



An  
Bord  
Pleanála

## Inspector's Report ABP-307402-20

### Development

For modifications to previously approved application (Reg. Ref. D19A/0282) to include 1 No. additional two-bedroom apartment (circa 89sqm) with balcony area and associated privacy screens at second floor level, roof lights, solar panels, all located over the permitted development located generally to the rear (West) of the site, total development comprises a gross area of circa 607sqm, on a site area of circa 0.0545HA, all associated modifications to permitted elevations and plans, and all associated site works.

### Location

Saint Anne's, Main Street / Dublin Road at junction with Stonebridge Close, Shankill, Co. Dublin.

### Planning Authority

Dún Laoghaire Rathdown County Council

### Planning Authority Reg. Ref.

D20A/0097

### Applicant(s)

Aine Hayes

<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	Aine Hayes
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	31 <sup>st</sup> August, 2020
<b>Inspector</b>	Robert Speer

## 1.0 Site Location and Description

- 1.1. The proposed development site is located along the western side of Main Street / Dublin Road in Shankill village centre where it occupies a corner plot alongside the junction with Stonebridge Close. Whilst the surrounding area includes a variety of retail, commercial, entertainment and office uses typical of a town centre location, the site itself is located on the southernmost fringe of the village centre beyond 'Bradys' public house in a transitional area characterised by an increasing prevalence of residential development, including apartment blocks and more conventional suburban housing such as Stonebridge Close to the immediate west. It has a stated site area of 0.0545 hectares, is irregularly shaped, and presently comprises a predominantly two-storey vernacular property known as 'Saint Anne's' which was previously in use as 2 No. dwelling houses before being extended and converted to provide for a single dwelling house and a (vacant) ground floor retail unit.

## 2.0 Proposed Development

- 2.1. The proposed development involves the amendment of the apartment scheme previously approved on site under PA Ref. No. D19A/0282 to provide for 1 No. additional 2-bedroom apartment (floor area: c. 89m<sup>2</sup>) with a balcony area (extending to the south and west) and associated privacy screens at second floor level. The proposal also includes for all associated modifications to the permitted elevations and plans, the installation of roof lights & solar panels, and ancillary site works. Water and sewerage services are available from the public mains network.
- 2.2. On 6<sup>th</sup> March, 2020, the Planning Authority issued a Certificate of Exemption (PA Ref. No. V/011/2020) pursuant to the provisions of Section 97 of the Planning and Development Act, 2000, as amended, with regard to the proposed development.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. On 25<sup>th</sup> May, 2020 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:

- Having regard to the height, bulk, massing and design of the proposal and its close proximity to the northern site boundary, and two-storey dwellings to the rear (west) of the site in Stonebridge Close, and to the south of the site; it is considered that the proposed development would be visually obtrusive, and would seriously injure the residential amenities of adjoining properties, and the character of the surrounding streetscape, by reason of visual dominance, and would negatively impact on the amenity and aspect of the internal courtyard, and courtyard facing windows and amenity spaces for future residents of the proposed scheme. It is considered therefore, that the proposed development would seriously injure the amenities and depreciate the value of property in the vicinity, and is considered to be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

3.2.1. *Planning Reports:*

Details the site context, planning history, and the applicable policy considerations before stating that whilst the site has the potential to accommodate a higher density of development given its location and proximity to public transport, the acceptability of any such proposal would be contingent on a number of factors, including the quality of the design proposed (given the relative prominence of the site along the streetscape) and the need to protect the residential amenity of neighbouring properties. Following an analysis of the development, including a comparison with previous proposals permitted on site, the report concludes by stating that although the principle of the additional apartment unit would be acceptable, it was considered that the overall height, bulk, massing, design and layout of the proposal would have an adverse impact on the visual amenity of the area and would detrimentally impact on the residential amenity of neighbouring housing as well as that of the lower level

apartments already permitted on site. This report therefore recommended that permission be refused for the reasons stated.

3.2.2. *Other Technical Reports:*

*Drainage Planning, Municipal Services Department:* No objection.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

4.1. *On Site:*

PA Ref. No. D19A/0282. Was granted on 27<sup>th</sup> November, 2019 permitting Aine Hayes permission for part demolition of vacant shop to rear at ground floor and part demolition of dwelling at ground and first floor, retaining front elevation and roof facing main street, demolition of 2 storey storage building at rear and side facing Stonebridge Close and redevelopment and construction of a two storey mixed retail and residential development comprising: A. 1 no. retail unit at ground floor with modified shop front. B. 4 no. 2 bedroom apartments at ground and first floor. C. Balconies with privacy screens on west facing façades to Stonebridge Close and proposed courtyard space. D. 2 no. car parking spaces, 10 no. bicycle spaces, bin storage and all associated boundary treatment, associated roof lights, solar panels, site works and landscaping.

