



An
Bord
Pleanála

Inspector's Report

ABP-306755-20

Development	Construction of Rectory and 9 dwellings, the demolition of the existing Rectory, ancillary buildings, perimeter walls to road and removal of existing vehicular entrance.
Location	The Rectory, Purser Gardens, Rathmines, Dublin 6, D06 E0Y5
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3939/19
Applicant(s)	The Select Vestry of the United Parish
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	1. Philip O'Reilly 2. Stephen Walsh
Observer(s)	T. Shaw
Date of Site Inspection	25 th May 2020

Inspector

Irené McCormack

1.0 Site Location and Description

- 1.1. The subject site is located between Upper Rathmines Road to the west and Belgrave Road/Square to the east. The site occupies a corner site and has its principle frontage on Belgrave Road/Church Avenue, opposite the Holy Trinity Church with secondary frontage onto Purser Gardens. The site area is 1440sqm in area.
- 1.2. The site contains an existing two storey defunct Rectory building for the Parish of Rathmines. It is noted that the building has been vacant since 2017. The frontage onto Belgrave Road contains a 1.4m high brick capped stone wall which extends around the western boundary with Purser Gardens. The south of the site backs on to the car park of the Church of Ireland House
- 1.3. Vehicular access to the site is currently located at the corner of the site Belgrave Road/Church Avenue and Purser Gardens. Purser Gardens is a cul de sac leading to the former Church of Ireland Training College. The rear of the site has a lawned garden with the site boundaries well screened by a number of trees and bushes. There are no Tree Preservation Orders on the site.
- 1.4. The focal point of Church Avenue is Holy Trinity Church, which lies in an island site towards the mid-point of the Avenue. The area is residential in character and the adjoining properties at 14 & 15 Belgrave Road and all of the properties on Belgrave Road and Cambridge Villas, including the Holy Trinity Church are Protected Structures. The Rectory building in the site is not a Protected Structure.

2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
 - The demolition of the existing Rectory, ancillary buildings, perimeter walls to road and removal of existing vehicular entrance.
 - The construction of 9no. dwellings. Units A to J, as follows:
 - Units A-C consists of 3 no. three storey terraced houses with frontage to Belgrave Road which comprises Unit A, a three storey, semi-detached, 5 bedroom Rectory with south facing terraces at first and second floor level;
 - Unit B, a three storey, 3 bedroom curate's house, with recessed south facing terrace at first floor level.

- Units A and B have shared front and rear gardens and three car parking spaces entered from a new vehicular entrance to Belgrave Road.
- Unit C is a three storey, end of terrace, 4 bedroom townhouse with private front and rear gardens and 1 car parking space entered from a new vehicular entrance to Belgrave Road.
- Units D-J consist of 3no. ground floor apartments and 3no. three storey duplex apartments with frontage to Purser Gardens which comprises Units D, E, F, 3no. three storey, 3 bedroom duplex apartments with ground floor entry and access to a shared garden with screened first floor east and west facing terraces, the second floor being set back on both the east and west sides with a west facing terrace.
- Units G, H, J, consist of 3no. 1 bedroom, ground floor apartments with east facing screened open space and access to the shared garden.
- parking for Units D-J will be on-street.
 - The development will also include for associated site development works including drainage and hard & soft landscaping works including new perimeter walls and railings to road frontages.

2.1.1. The development provides for the construction of two three-storey contemporary flat roof apartment blocks comprising of two town houses and the new rectory on the corner of Church Avenue and Purser Gardens and six apartment units fronting onto Purser Gardens. The external facades will be finished in brick reflecting a slightly mottled red colour and all gates a railings will be galvanised steel.

2.1.2. The planning application was accompanied by a Design Statement, including a Housing Quality Assessment and Photomontages, An Engineer's report, an Arboricultural Assessment and a Sustainability/Energy.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was granted for the development subject to 10 conditions, the following of which are of note:

C2. Section 48 General Development Contribution

C9. Cash Deposit or Bond

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The Planning Officer's reports notes the zoning provisions of the area and that the principle of the proposed residential development is acceptable. The development on the whole is considered to be acceptable and in compliance with the Z2 zoning objective of the site and would not seriously negatively impact on the area. Further information was requested in relation access arrangements, auto track analysis and cycle parking. Following the receipt of further information it was concluded that the site is a good opportunity to provide an infill residential development in a compact form comprising well-designed, higher density units. The site is considered to be located in a central and accessible location, within walking distance of good quality public transport in an existing serviced area.

