



An
Bord
Pleanála

Inspector's Report

ABP-306801-20

Development	Construction of 4 No. 3-storey over basement 3-bedroom terrace dwellings each with a floor area of 261.8 sq.m. at the site to rear and all associated works.
Location	Site to the rear of 19 Grosvenor Road, Rathgar, Dublin 6
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4644/19
Applicant(s)	Ella van Cauwelaert, Monica O'Loughlin & Liz Coman
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Ashbrook Lawn Tennis Club Dr Diarmuid Ó'Gráda on behalf of Catherine Harris Sile Quigley Alan Bigley,

Bernadette & Donal Hamill

Frank Parks

Damien and Anne Mara

Elisabeth Doran

Hugh Frazer

Observer(s)

Rathgar Residents Association

Date of Site Inspection

03/06/2020

Inspector

Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site formerly comprised part of the rear garden of no. 19 Grosvenor Road and is currently laid out as a tennis court. Access to the site is via Bushes Lane, a residential cul-de-sac in the south Dublin suburb of Rathmines. Most of the lane has been residentially developed. The houses on Grosvenor Road and Kenilworth Road that back on to the cul-de-sac eastern end of the lane have mews access from the lane.
- 1.1.2. To the immediate south of the subject site, forming the southern boundary of the site is the Ashbrook Lawn Tennis club. To the north of the site is a Coach House in the rear garden of no. 18 Grosvenor Road. North of the cul-de-sac are the rear boundary walls of the dwellings on Kenilworth Road.

2.0 Proposed Development

- 2.1.1. On the 3rd December 2019 planning permission was sought for the construction of a 3-storey over basement terrace of 4 no. dwellings (261.8sq.m.) on a site (747.7sq.m.) that formerly comprised part of the rear garden of no. 19 Grosvenor Road.
- 2.1.2. Details provided in the application form are as follows:
 - Total site area: 747sq.m.
 - Proposed new build: 1061.34sq,m,
 - Proposed plot ratio 1.06
 - Proposed site coverage 60.49%

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 5th February 2020 the Planning Authority issued a notification of their intention to GRANT permission subject to 13 no. conditions. Condition no. 5 requires the developer to comply with the requirements of the Transportation Planning Department.

3.2. Planning Authority Reports

- 3.2.1. Engineering Dept, **Drainage Division**: No objection subject to standard conditions.

- 3.2.2. **Transportation Planning:** Further information required regarding revision to the proposed entrance, a service plan for bin collection and revision to proposed cycle parking.
- 3.2.3. **Planning Report:** Proposed infill development is acceptable. Provision of private open space complies with development plan. Overlooking of adjoining Tennis Club already exists. No overshadowing of the club will occur. Proposed dwellings, while taller than most infill dwellings are subordinate to the main dwelling on site and at a distance of over 46m. Proposed development is acceptable. Recommendation to grant permission.
- 3.2.4. The planners report states that there was no Transportation Planning report on the file.

3.3. **Prescribed Bodies**

- 3.3.1. None on file.

3.4. **Third Party Observations**

- 3.4.1. A large number of objections to the proposed development raised the following concerns: impact on adjoining Tennis Club in terms of height, overshadowing, privacy and impact on their floodlights and their party wall, traffic, design, excessive height, narrowness of Lane serving the area, proposed development is contrary to development plan policies and zoning, and that the proposed development is out of character with the pattern of development in the area.

4.0 **Planning History**

- 4.1.1. None on the subject site.

5.0 **Policy Context**

5.1. **Project Ireland 2040: National Planning Framework**

- 5.1.1. This national policy seeks to support the future growth and success of Dublin as Irelands leading global city of scale, by better managing Dublin's growth to ensure that more of it can be accommodated within and close to the city. Enabling significant population and jobs growth in the Dublin metropolitan area, together with better management of the trend towards overspill into surrounding counties.

5.1.2. The NPF recognises that at a metropolitan scale, this will require focus on a number of large regeneration and redevelopment projects, particularly with regard to underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development.

5.1.3. Of relevance to the subject application are the following:

- **National Policy Objective 2a:** A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs
- **National Policy Objective 5:** Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.
- **National Policy Objective 6:** Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

5.2. **Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018**

5.2.1. Reflecting the National Planning Framework strategic outcomes in relation to compact urban growth, the Government considers that there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes, by building up and consolidating the development of our existing urban areas.