PA Ref. No. D11A/0275. Was granted on 8<sup>th</sup> September, 2011 permitting John Brady permission for part demolition of derelict shop at ground and part demolition of dwelling at ground and first floor, retaining front elevation and roof facing Main Street. Demolition of 2 storey storage building at rear. Redevelopment of a 2-storey mixed retail and residential development to provide: (1) 2 No. retail units at ground floor with traditional shopfronts. (2) 3 No. 2 bedroom apartments at first floor, all with south facing outdoor terraces, private open space. (3) Provision of 13 No. car spaces 5 No. residential use, including site works and landscaping. Change of use from dwelling to retail shop at ground floor corner.

- PA Ref. No. D11A/0275/E. Was granted on 6<sup>th</sup> October, 2016 permitting John Brady an 'Extension of Duration' of PA Ref. No. D11A/0275 until 8<sup>th</sup> September, 2021.

PA Ref. No. D10A/0083. Was refused on 12<sup>th</sup> April, 2010 refusing John Brady permission for part demolition of existing 2 storey derelict shop and dwelling and demolition of 3 no. 2 storey derelict dwelling houses and construction of a 3 storey over basement car park mixed retail and residential development to provide: (1) Ground floor to consist of 3 no. retail units, (2) First floor to consist of 3 no. 2 bedroom apartments, 2 no. 2 storey 2 bed duplex units, 1 no. 1 bedroom apartment and landscaped semi-private open space, (3) Second floor to consist of 2 no. 2 bedroom and 1 no. 1 bedroom apartments with external terrace. The total no. of apartments to be provided is 9. (4) Basement to consist of 11 no. car parking spaces with ramp access off Stonebridge Close. (5) Site development works including the provision of 14 no. off street, surface car parking spaces.

- Having regard to the scale, height, design and proximity to single and two-storey dwellings to the rear of the site in Stonebridge Close and to the west of the site, it is considered that the proposed development would be visually obtrusive, would seriously injure the residential amenities of adjoining properties by reason of visual dominance and would therefore be contrary to the proper planning and sustainable development of the area.
- Having regard to the proposed siting of the development, it is considered that the proposed development, by means of the inadequate distances from balconies to the neighbouring properties and increased fenestration, would result in increased overlooking and loss of privacy for the neighbouring properties. The proposed development would devalue and injure the residential amenities of properties in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.
- The proposed development would, by reason of inadequate private open space provision, result in a substandard useable private open space for future occupiers and as such, would therefore be seriously injurious to the residential amenities of the future occupiers and would be contrary to the proper planning and sustainable development of the area.

- The proposed development includes the demolition of habitable dwellings, which appear to be in a structurally sound condition. Given the lack of justification submitted, it is considered that the demolition of the existing dwellings would be contrary to the principles of sustainable development, as enunciated in 'Sustainable Development - A Strategy for Ireland' and to the policies for the achievement of sustainable development in the 2004 Dun Laoghaire-Rathdown Development Plan. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

PA Ref. No. D06A/1814. Was refused on 9<sup>th</sup> February, 2007 refusing John Brady permission for the demolition of existing 2 storey derelict shop and dwelling and 3 no. 2 storey derelict dwelling houses and construction of a 3 storey over basement car park mixed retail and residential development to provide (1) Ground floor to consist of 3 no. retail units, (2) First floor to consist of 3 no. 2 bedroom apartments, 2 no. 2 storey 2 bedroom duplex units, 1 no. 1 bedroom apartment and landscaped semi-private open space, (3) Second floor to consist of 3 no. 2 bedroom and 1 no. 1 bedroom apartments with external terrace. The total no. of apartments to be provided is 10. (4) Basement to consist of 15 no. car parking spaces with ramp access off Stone bridge Close (5) Site development works including the provision of 14 no. off street surface car parking spaces.