3.2.2. Other Technical Reports

Transportation Planning Division- Report dated 23/10//2019 recommend that Further Information be requested from the applicant in relation to access, parking arrangements and cycle parking.

Drainage Division - Report dated 03/10/19 raised no objections subject to conditions

Waste Management – Report of file recommending conditions. Report not signed or dated.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

A total of 11 submissions were made to Dublin City Council. The following is a summary of the issues raised:

- Proposal is out of character with the architectural character of the area.
- Overdevelopment of the site
- Design not in keeping with the area
- Impact on the Conservation Area

- Overlooking
- Overshadowing
- Lead to traffic hazard
- Impact on on-street carparking
- Loss of trees

4.0 Planning History

Site

DDC Reg. Ref. Ref.1976/01: Permission granted for converting rear of Rectory Garden to car park, with new recessed gateway onto Purser Gardens, new boundary wall with Rectory Garden and timber screening to boundary with adjoining mews house.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is located in an area zoned Z2 -Residential Neighbourhoods (Conservation Areas) with the following objective: *‘To protect and/or improve the amenities of residential conservation areas’*

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

- Chapter 4: Shape and Structure of the City
- Section 4.5.9 Urban Form and Architecture
- Chapter 5: Quality Housing
- QH8: To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area QH22: 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

- QH18: 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 support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.
- QH22: 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.
- QH23: To discourage the demolition of habitable housing unless streetscape, environmental and amenity considerations are satisfied, and a net increase in the number of dwelling units is provided in order to promote sustainable development by making efficient use of scarce urban land.
- Policy CHC2 - To ensure that the special interest of protected structures is protected.
- 11.1.5.4 Architectural Conservation Areas & Conservation Areas
- *CHC4*: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.
- Policy CHC5 – To protect Protected Structures and preserve the character and the setting of Architectural Conservation Areas.
- Section 16.10.2: Residential Quality Standards, Houses
- Section 16.10.3 Residential Quality Standards – Apartments and Houses.
- Section 16.10.10 Infill Housing
- Section 16.10.15 Basements
- Parking: Area 2 applies to the appeal site. 1 car parking space is required.

5.1.2. National Policy and Guidelines

- National Planning Framework (2018)
- Architectural Heritage Protection Guidelines (2011)
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009)

Section 5.9 (ii) Sub-division of dwellings - Many inner suburbs contain large houses on relatively extensive sites whose conversion to multiple dwellings without a dramatic alteration in the public character of the area is achievable. In such areas, particularly those of falling population but which are well served by public transport, their conversion to multiple occupancy should be promoted subject to safeguards regarding internal space standards, private open space and maintenance of the public character of the area. Standards of off-street car parking might be relaxed to encourage the occupation of the dwellings by households owning fewer cars. Special care will be required to protect the integrity of protected buildings

- Quality Housing for Sustainable Communities, Best Practice Guidelines (2007).

5.2. Natural Heritage Designations

There are two designed sites within 4km of the site.

- South Dublin Bay SAC (Site code: 000210)
- South Dublin Bay & River Tolka Estuary SPA (Site code: 004024)

5.3. EIA Screening

On the issue of Environmental Impact Assessment screening I note that the relevant classes for consideration are 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 a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere". Having regard to the size of the development site (0.144ha) and scale of the development it is sub threshold and the proposal does not require mandatory Environmental Impact Assessment. Having regard to the nature and scale of the proposed development, the brownfield nature of the receiving environment, and to the nature, extent, characteristics and likely

duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

1. Philip O'Reilly , 18 Grosvenor Place, Rathmines, Dublin 6. The appeal sets out the following:

- It is set out that the development is inappropriate and represents a modernist and brutalist imposition and would seriously demean and adversely impact the outstanding character and setting of the area including the Holy Trinity Church and adjoining protected structures.
- The development constitutes over development of the site and there are inadequate residential amenities including parking and open space and will impact negatively on adjoining residential amenity.