5.2.2. The first of the 10 National Strategic Outcomes in the National Planning Framework that the Government is seeking to secure relates to compact urban growth. Securing compact and sustainable urban growth means focusing on reusing previously developed 'brownfield' land, building up infill sites and either reusing or redeveloping existing sites and buildings, in well serviced urban locations, particularly those served by good public transport and supporting services, including employment opportunities.

5.2.3. While achieving higher density does not automatically and constantly imply taller buildings alone, increased building height is a significant component in making

optimal use of the capacity of sites in urban locations where transport, employment, services or retail development can achieve a requisite level of intensity for sustainability. Accordingly, the development plan must include the positive disposition towards appropriate assessment criteria that will enable proper consideration of development proposals for increased building height linked to the achievement of a greater density of development.

- 5.2.4. **SPPR1:** In accordance with Government policy to support increased building height in locations with good public transport accessibility, particularly town / city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

5.3. **Dublin City Development Plan 2016-2022**

- 5.3.1. In the plan, the site is zoned '**Z2 Residential Conservation Area**' which has the stated objective "to protect, or improve the amenities of residential conservation areas". Within Z2 zones 'Residential' is a permissible use.
- 5.3.2. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design. **Table 16.1** provides the Maximum Car Parking Standards for Various Land-Uses and **Table 16.2** the Cycle Parking Standards. Applicable to the proposed development are the following:
- Indicative plot ratio for Z2 zones is 0.5 to 2.0,
 - Indicative site coverage for the Z2 zone is 45%

5.4. **Natural Heritage Designations**

- 5.4.1. The subject site is c.4.6km from the South Dublin Bay and River Tolka Estuary SPA (004024) and the South Dublin Bay SAC (0002100).

5.5. **EIA Screening**

- 5.5.1. Having regard to nature and scale of the development, the built-up urban location and brownfield nature of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for

environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal of Ashbrook Lawn Tennis Club

6.1.1. An agent has submitted a third-party appeal against the decision of the Planning Authority to grant permission, on behalf of the Ashbrook Lawn Tennis Club on the adjoining site. The appeal notes that the Club has been in existence for 100 years and that it occupies the former gardens of no. 20 Grosvenor Road. The appeal states that they do not object to the principle of development, but that any development must comply with the Z2 zoning objective. The appellants request that the site be developed as three 2-storey houses which respect the character of development on the lane. The appeal is accompanied by a number of photographs.

6.1.2. The grounds of the appeal can be summarised as follows:

- The appellants were not made aware of the proposed development. The pre-planning undertaken was not sufficient for a development of this size.
- The comparable mews developments presented by the applicant are not representative as they are linear mews developments, village sites and a corner site in a commercial setting.
- The 28 no. objections to the proposed development were not adequately considered.
- The Transportation Officers report was not taken into account.
- The submitted plans and drawings are cursory, lack clarity, detail and notation. The outline schedule of materials provides loose detail.
- The operation of the proposed flat roof with regard to the drainage of rainwater is unclear.
- The photo-realistic visuals are misleading and do not correspond with the plans. The boundary wall with the Tennis Club is shown variously as 2m/1.8m high when in reality it is 1.5m high.

- There is no topographical site survey, no engineering details, no basement assessment report, no vehicular turning movements plans, no details on access of emergency vehicles, no SuDS information.
- The construction costs for the proposed development would make the development unviable.
- The proposed 3-storey over basement design creates a narrow alley along the northern boundary with a private dwelling.
- The proposed design involves a series of multi-level terraces and private open spaces which will directly overlook the tennis club.
- The Planning Authority's suggestion that the proposed development would form a precedent is rejected. The proposed development is not "imaginative contemporary architecture".
- The Planning Authority is incorrect in its statement that the tennis club is already overlooked. The tennis club enjoys a significant level of privacy that is worthy of consideration.
- The proposed development is 9m above ground floor level, approx. 4.2m above the ridge line of the tennis club pavilion. The proposed development is approx. 300mm from the tennis club boundary wall. The proposed development is excessive, overbearing and visually intrusive.
- The Planning Authority's assessment that the proposed development is subordinate to the main house is irrelevant. Greater consideration should be given to the houses on Kenilworth Road, protected structures that are 32m away.
- The proposed development could impact wind vortex – downdraught affecting tennis play.
- Contrary to the Planning Authority report, the pattern of development on the lane is two-storey mews style with pitched slate roof fronting on to the lane. The proposed design is a deviation from that pattern and reads an incoherent architectural misfit.

