



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306890-20

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<b>Development</b>	Modifications to previously approved three storey building comprising 3 apartments,
<b>Location</b>	Site of c.312sqm at the rear of, 2-10, Jamestown Road and Tyrconnell Road, Inchicore, Dublin 8
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	4798/19
<b>Applicant(s)</b>	Glencarra Homes Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Helen Whelan
<b>Date of Site Inspection</b>	01 <sup>st</sup> July 2020
<b>Inspector</b>	Colin McBride

## 1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.0182 hectares, is located to the west of Dublin City Centre and south of Phoenix Park. The appeal site is a vacant site located just west of the Naas Road (R810), just north of the Grand Canal and to the rear of no.s 2-10 Jamestown Road. The site is defined by a wooden fence along its eastern boundary and block walls along the other boundaries of the site. Immediately to the east of the site is a small green area between it and the Naas Road. To the south of the site is a pedestrian pathway linking the Naas Road to the Jamestown Road, which ends in a cul-de-sac adjacent the western boundary of the site. Immediately to the north are the rear gardens of no.s 2 to 10 Jamestown Road, which back onto the site.

## 2.0 Proposed Development

2.1. Permission is sought for modifications of a previously approved three-storey building (ref no. 2900/17) comprising 1 no. 2-bedroom ground floor apartment, 1 no. 2 bedroom duplex and 1 no. 3 bedroom duplex apartment on first and second floor levels with secure storage for each apartment, bicycle store, bin store, entrance courtyard, ground floor terrace, first floor terrace, second floor terrace and all associated site works. The modifications include the provision of a central access staircase, reconfiguration of internal layouts to apartments, additional 28sqm of accommodation and revised elevations.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission granted subject to 5 conditions. The conditions are standard in nature.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Planning Report (18/02/20): The design and scale of the proposal was considered to be acceptable in the context of visual amenity and the amenities of adjoining

properties. A grant of permission was recommended subject to the conditions outlined above.

### 3.2.2. Other Technical Reports

Drainage Division (04/02/20): No objection subject to conditions.

Transportation Planning (07/02/20): No objection subject to conditions.

### 3.3. Prescribed Bodies

TII (03/02/20): No observations.

### 3.4. Third Party Observations

#### 3.4.1 Submissions were received from...

Mark Smith, 8 Jamestown Road, Inchicore, Dublin 8.

Helen Whelan, 10 Jamestown Road, Inchicore, Dublin 8.

Steven Hannan, 6 Jamestown Road, Inchicore, Dublin 8.

- The issues raised include inappropriate height and scale, overbearing impact, loss of light and subsequent loss of amenity. Inadequate levels of open space and lack of car parking. Closure of a rear access to the existing dwellings.

## 4.0 Planning History

2900/17: Permission granted for a three-storey building consisting of 3 no. apartments.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant Development Plan is the Dublin City development Plan 2016-2022. The appeal site is zoned Z1 with a stated objective 'to protect, provide and improve

residential amenities'. The site is located within an Architectural Conservation Area (ACA).

#### Section 16.4 Residential Density:

The Regional Planning Guidelines settlement hierarchy designates Dublin city centre and the immediate suburbs as a gateway core for international business, high density population, retail and cultural activities. The guidelines indicate that development within the existing urban footprint of the metropolitan area will be consolidated to achieve a more compact urban form, allowing for the accommodation of a greater population than at present.

The Department of Environment, Heritage and Local Government (DEHLG) Guidelines on Sustainable Residential Development in Urban Areas 2009 supercede the 1999 Guidelines for Planning Authorities on Residential Density. In this context, Dublin City Council will promote sustainable residential densities in accordance with the standards and guidance set out in the DEHLG Guidelines on Sustainable Residential Development in Urban Areas and having regard to the policies and targets in the Regional Planning Guidelines 2010 – 2022 or any Regional Spatial and Economic Strategy that replaces the regional planning guidelines.

Sustainable densities promoting the highest quality of urban design and open space will be sought by the City Council in all new developments. The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity. Public transport capacity will also be used to determine the appropriate density allowable.

An urban design and quality-led approach to creating urban densities will be promoted, where the focus will be on creating sustainable urban villages and neighbourhoods. A varied typology of residential units will be promoted within neighbourhoods in order to encourage a diverse choice of housing options in terms of tenure, unit size, building design and to ensure demographic balance in residential communities.