2. Mr. Stephen Walsh, 15 Belgrave Road, Rathmines, Dublin 6. The appeal sets out the following:

- It is set out that that development will reduce daylight and sunlight and shadow study, daylight analysis and photomontages have not had regard to the impact of the development on the interior of the appellants house as the appellant was not contracted in this regard.
- It is set out that the development will overlook overshadow and compromise the privacy of the appellants garden.
- It is out that the boundary of the appellants property is incorrectly represented, and the development will have a negative impact on the appellants protected structure

- It is set out that the loss of two on street car parking spaces and the additional traffic generated by the development will result in traffic congestion and result in a safety hazard.
- It is set out that the design and density of the development is out of character in the area on the Z2 zoned lands.
- It is set out that the construction houses will cause considerable noise and disruption

6.2. Applicant Response

- It is set out that the design respects the character of the area, and the design is of high architectural quality that positively and appropriately responds to the architectural quality of the existing building in the surrounding area.
- The building represents a continuation of the building form established by nos. 14 and 15 on Belgrave Road and is respectful of the established building line. The building height is in keeping with existing buildings and will be lower than the existing maximum height of no. 15 Belgrave Road and the Nave of Holy Trinity Church.
- It is set out that the material finishes have been selected to accord with the established character. The brickwork will be a slightly mottled red colour and all gates and railings will be galvanised steel.
- It is set out that the existing 20th Century rectory building on site would not be considered to be in keeping with the character of the surrounding area.
- The development represents a modern, contemporary architectural response to the variety of 19th century architectural designs which predominate the immediately surrounding area. It is argued that it would be wholly inappropriate to mimic the architecture of Belgrave Road and would be contrary to the Architectural Heritage Guidelines.
- The proximity to protected structure is noted and it is set out that no works are proposed to or within the curtilage of any protected structures.
- It is set out that the development provides for adequate car parking in the context of the proximity to public transport and national planning policy to

minimise the reliance on the private car. It is noted that in addition to the four car parking spaces proposed on site, the six duplex/apartments units will be facilitated by the use of surface car parking spaces on Purser Gardens adjacent to the site and under the control of DCC. It is noted that this is acceptable to DCC. Notwithstanding, it is argued that under the Apartment Guidelines (2018) in central accessible location car parking may be reduced or eliminated and a minimum of three spaces only on Purser Gardens are required to accommodate the development.

- It is set out that the private and communal open spaces provided meets the relevant development standards.
- It is set out that impacts on adjoining properties have been appropriately mitigated to include extensive tree planting along the rear and side boundaries, the set back of the first and second floor also provides for increased separation distances and the first floor terraces will be screened with hardwood battens orientated to avoid overlooking.

6.3. **Planning Authority Response**

None

6.4. **Observations**

T. Shaw, 15 Palmerston Court, Rathmines, Dunlin 6. A brief summary of the issues raised in the submission are set out below:

- The development will give rise to overlooking and overshadowing.
- Impact on on-street parking
- The development will detract from the existing setting of the area and destroy the architectural homogeneity.

6.5. **Further Responses**

A further response was received from the applicant on 28th May 2020 accompanied by a Daylight and Sunlight Analysis. The submission sets out the following:

Overlooking

- It is set out that first and second floor duplex/apartments units (units D-J) have been designed to incorporate appropriate tiered setbacks at first and second floor levels to provide appropriate separation distances from no. 15 Belgrave Road. In addition, the first-floor terraces will be screened with hardwood battens and orientated to avoid overlooking.
- It is also set out that the scale of the development (2-3 storeys) is in keeping with the character of the area in terms of building height.
- With regard the loss of trees, it is noted that additional tree planting is proposed as part of the development.

Overshadowing

- It is set out that owing to the design, the proposed development is not of a scale or nature that would be likely to cause significant impacts on daylight access to existing neighbouring properties.
- The submission includes a Daylight and Sunlight Analysis which concludes that the development would have an imperceptible impact on all windows and rear gardens of all neighbouring properties.

Construction Impacts

- It is set out that the developer will comply with all relevant best practices and adhere to specified construction hours and relevant conditions

Inaccuracies in Planning Drawings

- It is set out that the site boundaries as presented are accurate

Impact on Protected Structure (No. 15 Belgrave Road)

- It is set out that the development does not include works to the Protected Structure and while the development will abut No. 15 Belgrave Road it will abut the modern extension and not the Protected Structure itself.

Car Parking / Traffic

- It is set out that the layout provides for adequate car parking and DCC have accepted as part of the planning application that the surface car parking on Purser Gardens can be appropriately allocated to units D- J.

- Site accessibility and location in proximity to public transport is noted.
- It is set out that access arrangements and car parking are in accordance with DCC Transportation Department requirements and there will continue to be only one vehicular access point to the site and the relocation is an improvement on the existing situation.

