9 -13 are deeper and angled and are generously proportioned. The nearest house is at an oblique angle. The opposing windows west of the rear elevations of nos. 5-13 are potentially separated by distances in excess of 22m but most of this distance relies on the private gardens of these houses which raises understandable concerns regarding overlooking and nuisance generally.
- 8.5.3. In addressing overlooking, much detailed consideration has been given to the design and positioning of windows and incorporating decorative metal and brick screens. These measures, together with a range of materials and modelling contributes to what I consider to be an attractive elevation. In this way the potential austerity of the massing proposed is partly mitigated. In the case of Block A which is proposed immediately to the rear of Stone Villa I consider the separation from the western boundary and distances between opposing windows to be within an acceptable range in this location. I accept however that 4 storeys is likely to reduce sky visibility in some houses and again, while an inevitable consequence I consider three storeys would be more appropriate to the setting. Visually in general terms, three storeys not entirely different to a three-storey terrace and associated typical extensions to the rear. In this case there would no threat of creeping of development and overlooking has been minimised as an integral design feature. However I consider the separation distance of 3.397m between the north elevation and the side garden boundary to be very close for a proposed active frontage notwithstanding the potential modifications including the omission of one storey, as demonstrated in the version submitted with the grounds of appeal. This set back is limited in respect of boundary landscaping options.
- 8.5.4. I note the shadow analysis which I consider to be reasonable comprehensive and informative and accept that there is a fairly imperceptible difference in overshadowing of existing windows however it is clear that the proposed block

would overshadow the rear gardens of established family houses and significantly alter the character and setting. While this is acceptable to a greater degree in an inner suburb I consider that block B would be in too close proximity; the distance for example provides limited opportunity for landscape buffering and while I note the use of climbers in the landscape plan this would not be sufficiently robust segregation between established private curtilages and a very active westerly frontage. Furthermore, landscape and building maintenance would be very intrusive on adjacent residents. With respect to Block A, it is less injurious in that a setback from the boundary provides for a buffer. While I concur with the planning authority on the visual merits of the façade treatment, and I consider the design to be a high quality in terms of externally modelling, materials and detailed attention to fenestration and orientation, I consider the proximity of Block B to the boundary with Cherrymount Park to be insurmountable.

8.5.5. I have examined the layout in terms of further reducing Block B as revised in the appeal submission and have considered the option of omitting apartment 4 and similar living space directly overhead so as to facilitate a stepping back from the boundary but this would have significant knock on effects in terms of redesigning the upper levels and possible reorientation of stairwell and relocation of windows. Such revision would potentially have implications for third parties and compromise their rights. The Board could seek a revised design and invite further submissions. While it may be an option to omit Block B by condition this would not be satisfactory in terms of lands use. In the absence of revised design I consider it appropriate to refuse permission on the basis of impact of Block B on residential amenity.

8.6. **St Peters Avenue (also referred to as Cabra Villas)**

8.6.1. This is an attractive enclave of terraced two storey houses which are stated to be owner occupied and part of an active community. The terrace is gated at its junction with Cabra Road and the enclosed access is landscaped and the area is well maintained. The observations refer to a shared concern on the impact of the apartments on character of the terrace. The houses are on narrow plots with shallow rear yards/gardens that back onto the subject site. The residents and particularly that of no.1 are concerned about the height and proximity of Block B, the loss of aspect presently enjoyed, and ultimately a development incompatible with sustainable family living.

8.6.2. Block B is proposed at around 2.1m from the gable of the industrial warehouse in the adjacent garage site to the East of the subject site. The proposed Block is then stepped back from its eastern boundary with St, Peter's Avenue and is proposed at around 4.2m from no.1. It would be south west of the remaining terrace and a greater distance.