- Access to the lane is at the very tight spur from the main lane to the cul-de-sac. There is no residential development in the cul-de-sac which is used by residents to access the rear of their properties. Members of the tennis club rarely use the cul-de-sac for parking due to its restricted width.
- The Coach house to the north of the subject site is in use as a Coach House, accommodating a horse and carriage.
- The proposed development falls short of the development plan standards. The site area is estimated to be 715sq.m. and proposed site coverage is 61%, in excess of the development plan standard of 45%. The proposed development constitutes over development.
- The proposed plot ratio at 1.85 is at the upper end of the standard for residential conservation areas.
- The proposed 38.95sq.m. private open space provision is short of the minimum 50sq.m. required. No public open space has been proposed.
- The proposed development constitutes backland development. The development plan acknowledges that backland development can cause a significant loss of amenity to existing properties.
- The subject site is located in a Z2 zone. Policy CHC4 seeks to protect the special interest and character of Conservation areas.
- The Board is requested to refuse permission.
- The appeal is accompanied by a visual impact line drawing, copy of the decision of the Planning Authority, proposed site development showing three two-storey houses, drawings showing site area and overlooking from the site.

6.2. **Grounds of Appeal of Local Residents**

6.2.1. A third-party appeal against the decision of the Planning Authority to grant permission has been made by an agent on behalf of the following 8 no. parties:

- 1 Catherine Harris 84 Bushes Lane
- 2 Sile Quigley 83a Bushes Lane
- 3 Alan Bigley, 29 Kenilworth Road

- 4 Bernadette & Donal Hamill, 77 Bushes Lane
- 5 Frank Parks, 85 Bushes Lane
- 6 Damien & Anne Mara, 5 Grosvenor Villas
- 7 Elisabeth Doran, 18 Grosvenor Road
- 8 Hugh Frazer, 27 Kenilworth Road

6.2.2. The grounds of the appeal can be summarised as follows:

- The proposed four bulky houses in a tightly constrained plot is too disruptive. The design and layout are at odds with the established pattern of development on Bushes Lane.
- The scale and height of the proposed development, increased traffic would cause a material loss of privacy and amenity.
- Opposite the site are a terrace of dwellings with pitched roofs and low eaves.
- The level of concern regarding the proposed development is borne by the 28 no. objections made to the Planning Authority. Residents consider that their objections were not given adequate consideration.
- The proposed development does not protect the amenities of the residential conservation area and therefore does not comply with the Z2 zoning.
- The boundary between the subject site and the Ashbrook Lawn Tennis Club comprises a stone wall. The club house is a low-profile, single storey building on a 3,500sq.m. site. The tennis club is in a Z9 open space and recreational amenity zone.
- The houses on Kenilworth Road and Square are heritage properties. The Board is invited to find that the design and the layout are too disruptive for this heritage context.
- Permission was refused for a 3-storey mews at 82 Bushes Lane on the grounds of height, design, building line, overlooking and loss of privacy and the loss of the coach house which forms part of the character of the mews laneway. Planning Authority reg. ref. 4497/03 refers. The Board is invited to make a similar decision.

- A similarly over-sized scheme at 1A Maxwell Road (3861/19) for five houses was refused permission on the grounds of insufficient residential amenity, height and proximity to adjoining windows with subsequent impact on residential amenity and the conservation area location. The Board is invited to refuse the subject development for similar reasons.
- It is submitted that the Planning Authority did not distinguish whether the subject proposal was an infill scheme or a mews development, both of which have different contexts. The report assesses the proposed development against section 16.10.10 for infill housing but also refers to the standards required for mews housing (16.10.16). It is submitted that this leads to uncertainty and the report of the Planning Authority should be set aside.
- It is submitted that Bushes Lane is a mews land and therefore any development has to respect that context.
- It is submitted that the proposed dwellings are over-sized with no variety.
- Bushes Lane is a quiet cul-de-sac with an established pattern of mews dwellings that have matured well. Good use is made of the old granite that forms attractive rubble walls which contribute to the local character. The proposed development, with no boundary to open car parking would remove the privacy and scale inherent in mews lanes.
- The Coach House at no. 18 may be from 1850 and is still in use as a Coach House. The loss of aspect and daylight the structure would experience should be assessed against section 16.10.16(b) of the development plan.
- The height of the proposed development would darken the coach house and the streetscape. The extent of excavation alongside the heritage Coach house is noted.
- The proposed over development would damage the residential amenity which the Z2 zoning seeks to cultivate.
- It is submitted that the proposed box-houses have been squeezed and stretched out of proportion, appearing out of place. The proposed development is contrary to section 16.10.16 of the development plan, taking no account of the mews lane and the wider heritage context.