- The site as outlined in red on the site location and layout plans excludes the proposed surface car parking and access to proposed basement car park.
- The proposed development includes the demolition of structures which appear structurally sound and are characteristic of the overall context of this area. Having regard to the condition and design of the existing structures, which is in harmony with the pattern of development in the area, it is considered these structures provide a valuable contribution to the streetscape of the area. It is considered that the applicant has failed to put forward sufficient justification to demolish these structures and that without such justification the proposed development would contravene materially Policy AR5 in the 2004 Dun Laoghaire - Rathdown Development Plan, which would be contrary to the proper planning and sustainable development of the area and would be contrary to the principles of sustainable development as

enunciated in 'Sustainable Development - A Strategy for Ireland" and to the policies for the achievement of sustainable development in the 2004 Dun Laoghaire-Rathdown Development Plan.

- Having regard to the scale, height, design, and proximity to single and two-storey dwellings in the vicinity, it is considered that the proposed development would be visually obtrusive at this location, would seriously injure the residential amenities of adjoining properties by reason of visual dominance, overlooking and the introduction of noise at first floor level from the proposed semi-private open space. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
- The local foul sewer is deficient and would not be available to serve the proposed development without works being carried out. The development as proposed would be prejudicial to public health.

PA Ref. No. D05A/0910. Was refused on 8<sup>th</sup> September, 2005 refusing Knockfadda Enterprises Ltd. permission for the demolition of existing 2 storey derelict shop and dwelling and 3 no. 2 storey derelict dwelling houses and construction of a part 3 and 4 storey, over basement car park mixed retail and residential development to provide (1) Ground floor to consist of 3 no. retail units; (2) First floor to consist of 3 no. 2 bedroom apartments, 2 no. 2 storey bedroom duplex units, 1 no. 1 bedroom apartment and landscaped semi-private open space (3) Second floor to consist of 3 no. 2 bedroom and 1 no. 1 bedroom apartments (4) Third floor to consist of 1 no. 2 bedroom apartment and 3 no. 1 bedroom apartments with external terrace. The total no. of apartments to be provided is 14 (5) Basement to consist of 15 no. car parking spaces with ramp access off Stonebridge Close. (6) Site development works including the provision of 14 no. off street, surface car parking spaces.

- The site as outlined in red on the site location and layout plans excludes the indicated layout parking between the proposed development and Shankhill main street and does not show a right of way from the proposed basement access over Stonebridge Close to the public road.
- The local foul sewer is deficient and would not be available to serve the proposed development without works being carried out. The development as proposed would be prejudicial to public health.



- The proposed development would contravene policy 10.2.5 of the 2004 County Development Plan in relation to the Rehabilitation, Renovation and Re-use of existing older buildings and would thereby be contrary to the proper planning and sustainable development of the area.
- The design of the proposed building, by reason of its height, massing and overall design approach, would be out of character with the scale of Shankill Village and would thereby be contrary to the proper planning and development of the area.
- The design of the proposed development, by reason of poorly designed private and semi-private open space, the lack of landscaping and planting proposals and the proposing of an unsatisfactory relationship between semi-private open space and internal living space, would not provide for a suitable level of amenity to the proposed apartment units.
- The proposed development would seriously injure the amenities and depreciate the value of residential property in the vicinity by way of excessive overlooking / invasion of privacy and visual intrusion.
- The proposed development would result in the loss of a bus-stop on a proposed QBC through Shankill Village. The proposed development would therefore materially contravene a specific local objective in the Dun Laoghaire - Rathdown County Development Plan (2004-2010) (Map 10).

## 5.0 Policy and Context

### 5.1. National and Regional Policy

- 5.1.1. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' generally encourage more sustainable urban development through the avoidance of excessive suburbanisation and the promotion of higher densities in appropriate locations. In general, appropriate locations for such increased densities include city and town centres, 'brownfield' sites (within city or town centres), sites within public transport corridors (with particular reference to those identified in the Transport 21 programme), inner suburban / infill sites, institutional lands and outer suburban / 'greenfield' sites.