All proposals for higher densities must demonstrate how the proposal contributes to place-making and the identity of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods.

## 5.2 National Policy

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

The Urban Development and Building Height - Guidelines for Planning Authorities (December 2018) build on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. It is acknowledged that increasing building heights has a critical role to play in addressing the delivery of more compact growth in urban areas, particularly cities and large towns.

### SPPR1:

In accordance with Government policy to support increased building height and density 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, regeneration 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.

### SPPR3:

It is a specific planning policy requirement that where;

(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and

2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

(B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme

(C) In respect of planning schemes approved after the coming into force of these guidelines these are not required to be reviewed.

Guidelines on Sustainable Residential Development in Urban Areas 2009

Appropriate locations for increase densities

Public Transport Corridors:

Walking distances from public transport nodes (e.g. stations / halts / bus stops) should be used in defining such corridors. It is recommended that increased densities should be promoted within 500 metres walking distance<sup>18</sup> of a bus stop, or within 1km of a light rail stop or a rail station. The capacity of public transport (e.g. the number of train services during peak hours) should also be taken into consideration in considering appropriate densities. In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes. Minimum densities should be specified in local area plans, and maximum (rather than minimum) parking standards should reflect proximity to public transport facilities.

### 5.3 Natural Heritage Designations

None in the vicinity.

## 5.4 EIA Screening

5.4.1 In regard to the nature and scale the development which consists of the construction 3 no. apartments and associated site works 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

6.1.1 A third party appeal has been lodged by Helen Whelan, 10 Jamestown Road, Inchicore, Dublin 8. The grounds of appeal are as follows...

- The proposal would obscure existing views the appellant enjoys from the back of her house.
- The proposal due to scale and proximity would reduce sunlight to the appellant's back garden and a subsequent loss of amenity.
- The proximity of bin storage to the appellant's rear garden would result in odours.
- There is a lack of any clearance between the existing storage sheds to the rear of the appellant's property and it is appropriate to have some sort of clearance between the proposed and existing structures.
- The appellant expresses concerns regarding the impact of construction on the structural integrity of the storage sheds and the potential for costs to repair such.
- The proposal is overdevelopment of a small site and is excessive in site coverage relative to Development Plan policy.
- There are no car parking spaces. The proposal will lead to illegal parking in the area.

- There is a lack of open space provided in the proposal and the open space provided is much reduced in comparison with the previous proposal on site under ref no. 2900/17.
- There has previously been a stream running through the area which was culverted, such should be identified in the event of it being encountered during construction and such should be included in the flood risk assessment.

## 6.2. Applicant Response

6.2.1 A response has been submitted by Duignan Dooley Architects and Planning Consultants on behalf of the applicant, Glencarra Homes Ltd.

- Permission was granted on the site under ref no. 2900/17 for a three-storey block with 3 no. apartments. The proposal entails a number of modifications such as inclusion of staircase, revised layout of apartments, 28sqm of additional space and revised elevations.
- The principle of the proposed development is established with current proposal similar in height and scale and in its relationship with adjoining properties. The height is marginally decreased over the permitted development on site (9.5m to 9.35m). There no loss of light over and above that of the previously permitted development.
- The bin store is in a well ventilated and defined area and is separated from the appellant's property with the existing shed located to the rear of their property.
- The rear boundary wall of the appellant's property is a party wall and there is no requirement to provide clearance from the existing wall. The appellant's property will be protected during construction at all times.
- The density of the development is appropriate given its proximity to public transport infrastructure (adjacent Luas stop).
- The provision of public and private open space exceeds the requirements for such.



- The lack of provision of car parking is appropriate given its location within close proximity to public transport infrastructure.
- A Flood Risk Assessment was submitted and the site is located with Flood Zone C. The assessment demonstrates that the proposal poses no flood risk.

### 6.3. **Planning Authority Response**

No response.

## 7.0 **Assessment**

7.1 Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development, land use policy, density

Adjoining amenity

Other Issues

Appropriate Assessment

7.2 Principle of the proposed development, land use policy, density:

7.2.1 The proposal is for modifications to a previously approved three-storey development consisting of 3 no. apartments. The modifications proposed do not alter the scale and height of the proposal significantly and are actually marginally lower in height than the approved proposal. The appeal site is zoned Z1 with a stated objective 'to protect, provide and improve residential amenities'. The proposed residential use is consistent with this objective and adjoining land uses.