Impact on Character of the Surrounding Area

- It is set out that the existing rectory is a 20th Century building and would not be considered in keeping with the character of the area. The proposed development is in keeping with the form of the existing buildings and represents a high-quality design.

Sunlight and Daylight Analysis concluded that the development would have an imperceptible to the levels of daylight and sunlight received by the windows of the neighbouring properties with the majority of neighbouring gardens also experiencing an imperceptible level of impact to the sunlight received.

7.0 **Assessment**

7.1. **Introduction**

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development/Density
- Impact on Architectural Heritage and on the Character of the Conversation Area
- Residential Standards
- Impact on Residential Amenity
- Traffic and Car Parking
- Appropriate Assessment

7.2. **Principle of Development /Density**

- 7.2.1. The proposal provides for the demolition of the existing detached two storey house and the construction of two three-storey contemporary flat roof apartment blocks

comprising of a town house and duplex unit and the new rectory on the corner of Church Avenue and Purser Gardens and six apartment units fronting onto Purser Gardens. The appeal site is zoned Z2 -Residential Neighbourhoods (Conservation Areas) with the following objective: 'To protect and/or improve the amenities of residential conservation areas.'. Residential is a permissible use within this zoning category. As such the proposal is acceptable in principle, subject to the detailed considerations below.

- 7.2.2. The proposed density is 62.5 units/ha. Having regard to the criteria as set out in the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, the site can be defined as a both a 'public transport corridor', given its proximity to the Luas station and can be defined as an 'inner suburban/infill' site,. Both such sites are identified within the Guidelines as being suitable for higher densities, with minimum net densities in Public Transport Corridors of 50 units/ha, subject to appropriate design and amenity standards. In relation to 'inner suburban/infill sites', it is noted that a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.
- 7.2.3. The proposal would also be consistent with policy QH23 where the demolition of habitable housing is acceptable where there is a net increase in the number of dwelling units, in order to promote sustainable development by making efficient use of scarce urban land.
- 7.2.4. The existing house to be demolished is not a protected structure and not of any significant architectural merit, therefore, I have no issue with the demolition of the dwelling.
- 7.2.5. The proposal to provide an increased density of residential development on this site would be acceptable in principle subject to an assessment of the impact of the proposal on surrounding amenities.

7.3. Impact on Architectural Heritage and on the Character of the Conversation Area

- 7.3.1. It is asserted in the appeal that the proposed development would be out of character with the area and would have a negative impact on the character of the Conservation Area and the adjoining Protected Structures.

- 7.3.2. The appeal site is located in a conservation area of recognisable architectural merit and distinct residential character with a number of protected structures in the immediate vicinity of the site including Nos. 14 & 15 Belgrave Road and the Church of the Holy Trinity. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. However, site inspection indicated a number of 1970 Mews developments and more recent apartment schemes from the 1980s have been constructed in the general area of the site, including a number of residential apartment blocks to the south west and south east of the site.
- 7.3.3. The applicant argues that the contemporary modern design solution was informed by the character of the area and the building represents a continuation of the building form established by nos. 14 and 15 on Belgrave Road and is respectful of the established building line. The building height is in keeping with existing buildings and will be lower than the existing maximum height of no. 15 Belgrave Road and the Nave of Holy Trinity Church. It is set out that the material finishes have been selected to accord with the established character.
- 7.3.4. The development represents a modern, contemporary architectural response to the variety of 19th century architectural designs which predominate the immediately surrounding area. The applicant argues that it would be wholly inappropriate to mimic the architecture of Belgrave Road. In this regard, I also note Policy CHC4 of the Dublin City Development Plan (2016-2022) states that in relation to Enhancement Opportunities a design approach may include “*Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area*”.
- 7.3.5. Section 3.10.1 of the Heritage Protection Guidelines (2011) when discussing proposals to erect a new building in an ACA, states that the greater the degree of uniformity in the setting, the greater the presumption in favour of a harmonious design and where here is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged. The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings. The palette of materials and typical details for façades and other surfaces should generally reinforce the area’s character.