- 5.1.2. The '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018*' (which update the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2015*') provide detailed guidance and policy requirements in respect of the design of new apartment developments. Where specific planning policy requirements are stated in the document, these are to take precedence over any conflicting policies and objectives of development plans, local area plans and strategic development zone planning schemes. Furthermore, these Guidelines apply to all housing developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease. They also apply to housing developments that include apartments that are built specifically for rental purposes, whether as 'build to rent' or as 'shared accommodation'. Unless stated otherwise, they apply to both private and public schemes. These updated guidelines aim to uphold proper standards for apartment design to meet the accommodation needs of a variety of household types. They also seek to ensure that, through the application of a nationally consistent approach, new apartment developments will be affordable to construct and that supply will be forthcoming to meet the housing needs of citizens.
- 5.1.3. The '*Urban Development and Building Heights, Guidelines for Planning Authorities, 2018*' are intended to set out national planning policy guidance on building heights in relation to urban areas, as defined by the census, building from the strategic policy framework set out in Project Ireland 2040 and the National Planning Framework. They aim to put into practice key National Policy Objectives contained in the NPF in order to move away from unsustainable "business as usual" development patterns and towards a more compact and sustainable model of urban development. Greatly increased levels of residential development in urban centres and significant increases in the building heights and overall density of development are not only to be facilitated, but are to be actively sought out and brought forward by the planning processes and particularly so at local authority and An Bord Pleanála levels.

## 5.2. Development Plan

### 5.2.1. *Dún Laoghaire Rathdown County Development Plan, 2016-2022:*

#### *Land Use Zoning:*

The proposed development site is predominantly zoned as 'NC' with the stated land use zoning objective '*To protect, provide for and / or improve mixed-use neighbourhood centre facilities*', although a narrow strip of land to the rear of the property alongside Stonebridge Close is zoned as 'A' with the objective '*To protect and-or improve residential amenity*'.

#### *Other Relevant Sections / Policies:*

#### *Chapter 2: Sustainable Communities Strategy:*

#### *Section 2.1: Residential Development:*

#### *Policy RES3: Residential Density:*

It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:

- 'Sustainable Residential Development in Urban Areas' (DoEHLG 2009).
- 'Urban Design Manual - A Best Practice Guide' (DoEHLG 2009).
- 'Quality Housing for Sustainable Communities' (DoEHLG 2007).
- 'Irish Design Manual for Urban Roads and Streets' (DTTaS and DoECLG, 2013).
- 'National Climate Change Adaptation Framework

- Building Resilience to Climate Change’ (DoECLG, 2013).

*Chapter 8: Principles of Development:*

*Section 8.1: Urban Design:*

*Section 8.1.2: Urban Design at the Local Level:*

*Policy UD6: Building Height Strategy:*

It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County.

(Please refer to Appendix 9: ‘*Building Height Strategy*’ of the Development Plan).

*Section 8.2.3: Residential Development:*

*Section 8.2.3.3: Apartment Development*

*Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas:*

*(vii) Infill:*

New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

This shall particularly apply to those areas that exemplify Victorian era to early-mid 20<sup>th</sup> Century suburban ‘Garden City’ planned settings and estates that do not otherwise benefit from Architectural Conservation Area status or similar. (Refer also to Section 8.2.3.4 (v) corner/side garden sites for development parameters, Policy AR5, Section 6.1.3.5 and Policy AR8, Section 6.1.3.8).

*Section 8.2.3.5: Residential Development – General Requirements*

*Section 8.2.8.4: Private Open Space – Quantity*

### 5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Loughlinstown Woods Proposed Natural Heritage Area (Site Code: 001211), approximately 1.4km north of the site.
- The Dalkey Coastal Zone and Killiney Hill Proposed Natural Heritage Area (Site Code: 001206), approximately 2.0km north-northeast of the site.
- The Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), approximately 3.0km northeast of the site.
- The Ballyman Glen Special Area of Conservation (Site Code: 000713), approximately 3.3km southwest of the site.
- The Ballyman Glen Proposed Natural Heritage Area (Site Code: 000713), approximately 3.3km southwest of the site.
- The Dingle Glen Proposed Natural Heritage Area (Site Code: 001207), approximately 3.7km west-northwest of the site.
- The Dalkey Islands Special Protection Area (Site Code: 004172), approximately 5km northeast of the site.

### 5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, the planning history of the site, and the separation distance from the nearest sensitive location, 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

- The rationale for the proposed development derives from the following:
  - To provide the applicant with a fully accessible apartment to maximise her opportunity to be as independent as possible in the context of her disability and dependence on the use of a wheelchair.
  - To allow the applicant's parents to trade down to a more manageable retirement home that is also close to the applicant.
  - To allow the applicant and her family to continue to reside in their local community, centrally located within the village and proximate to local services.