7.2.2 The appeal site is small underutilised infill site located to the rear of existing dwellings. The appeal site is located beside the Blackhorse Luas Stop on the Red Line. The design and layout of the apartments are consistent with the standards set down under the Sustainable Urban House: Design Standard for New Apartments (March 2018) in relation to apartment size, room dimensions, storage space and the

provision of private open space. The provision of additional residential development within the city along a public transport corridor would be also be in accordance with policy objectives under the City Development Plan and national policy under Sustainable Urban Housing: Design Standards for New Apartments-Guidelines for Planning Authorities (March 2018), and The Urban Development and Building Height - Guidelines for Planning Authorities (December 2018).

### 7.3 Adjoining Amenity:

7.3.1 The main issues raised in the appeal relate to impact on the amenities of the adjoining property to the north, whose rear boundary (southern) backs onto the northern boundary of the appeal site. The appellant raises concerns such as loss of view to the south, loss of or light and construction impact on their property. As noted above the proposal is a modification of previously permitted development granted under ref no. 2900/17 for a three-storey development consisting of 3 no. apartments. The overall scale and form of the new proposal is similar to that of the approved development. There is a small increase in floor area, however such has not resulted in any significant increase in the overall scale of the building relative to that approved on site and the current proposal is actually marginally lower in ridge height. The modified proposal would have no adverse impact over and above that of the development permitted under ref no. 2900/17.

7.3.2 The height of the three-storey block due to its flat roof profile is similar in ridge height to the existing dwellings to the north, which are two-storeys with a pitched roof. In relation to loss of view I would note that this not a planning consideration and that principle of development on the site has been approved and the redevelopment of the site, which is zoned for residential use and in close proximity to a public transport corridor in an efficient manner is appropriate.

7.3.3 In relation to light levels I would reiterate that the scale and relationship of the current proposal to adjoining dwellings is no different to the approved development. Notwithstanding such, I would note that the structure is well separated from the rear

of the adjoining dwellings to the north and that appellant's property has a storage shed located adjacent the boundary adjoining the site. I am of the view that overall design and scale of the proposal would have no adverse impact in terms of overshadowing/overbearing impact in relation to the appellant's property or any other property.

7.3.4 The proximity of the structure to the boundary wall of the appellant's property is noted and concerns regarding lack of a separation from such and potential damaging impact of construction works is noted. I would reiterate again that the proposal does not deviate from the permitted pattern of development. The boundary wall is a party wall and I am satisfied that there is no reason for an increased separation between the proposed development and the boundary wall. The onus is on applicant to ensure no damage to adjoining properties and I am satisfied that appropriate construction management techniques should ensure this.

7.3.5 I would consider that design and location of bin storage on site is satisfactory and would not unduly impact on the amenities of any of the adjoining properties.

7.4 Other Issues:

7.4.1 The appellant questions the lack of car parking in the proposal and the potential impact of parking over spilling into the area. The appeal site is a small infill site in close proximity to a public transport corridor. The appeal site is too small to facilitate off-street car parking and could not be redeveloped in an efficient manner if such was insisted upon. Given its proximity to high quality public transport, it is wholly appropriate to permit the proposed development without off-street car parking.

7.4.2 The appellant raises concerns about potential flooding. The appeal site is within Flood Zone C and a comprehensive Flood Risk Assessment was submitted that demonstrate that the proposal would not present a flood risk at this location.

## 7.5 Appropriate Assessment:

- 7.5.1 Having regard to the nature and scale of the proposal, no appropriate assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1 I recommend a grant of permission subject to the following conditions.

## 9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, which is modification to a development permitted under ref no. 2900/17, it is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance Development Plan policy, would not detract from the visual amenities of the area and would be acceptable in the context of the amenities of adjoining properties. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

## 9.0 Conditions

1. 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.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and 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.

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

Reason: In the interest of visual amenity.

4. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall 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.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including traffic management, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and the amenities of the area.

6. 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.

7. 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.

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Colin McBride  
Planning Inspector

01<sup>st</sup> July 2020