- Drawing P105 shows a blank 12.3 x 7m wall creating dark houses.
- The shadow analysis of 21st June is at odds with the best practice use of 21st March / 21st September. It is submitted these dates would show a very different impact.
- A dull 9m high wall is proposed within 1.2m of the site perimeter. It is submitted that this is contrary to section 16.10.16 which requires landscaped open space of 7.5m deep to be provided behind the rear building line.
- The lane has restricted access, with limited parking spaces. Larger vehicles would find this difficult.
- The proposed development would have a site coverage of over 60%. This fails to express the visual burden on the neighbours. Drawing P106 shows an adult standing on an open terrace 9.5m above ground. This would give rise to excessive overlooking and a loss of privacy.
- It is submitted that there are no grounds for the Planning Authority's statement that the proposed development considers the amenities of the neighbouring properties.
- Some houses on Kenilworth Road have basement water problems. The Swan River flows through these lands and under the subject site. This raises concerns which the residents feel would put their properties at risk.
- The landscaping details show a 22m height tree. This does not exist, nor is there room for such a tree. Amended plans with realistic context should be required.
- The Board is requested to refuse permission for two reasons, relating to height, design, infringement of building lines, overshadowing and loss of light, injury to residential amenity, inadequate residential amenity for future residents.

6.3. Applicant Response

- 6.3.1. The applicant has responded to the third-party appeals, which can be summarised as follows. The response states that the proposed dwellings are for the three applicants and one other family member.

Response to Dr. Ó'Gráda Appeal

- The proposed development fully complies with the development plan zoning for the subject site and the immediate locational context.
- No.s 17 and 18 Grosvenor Road, with access to the same section of Bushes Lane have not objected to the proposed development.
- The proposed removal of the boundary wall will reduce the anti-social behaviour on the cul-de-sac.
- The stone wall at the tennis club is outside the development site and will not be affected by the proposal. The boundary stone wall between the two sites will be retained
- The single storey tennis club building is atypical. There is a mix of house types in the area. There are no protected structures in the immediate context of the site.
- The comparable decisions presented by the appellant are too old or are not relevant as the proposed development provides adequate residential amenity and will not cause overlooking.
- The proposed development is both an infill and a mews development. The Planning Authority considered it as such.
- The opportunity to develop with the adjoining site at no. 18 was considered but not possible. The Planning Authority statement that the proposed development was a template for such development is welcomed.
- Every development must be assessed on its own merits. The proposed development responds to the site specifics.
- There is a consistent and coherent design approach to the 4 no. units. The small site size is such that any variation in style and materiality would result in an unsightly aesthetic.

- Bushes Lane mews are individualistic in design with no dominant or prevalent style.
- The proposed development has been strategically designed to respect the Coach House on the adjoining site.
- The proposed development has been designed to protect the privacy of future residents and existing developments.
- The laneway at the entrance ranges from 6891mm to 5608mm, greater than the development plan requirement of 5.5m.
- The Planning Authority comprehensively assessed the proposed development.
- The proposed dwellings are smaller in scale, bulk and height than the original dwelling.
- The proposed dwellings are removed from the Coach House and no impacts will arise from basement construction. The appellants suggestion of dwellings facing the lane would be more detrimental to the Coach House.
- The Drainage Division of DCC have no objection to the proposed development.
- There are large mature trees in the rear garden of no. 18 Grosvenor Road as shown on submitted drawings.
- The planning application was accepted as valid by the Planning Authority.

Response to Appeal of Ashbrook Lawn Tennis Club

- Pre-planning was undertaken by email as is usual for smaller scale developments.
- The planning application was accepted as valid by the Planning Authority.
- The proposed roof design will drain rainwater as constructed.
- The submitted plans and elevations correspond with one another.
- If the existing stone wall varies in height, the proposed development will be finished as per the vertical timber panelling at this level.