In addition, it is envisaged that the additional apartment will provide a greater degree of financial stability for the applicant into the future in light of the longer-term costs associated with the maintenance etc. of the wider development approved under PA Ref. No. D19A/0282 and the fluctuating nature of the rental market.

- Current planning policy emphasises the need to promote consolidation and increased densities within urban areas, particularly those that benefit from existing infrastructure, including locations where there is high capacity public transport available such as in Shankill. It is considered that the subject site has the potential to provide for an attractive high-quality and well-designed housing scheme which will add to the sustainable density of the village and support local services.
- The proposed development will make a positive contribution to the architectural quality of the surrounding area whilst respecting the residential amenity of neighbouring properties with a view to forming part of the established pattern of development.
- With respect to the impact of the proposed development on the streetscape and character of the surrounding area, the Board is referred to the accompanying '*Comparison Assessment – Proposed Development as*

*Compared to Permitted Development (Reg Ref D19A/0097)* (included as Appendix 'C' of the grounds of appeal) wherein it has been submitted that the increase in the extent of development consequent on the subject proposal will be marginal when compared to the scheme previously approved under PA Ref. No. D19A/0097.

- The proposed development is to be set back 8.7m from the rear of the existing structure and will protrude by less than 200mm above the existing ridge height with the result that it will only be visible from the easternmost footpath along Dublin Road. The proposal will have a neutral impact on the streetscape and will not be visually obtrusive or dominant when viewed from Dublin Road.
- The additional expanse of elevation facing onto the access to Stonebridge Close will be recessed slightly with a zinc cladding to appear as a horizontal roof level. This will have the effect of reducing the visual height of the development. Furthermore, the height of the proposed development will be very close to that of the adjacent Aubreyville Apartments. Therefore, the overall impact will be neutral.
- The accompanying perspective views demonstrate that it is appropriate for the building height to match the Aubreyville Apartments as it contributes to the definition of a minor urban space as noted in the streetscape analysis.
- The contemporary design of the northern elevation is appropriate and takes cues from the site context. The new façade will be vertically and horizontally articulated to clearly define a central element with the extension differentiated from the historic structure thereby allowing for views of the original gable. The gap elements and the second floor will be finishing in cladding to provide for greater visual distinction from the masonry finishes. The entrance to the apartment block will also be provided with a stone finish reminiscent of the granite walls that characterise Shankill village. These design features will enhance the overall visual character of the facade.

- The increase in the extent of the facade when viewed from within Stonebridge Close will be minor and its impact reduced due to the recessed nature of the additional floor level. In addition, the adjacent tree line within Stonebridge Close will serve to screen the proposed development.
  - The materials proposed are contextual and will ensure that the development integrates with the surrounding area.
- The overall design, height, bulk and massing of the development makes a positive contribution to the streetscape and provides an appropriate scale to the informal space at the entrance to Stonebridge Close.
  - In considering the visual impact of the proposal on the amenity of Crinken Villas, the Board is referred to the '*Comparison Assessment – Proposed Development as Compared to Permitted Development (Reg Ref D19A/0097)*' which illustrates the comparison and assesses the implications of the modifications proposed. In this regard, it should be noted that the additional floor level will be set back from the building edge whilst the originally approved gable construction will be replaced with a parapet and an opaque screen. Furthermore, the actual increase in the extent of façade will be minor and will have a negligible impact in terms of visibility from within the gardens of Crinken Villas. Therefore, the proposed modifications will not be visually obtrusive / dominant when compared to the permitted development.
  - The 1.8m high opaque screening alongside Crinken Villas will minimise any overlooking of the rear garden areas of those properties, however, should the Board consider it necessary, the applicant is amenable to the provision of opaque glazing to a height of 1.3m over floor level to the window of the proposed bedroom.
  - The additional apartment and upper level balcony area will not exacerbate or increase the levels of overlooking of the forecourt area of Stonebridge Close.
  - The increase in building height consequent on the proposed development will not inhibit the intended and permitted use of the communal and private open spaces within the courtyard area. It should also be noted that the corner



duplex unit and the ground floor corner units are both served by a second area of open space.