8.6.3. The rear aspect and garden/yard area of no.1 appears to be the most impacted. Due to the orientation and extent of existing structures on and adjacent to the site which most notably includes the large garage warehouse, the site is already quite overshadowed. Accordingly the positioning of Block B would extend the shadowing across the rear of no. 1. Not only would this eliminate a significant amount of sunlight and daylight from a level that is already limited but it would be in the private space. The block, even at 3 storeys, in such close proximity to a shallow terrace would I consider have a particularly overbearing impact on no. 1 St. Peter's Avenue. This is added to by the loss of trees as a dominant focal point. While there is an argument that the trees cast a shadow, the removal of trees to accommodate the development will I consider, in the context of the further loss of light as predicted in the analysis report alter the aspect significantly. On balance I consider the proposed development would seriously injure the amenities of no. 1 St Peter's Avenue.

8.7. North Circular Road

8.7.1. The residents of 289 North Circular Road have raised concerns with the planning authority regarding the height and light. As the development is to the rear and to the north east and windows are at oblique angle, I do not consider the impact to be significant on the adjacent site.

8.7.2. With respect to the wider streetscape impact I consider on balance that the proposed refurbishment and traditional landscaping will, subject to detailed matters of boundary treatment, contribute positively to the North Circular Road.

8.8. Cabra Road

8.8.1. The site backs onto a terrace of two storey dwellings that appear to be in multiple occupancy. Historically the site was separated by a laneway, but this appears to be amalgamated into some of the Cabra Road properties. No access to the laneway was apparent at time of inspection.

8.8. Block B is proposed at around 5- 7m from the north boundary where it backs onto the original lane between the Victorian terrace of houses that have been converted into multi-residential units. The opposing original upper floor distance between windows is up to 23m on the drawings. The properties have been extended in various formats to the rear. The sunlight daylight analysis demonstrates a negligible impact in terms of overshadowing. There are limited windows in the north elevation and the incorporation of screening together with the reinforcement of the mature boundary and intervening lane would protect privacy. I do not consider the impact on Cabra Road by itself to be significantly injurious or by itself to constitute grounds for refusal of permission.

8.9. Standard of Housing

8.9.1. While I accept that the site coverage and plot ratio and internal floor areas are well within acceptable limits quantitatively for the site in this area, from examination of the drawings and site configuration I consider that by reference to the guidance and standards, the proposal has some substandard aspects. In considerable efforts to overcome impacts on neighbours the quality of internal space and private open space has been compromised in some incidences. I refer to the proximity to the boundaries, aspect, and quality of light from screened balconies. The proximity to the boundary for the ground level unit of Block B on the western side would be oppressive and leaves virtually no buffer for landscaping and maintenance without being more intrusive. There is no clear division of communal and private space for the prospective occupants and this raises issues of conflict between privacy for occupants and use and enjoyment of open space. Access to improved levels of light and aspect could be improved by amalgamating the some of the studio units at ground level but this does not address the proximity to the boundary.

8.9.2. There is also an issue with vertical interaction. Some of the apartments feature oriel windows with angled windows which would directly overlook the balcony beneath. In the event of open windows there would be privacy and nuisance issues. In the event of permission some of these windows would need to be reduced to high level windows of fixed.

8.10. Parking, traffic, and construction disturbance

8.10.1. I note concerns by the planning authority in respect of a reduced rate of .28 spaces per unit as compared to the maximum level of 1 for this location and the impact of such on surrounding streets and I accept that it is on the low side notwithstanding the accessibility of the site to various modes of transport and services. The NPRF in NP013 recommends a performance based criteria. However in this case there is no clear evidence based car park management plan (as requested by the Transportation Division) as would be required to further assess the parking arrangements and impact on the area. There is for example little or no provision for visitors and services. While I accept that there is a case for reduced car parking, the examples given by the appellant are not entirely comparable in terms of their city centre location, scale and/ or juxtaposition with family housing. The immediate environs in this case have a suburban character by way of family houses. Cherrymount Park offers the nearest on street parking and to encroach on this could potentially inconvenience settled families in the area although I note that these houses have off street parking. On balance I consider this could be addressed both in terms of layout and detailed management and therefore do not consider deficient parking to constitute grounds for refusal.