- Visualizations indicate the design aesthetic and a realistic opportunity to view the units in context.
- A topographical survey of the site was undertaken.
- The Drainage Division of DCC have no objection to the proposed development. A Basement Impact Assessment was not required as the application was lodged after 3 Feb 2020. Condition no. 7 of the decision requires compliance in advance of the commencement of development.
- No construction difficulties are envisaged.
- Visual connectivity to the open space occupied by the Tennis Club is facilitated by the first-floor screens. These can be raised to 4.1m if the Board request which would allay the concerns of the Tennis Club.
- The proposed development is not excessive in height at only 3-storey. Development on Bushes Lane ranges from 6.8m, 8.2m, 7.6m and the original dwellings on Grosvenor Road are over 10m high. The siting, position and orientation of the proposal justifies the proposed height.
- Development on Bushes Lane is individualistic and not uniform in height, building line or roof finish. The proposed development is not out of character.
- The proposed development complies with the development plan criteria for an increase in site coverage as it is close to public transport.
- The proposed development with a provision of 50.83sq.m. private open space per dwelling complies with the development plan requirement of 50sq.m.
- No public open space is required due to the numerous amenity spaces in the locality.
- The proposed development is both a mews and an infill development and does not cause any significant loss of amenity to existing properties.
- The proposed development complies with development plan policies and objectives, including section 16.2.1 regarding heritage context.

6.4. **Planning Authority Response**

6.4.1. None on file

6.5. **Further Responses**

6.5.1. Dr. Diarmuid Ó'Gráda on behalf of the third-party appellants 8 no. residents of Bushes Lane, Kenilworth Road, Grosvenor Road and Grosvenor Villas:

- Supports the appeal of Ashbrook Lawn Tennis Club
- Proposed development does not comply with Z2 zoning
- Proposed development addresses a narrow north facing laneway, failing to create residential amenity.
- Site coverage is excessive, private open space is insufficient.
- The Board is requested to refuse permission on the grounds of height and design, overlooking overshadowing and loss of privacy and inadequate residential amenity to future residents.

6.6. **Observations**

6.6.1. **Rathgar Residents Association**

- The mews plots on the lane have been developed as two-storey with hipped roofs.
- The proposed block of 3-storey over basement is out of character.
- The proposed development is contrary to section 16.10.16 of the development plan in terms of its height, design and private open space provision. The proposed basements are contrary to section 16.10.15
- The proposed development will negatively impact the adjoining Tennis Club in terms of drainage and overlooking.
- The proposed development should be refused.

7.0 Assessment

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Design, Scale and Height
- Residential Amenity
- Traffic

7.2. Principle of the Proposed Development

7.2.1. The subject site is zoned Z2, Residential Conservation Area. Residential development is permitted in principle in such areas.

7.2.2. One of the appellants raises the issue of whether the proposed development is mews development or infill development. They state that the Planning Authority assessed the proposed development against both section 16.10.10 (infill development) and section 16.10.16 (mews lane) development.

7.2.3. It is considered that such a distinction need not be made. A development can be both infill and mews development. The overriding assessment for both is a de novo assessment on the proper planning of a proposal on a specific site. The proposed development of 4 no. units is an efficient use of zoned, serviced land. Subject to other planning considerations, the proposed development is acceptable in principal.

7.3. Design, Scale and Height

7.3.1. The northern section of Bushes Lane ends in a cul-de-sac as it turns east to provide access to the rear of the dwellings on Grosvenor Road to the south and Kenilworth Road to the north. The nature of this narrower section of the lane is entirely different to the rest of Bushes Lane, which has been developed as the large Ashbrook Lawn Tennis Club (on the eastern side) and a series of terraced and semi-detached dwellings on the western side. The 5 no. residential plots that open on to the cul-de-sac retain their original / unchanged rear access with no development. The subject site is the first of the cul-de-sac plots to seek re development. The proposed

development is removed from the more traditional two-storey mews development on the southern section of the lane. The site is also larger than the sites on the southern section, capable of accommodating more than one or two units. It can therefore, create its own character, scale and form of development. That the sites on three of the four sides of the subject site are undeveloped, allows the subject site to create the a new standard. The site to the south of the subject site, Ashbrook Lawn Tennis Club has been developed, but as commercial not residential. It comprises a series of tennis courts and a single storey pavilion building. The site is bound to Bushes lane by a low boundary wall, creating an open aspect.