- The suggestion that the increased building height will result in the ground floor courtyard being overly enclosed with an associated loss of amenity is rejected on the basis that the space in question is open to the south and will benefit from plenty of light.
- The increased building height will not detrimentally impact on the level of light received by the first-floor balconies overlooking the courtyard area.
- The additional apartment has been designed to protect the residential amenity of the permitted units which face onto the communal courtyard area. In this respect, the separation distances have been maintained whilst the increase in height will only be perceptible from the open space of the two duplex units.
- All of the floor-to-ceiling heights of the proposed apartments exceed the minimum requirements of the Building Regulations and ensure a high standard of development.
- The proposed development will not give rise to any loss of residential or visual amenity and, therefore, will not result in the devaluation of adjoining properties.
- Strategic planning policy such as the *'Urban Development and Building Height, Guidelines for Planning Authorities'* recognises that there is significant scope to accommodate future population growth by building up and consolidating the development of existing urban centres. Accordingly, the principle of greater building heights should be considered appropriate in the context of Shankill. The redesign of the previously permitted proposal to provide for an additional storey of accommodation conforms with the requirements of the Guidelines and complies with national policy.
- Given the site context and its town centre location, it is considered that the subject site can readily absorb a building of increased height in accordance with Government policy. Moreover, the submitted proposal is only marginally greater in height than the scheme previously approved under PA Ref. No. D19A/0282.

- The proposed development complies with the relevant policy provisions of the County Development Plan as regards land use zoning, urban design, building height & density etc.

## 6.2. **Planning Authority Response**

- States that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

## 6.3. **Observations**

None.

## 6.4. **Further Responses**

None.

## 7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development
- Overall design and layout / visual impact
- Impact on residential amenity
- Appropriate assessment

These are assessed as follows:

### 7.2. **The Principle of the Proposed Development:**

7.2.1. The proposed development is described in the public notices as involving *'modifications to previously approved application (Reg. Ref. D19A/0282)'* in order to provide for 1 No. additional two-bedroom apartment unit at second floor level. Accordingly, I am satisfied that the subject application can be reasonably described as amending an extant grant of permission and, therefore, there is no need to revisit

the wider merits of the overall development. Indeed, it is clear that the subject proposal is intrinsically linked to the grant of permission issued in respect of PA Ref. No. D19A/0282 and that the amendments detailed in the subject proposal are reliant on the implementation of that extant grant of permission and cannot be carried out in isolation of same.

- 7.2.2. In any event, having regard to the site location within Shankill village centre on lands predominantly zoned as 'NC' with the stated objective '*To protect, provide for and / or improve mixed-use neighbourhood centre facilities*', the wider strategic policy objectives at both national and local level in support of increased residential densities and the consolidation of urban centres, the historical use of the site for residential purposes, and the planning history of the site, with particular reference to PA Ref. No. D19A/0282 which has already approved the development of apartments on site, in my opinion, the overall principle of the subject proposal is acceptable.

### **7.3. Overall Design and Layout / Visual Impact:**

- 7.3.1. From a review of the available information, including the planning history of the application site, it is apparent that the Planning Authority is cognisant of the positive contribution to the character and streetscape of Main Street / Dublin Road in Shankill Village attributable to the existing vernacular construction on site. In this regard, I note that previous planning applications which sought to demolish the existing buildings on site (and the adjacent terrace of housing known as Crinken Villas) were refused permission on several occasions and that this would appear to have informed the subsequent submission and approval of amended proposals that provided for the retention of those aspects of the existing built fabric on site which were considered to be of historical or architectural significance. More specifically, the redevelopment approved under PA Ref. No. D19A/0282, which the subject application has sought to amend, includes for the retention of the much of the original terraced construction alongside Main Street, including its gable end facing onto the access road serving Stonebridge Close, thereby broadly maintaining the established streetscape. It is of further relevance to note that whilst the approved contemporary construction towards the rear of the site is clearly intended to be discernible from the original terrace, this will not unduly impinge on the character of Main Street as only the westernmost element of the new building will exceed the existing ridge line and this will not be readily visible from the main road due to its

recessed positioning relative to same and the screening offered by surrounding development such as 'Bradys' public house.