- 7.3.6. The individual blocks are of a scale and mass consistent with the surrounding development and the siting of the individual blocks addressing both road frontages and separated by a shared green area significantly reduces the scale of the development when viewed from Church Avenue and Purser Gardens as each form reads as an independent structure. With respect to contextual references, the development would be subordinate to the Holy Trinity Church and the contemporary design approach sets a clear distinction between the old and the new and bookends the terrace. I consider this approach acceptable and in line with the Architectural Heritage Protection Guidelines and the Dublin City Development Plan (2016-2022).
- 7.3.7. In terms of the relationship with protected structure no.15 Belgrave Road and the concerns expressed by the appellant in relation to site boundaries, I note that the works do not encroach, or overhang no. 15 Belgrave Road Church Avenue and the development will be constructed independent of the shared dividing wall of the development site and no. 15 Belgrave Road.
- 7.3.8. In the context of the site and the surrounding pattern of development, I consider the proposed development would represent the evolution of architectural form and expression. The contemporary design of the development and the separation distance from the Church and adjoining protected structures would achieve a significant architectural contrast that would not detract from the character of the area or the setting of the protected structures. The development would create an attractive and interesting vista on the approach to the site from all directions and enhance the overall character of the area. Computer-generated 3-dimensional images were submitted with the planning application to illustrate the proposed views of the development site. In my opinion the development set back from the street edge and in line with the primary building line of no. nos. 14 and 15 on Belgrave Road and the introduction of a streetscape fronting Purser Gardens, would not appear over dominant or incongruous in the streetscape, so as to negatively affect the visual amenities of the area or the character of the area.
- 7.3.9. I conclude therefore that no serious impact will result on the character of the Residential Conservation Area and the setting or appearance of adjacent Protected Structures as a result of the development.

7.4. Residential Standards

- 7.4.1. The appellants contend there are inadequate residential amenities including parking and open space provision.
- 7.4.2. A Housing Quality Assessment for each unit has been included as part of the documentation submitted with the application and demonstrates compliance with the standards for both the houses and apartments proposed. It is considered that the proposed development in terms of floor areas, privacy, aspect, natural light and ventilation and private open space would be acceptable and in accordance with Development Plan standards and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, March 2018.
- 7.4.3. I further note that additional communal open space has been provided to the rear of each unit A,B, D-J, in addition to the recessed front garden area fronting units A,B and C. The townhouse unit C is served by private rear garden c.53sqm in area. In terms of private open space, the minimum requirement for private open space provision as set out in Chapter 16 of the Dublin City Development Plan 2016-2022 is 60-70 sqm of rear garden space. In the context of the site, I am satisfied that the short fall in private open space serving unit C is negligible and compensated by the front garden area. The Planning Authority have raised no issues in this regard.

7.5. **Impact on Residential Amenity**

- 7.5.1. The potential for negative impact on established amenity is assessed with regard to impact of **overshadowing and overlooking** of the adjacent properties, in particular, to the rear of No. 15 Belgrave Road, 15A Belgrave Road and 15 Palmerstown Court to the east of the site.
- 7.5.2. The 'Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities' and its accompanying 'Urban Design Manual' does not set rigid minimum separation distances but does require that habitable rooms and private amenity space should not be directly excessively overlooked by neighbouring residents. The rear windows at first and second floor level of units A,B and C overlook the second development block units D-J. Units D-J are located 8.3m from the eastern site boundary and the first-floor terraces are screened in the form of treated hardwood batons. The second-floor terraces are recessed a further 4.4m from the proposed rear building line, resulting is a separation distance of 12.7m from the shared site

boundary. Therefore, I do not consider that there will be any significant negative **overlooking** of the adjoining dwellings to the east.

- 7.5.3. In relation to loss of **daylight and sunlight/overshadowing**, the BRE Guidelines (Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice, 2011) note that bathrooms and circulation areas need not be analysed when considering impacts of development on adjoining buildings, and consideration of impacts is limited to rooms where daylight is required, including living rooms, kitchens and bedrooms. I note reference in made in the planning officers' assessment to the submission of a Shadow and Daylight Analysis. There is no record of this submission in the accompanying documentation from the planning authority, however in response to the appeal submission to the Board the applicant submitted a Daylight and Sunlight Analysis with their submission of 28th May 2020.
- 7.5.4. The Daylight and Sunlight Analysis measures the impact of the development on the windows and gardens of the neighbouring properties in accordance with the requirements of 'Site Layout Planning for Daylight and Sunlight' BRE, 2011. The study concludes that all windows assessed have met the criteria as set out in the BRE guidelines for impact to VSC and the effect of the development is considered imperceptible. Similarly, impact on annual probable sunlight hours (APSH) based on windows with an orientation within 90 degrees due south, in this case no. 15 Belgrave Road were assessed. The report concludes that all windows assessed meet the criteria as set out in the BRE guidelines for impact of APSH. The impact to sunlight in existing gardens was also assessed and deemed be imperceptible with the exception of a moderate impact to the level of sunlight in the front garden of no. 15 Belgrave Road on March 21st. However, I note that hourly renderings on June 21st demonstrate that this space on the summer solstice will be significantly less with excellent levels of sunlight during the summer months.
- 7.5.5. In this regard, I note that any potential impact in terms of the impact of sunlight/daylight and overshadowing on the existing residential development immediate to the site must be balanced against the wider strategic objectives for the city. I am satisfied that the changes in terms of daylight and sunlight as outlined in the Daylight Sunlight report submitted in response to the appeal would be negligible and any potential adverse impact in terms of overshadowing within the city centre must be balanced against the need to provide a quantum of development which