- 7.3.2. It is considered the proposed design, reads both as a terrace but also clearly 4 no. separate units. The use of open space terraces between the units minimises the scale of the block. The simplicity of the design minimises the height of the proposed development. At 9m, the proposed dwellings are significantly taller than the dwellings on the southern section of Bushes Lane, but lower than the dwellings on Grosvenor Road. As stated above however, the stand-alone nature of the subject site is such that it can create its own benchmark.
- 7.3.3. The site coverage of the proposed development at c.60% is in excess of the 45% indicative site coverage for Z2 zones. As with plot ratio, higher site coverage may be permitted in certain circumstances (section 16.6 of the development plan refers) such as proximity to major public transport termini and corridors, in areas in need of urban renewal, to maintain existing streetscapes and where a higher site coverage exists. None of these criteria pertain to the subject site. The applicants reference to two public bus routes does not constitute a major public transport termini.
- 7.3.4. Site coverage is a control for the purpose of preventing the adverse effects of overdevelopment, thereby safeguarding sunlight and daylight within or adjoining a proposed layout of buildings. As the proposed development has been assessed not to negatively affect the sunlight or daylight of the proposed or existing developments, it is considered that the safeguard control intended by site coverage calculations, has in this instance been achieved, notwithstanding that the indicative standard has been breached.
- 7.3.5. It is considered that the proposed contemporary architectural design is the correct response to the subject site. I concur with the assessment of the Planning Authority

that the proposed development will create a high-quality template for development in the area.

7.4. Residential Amenity

- 7.4.1. The impact of the proposed development on the members of the adjoining Tennis Club is raised by the Appellants and the Observers. They state that the club courts will be overlooked, that the privacy and amenity of the Club will be negatively impacted.
- 7.4.2. Private open space for the proposed development comprises a courtyard at basement (7.2sq.m.) and ground level (8.6sq.m.), two terraces at first floor(17.2sq.m.) and a roof garden/ terrace at second floor level (17.6sq.m.). One of the appellants states that private open space is required to be at ground level, behind the rear building line. It is considered, that the proposed provision of courtyard and terrace open space is acceptable in the subject instance, given the innovative nature of the proposed design.
- 7.4.3. In terms of overlooking, no overlooking of the tennis club will arise from the proposed courtyards or the north facing first floor terrace. The proposed first floor terrace (south facing towards the Tennis Club) and dual aspect second floor terrace are approx. 2.6m from the southern boundary with the Tennis Club. Given the open nature of the courts and the height of the proposed terraces (approx. 3m and 7m above ground level) it is considered that the possibility of overlooking exists. A 1.1m high glassblock screen is proposed for each terrace. The applicant has suggested that to obviate overlooking of the tennis club, that the height of the screen at first floor level could be increased to 4.1m. It is considered that such an amendment would avoid any invasion of the privacy of the users of the tennis club. Should the Board decide to grant permission, this could be achieved by way of condition.

7.5. Traffic

- 7.5.1. 4 no. car parking spaces and 8 no. cycle spaces are proposed for the 4 no. units. I note that the Planning Authority assessment did not appear to have sight of the report of the Transportation Planning department prior to making their recommendation.

7.5.2. The transportation department report requests further information to address vehicular movements, swept path drawings, arrangements for bin and emergency vehicles and revised cycle parking. None of the issues raised by the report are such that a refusal of permission should issue. It is considered that the requirements of the department can be achieved within the site boundaries, without significant amendment to the proposed development. Should the Board decide to grant permission, a condition should be attached to require compliance with the requirements of the Transportation department.

7.5.3. The subject lane is of sufficient width to accommodate the likely additional vehicle movements, noting that the existing rear access could currently be used in such a manner.

7.6. Appropriate Assessment

7.6.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

8.1.1. It is recommended that permission be granted subject to conditions, for the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1.1. Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development for which permission is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development the developer shall submit for the written approval of the Planning Authority, plans and details of a 4.1m high screen on the southern side of the proposed open space at the first terrace no. 3.</p> <p>Reason: To protect the privacy and amenity of the adjoining property to the south.</p>
3.	<p>Prior to the commencement of development the developer shall ascertain the requirements of the Transportation Planning Division of Dublin City Council. The developer shall agree such details in writing with the Transportation Planning Division and the Planning Authority, prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of protecting the pedestrian and vehicular safety of proposed and existing development.</p>
4.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>

5	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
6	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
7	<p>The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development</p>
8	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.</p> <p>Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process</p>

9	<p>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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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.</p>
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Gillian Kane
Senior Planning Inspector

29 June 2022