8.11. Other Issues:

- 8.11.1. Bats: Three species were identified during the survey work which forage in the site. Mitigation measures are proposed including roost boxes and light survey to minimise disturbance and I consider this to be adequately addressed.
- 8.11.2. Boundary delineation/encroachment: The point at which the site narrows in the 1946 Deeds Map is comparable to the plot widths of no. 8, 9 and 10 Cherrymount Park whereas in fact the narrow point is now considerably less which suggest that if the 1946 deed map is relied upon for delineation then the site on the ground is presently narrower in parts. This may be due to inaccuracies at conveyancing stages or due to agreements or practice. In such circumstances it is not reasonable to assume that the applicant has encroached on the rear gardens as suggested.

8.12. Appropriate Assessment

- 8.12.1. The site is not within a European site. There are a number of European sites within a 15km radius as referred to previously in this report. Having regard to the nature and

scale of the proposed development which is for a residential scheme within an established urban environment and to the characteristics of the receiving environment I am satisfied that there will be no likelihood of any significant effect on any European sites during the demolition, construction or operational stages of the development, individually or in combination with other plans or projects and a Stage 2 Appropriate Assessment and submission of a Natura Impact Statement is not therefore required.

8.13. Conclusion

- 8.13.1. I accept that the narrowness of part of the site together with the retention of the Protected Structure and its curtilage constrains the development of the site. Given the strategic location of the site and the desirability of using such accessible land efficiently in the provision of housing, I consider a degree of latitude is needed. In these circumstances I consider the conversion of the house to 3 units to be highly desirable and the provision for a 3-storey block to the rear of the site to be a reasonable approach.
- 8.13.2. However in view of the foregoing impacts I consider the development would be injurious to amenity principally by reason of proximity to the boundary and proposed height at or close to multiple boundaries. I do not necessarily consider a stepping up to a height of 4 storey in the centre of the site to be at issue in terms of massing – it would not be unduly dominant in the wider setting as is evident in the CGIs.- the issue is the narrowness of the site and overlooking. The site is in effect borrowing from the adjacent curtilages in a way that would be I consider unduly intrusive. The applicant refers to a number housing schemes and I have looked at these and consider the circumstances to be different. For example none in the suburban locations are proposed in such close proximity to the boundary unless replacing a pre-existing structure.
- 8.13.3. Notwithstanding the condition of the existing structures and site, the proposed development would I consider constitute a retrograde step in terms of building form and scale of development and would not accord with the proper planning and sustainable development of the area.

8.13.4. Accordingly, I concur with the planning authority that the site is constrained given its configuration and that the layout and scale of development proposed in such close proximity to multiple boundaries would result in substandard development and have unacceptable impacts on surrounding property. While some issues could be addressed by way of further information, there is a fundamental issue with the overall site configuration and layout particularly in respect of Block B. While there is no objection with the principle of developing the site to the rear of the Protected Structure, to do so at such proximity to established adjacent housing would require a fundamental redesign of Block B. Accordingly, in these circumstances I concur with the planning authority that the proposed development is not in accordance with the proper planning and sustainable development of the area.

9.0 Recommendation

9.1. I recommend that planning permission be refused based on the reasons and considerations as set out below.

10.0 Reasons and Considerations

- 1 Notwithstanding the proposed variation in plans submitted with the grounds of appeal, it is considered that the proposed development in close proximity to the surrounding housing to the east and west could be visually overbearing and intrusive and would seriously injure the residential amenities of these properties. The proposed development would therefore be contrary to the zoning objective for the area which seeks to protect, provide, and improve residential amenities under the current Dublin City Development Plan 2016-2022. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
- 2 It is considered that the proposed development on a constrained site in close proximity to boundaries and reliant on extensively enclosed terraces and balconies would not provide for an adequate standard of development with regard to access to light and amenities and would therefore seriously injure the residential amenities of future occupants and would be contrary to policy of the Dublin City Development Plan 2016-2022 which seeks to provide for

high-quality housing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Suzanne Kehely

Suzanne Kehely

Senior Planning Inspector

12th October 2020

DECISION QUASHED

DECISION QUASHED