seeks to provide a more compact urban form. I am satisfied that the overall impacts are considered minor and appropriate in an urban context, this is aided also by the site orientation.

- 7.5.6. Having regard to the building orientation and separation distances, the development will have a negligible impact in terms of reducing daylight and sunlight. The increased levels of overshadowing that would occur in this instance in my view would be negligible and therefore acceptable
- 7.5.7. The issue of **noise and disturbance**, arising from the use of the site as a residential development, and from the proposed terraces, has been raised by the Third-Party appellants. Given the setback of the existing houses from the proposed residential units, in particular, the apartments, I do not consider there will be a material impact on amenity as a result of noise from the general day to day activities associated with the site, or from the proposed terraces.
- 7.5.8. In conclusion, I do not consider that that proposal will have a material impact on the residential amenity of surrounding properties

7.6. **Traffic and Car Parking**

- 7.6.1. The Third-Party appellants have raised the issue of road safety resulting from the increased volumes of traffic in addition to the loss of on-street car parking to accommodate the revised entrance location. The potential for additional parking pressure as a result of the proposed development is also cited.
- 7.6.2. I note that four car parking spaces have been provided to the front of the site to accommodate units A,B and C. The applicant contends that the development provides for adequate car parking in the context of the proximity to public transport and national planning policy to minimise the reliance on the private car. It is noted that in addition to the four car parking spaces proposed on site, the six duplex/apartments units will be facilitated by the use of surface car parking spaces on Purser Gardens adjacent to the site and under the control of DCC.
- 7.6.3. The Development Plan establishes that car parking provision maybe reduced or eliminated in areas that are well served by public transport. This site is accessible to public transport including the Beechwood LUAS stop 450m to the east of the site, and there are numerous shops and services within walking distance. I further note

that on-a street permit parking is available in the wider area. There is no issue with car parking provision on the site. A total of 28 secure cycle parking racks have also been proposed on site.

- 7.6.4. In relation to concerns expressed regarding additional traffic and the loss of two on-street car parking spaces to facilitate the revised entrance, I note the Roads, Streets and Traffic Department have raised no concerns in this regard. Furthermore, I do not consider that the additional vehicle movements would compromise road safety. Traffic in the area is relatively slow moving due, in part, to parking on both sides of the road. The proposal will only generate limited vehicle movements, given the number of units proposed and the site is accessible to public transport. As such there is unlikely to be long-term parking on the surrounding streets as a result of the development.

7.7. Appropriate Assessment

Having regard to the nature of the development, its location in a serviced urban area, and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that planning permission be granted for the proposed development having regard to the reasons and considerations and subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the pattern of development in the vicinity, the existing development on site and the policies of the Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not detract from the character or Conservation Area or the setting of the adjacent Protected Structure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 24th January 2020 and by the further plans and particulars received by An Bord Pleanála on the 28th May 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: In the interest of visual amenity.

3. Proposals for a building name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all building and street signs, and unit numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name

Reason: In the proper planning and orderly development

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) A plan to scale of not less than 1:250 showing –
 - (i) Existing trees, hedgerows and boundary walls specifying which are proposed for retention as features of the site landscaping

(ii) The measures to be put in place for the protection of these landscape features during the construction period, in particular, the mature trees on site.

(iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder [which shall not include prunus species]

(iv) Hard landscaping works, specifying surfacing materials and finished levels

(c) A timescale for implementation

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity

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

Reason: In the interest of visual amenity.

6. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

7. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health

8. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

Reason: In the interest of sustainable waste management.

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

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

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

Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Irené McCormack
Planning Inspector

6th July 2020