7.3.2. The subject proposal seeks to modify the development approved under PA Ref. No. D19A/0282 by introducing an additional floor of accommodation in order to provide for another apartment unit. This will have the effect of increasing the overall scale, height and massing of the new construction relative to the permitted design and will also serve to alter its relationship with the original terrace / streetscape. The proposed development will increase the overall building height to 9.621m when measured from Main Street, however, as the ground / finished floor levels rise on travelling west through the site, a more appropriate height comparison would be the measurement relative to Stonebridge Close with the proposed building height of 9.341m representing an increase of 1.059m over that approved under PA Ref. No. D19A/0282 (8.282m). It is of further relevance to note that the new floor level will be positioned so as to be effectively flush with the northern elevation of the permitted construction thereby increasing the overall extent of this façade. Moreover, the increased height of the additional storey will be considerably closer to Main Street than the highest point of the permitted scheme and thus will be more visually prominent at this corner location. This element of the proposed design is perhaps more noticeable given that the development approved under PA Ref. No. D19A/0282 provided for a 'link' structure that did not project above the existing ridge line of the roadside buildings thereby increasing the visual separation between that terrace and the higher element of the new construction located further west alongside Stonebridge Close. Whilst I would acknowledge that efforts have been made to break up the massing of this elevation through the use of a variety of external finishes, in my opinion, the overall expanse of the new façade and the proximity of the three-storey construction to Main Street will dominate this corner plot and serves to undermine the appreciation of the original terraced construction and its contribution to the wider streetscape.

7.3.3. The contemporary design and increased scale, height and massing of the new construction will also be readily apparent when viewed from within Stonebridge Close to the west and will have a more pronounced visual impact when compared to the pitched roof design originally approved under PA Ref. No. D19A/0282 and the two-storey nature of neighbouring properties.

7.3.4. On balance, whilst I am cognisant of the site location within Shankill village centre and the broader strategy set out in national guidance as regards encouraging increased densities and building heights at suitable locations, in this instance, I am inclined to concur with the analysis of the Planning Authority that the proposed development would have an unduly negative visual impact on the surrounding streetscape given its prominent corner location. In this regard, I would suggest that the contemporary three-storey construction proposed gives rise to an inappropriate and abrupt transition in design and building height when taken in context with the predominantly two-storey and more 'traditional' pattern of development which is characteristic of this stretch of the western side of Main Street / Dublin Road. Although there are several examples of buildings of increased height and more modernist / contemporary architecture sited beyond the immediate site surrounds and on the opposite side of the main road, in my opinion, the overall height, scale and massing of the modifications proposed are not suited to this location and would detract from the established character of area, with particular reference to the adjacent roadside terrace.

**7.4. Impact on Residential Amenity:**

7.4.1. With respect to the potential impact of the proposed development on the residential amenity of neighbouring properties, I would have particular concerns as regards the limited separation and close proximity of the new construction relative to the adjacent housing within Stonebridge Close to the west and Crinken Villas to the south.

7.4.2. When compared to the development permitted under PA Ref. No. D19A/0282, in my opinion, the increased height of the subject proposal is particularly evident when viewed from within Stonebridge Close and is perhaps most impactful on the adjacent dwelling house at No. 1 Stonebridge Close. In this respect, it should be noted that whilst the rear eaves height of the permitted scheme was only moderately higher than that of No. 1 Stonebridge Close, the top of the parapet serving the western-facing balcony of the new apartment will extend considerably above the ridge line of the front dormer feature of the adjacent house to a height of 7.067m with a separation of only 1.271m between the respective units at their closest point. Furthermore, whilst the proposed second storey of accommodation will be recessed c. 1.4m from the westernmost edge of the building, the overall massing of the amended proposal will nevertheless exceed that of the permitted scheme when

compared to the pitched roof construction previously approved. On balance, I am inclined to conclude that the proposed development, by reason of its height, scale, massing and proximity, would have a visually overbearing impact on No. 1 Stonebridge Close to the detriment of the residential and visual amenity of the occupants of that dwelling (notwithstanding that this impact will generally be limited to the front of the property). In this regard, I am also cognisant that the proposal may result in some diminution in the amount of daylight / sunlight received by the adjacent dwelling house (noting the northerly aspect of the front of that property). In addition, I note that the Planning Authority has referenced the potential for some '*oblique, overhead overlooking*' of the front elevation of No. 1 Stonebridge Close and whilst any such intrusion is likely to be relatively limited, I would suggest that the perception of being overlooked would be a cause of concern for neighbouring residents.

7.4.3. With respect to the adjacent housing known as Crinken Villas, the proposed development will increase the expanse of gable elevation (including the balcony screening) immediately adjoining the rear garden of the dwelling house located directly south of the application site, although the new apartment itself will be set back c. 2.4m behind the balcony screening. Whilst this additional walling etc. will likely appear somewhat visually domineering / overbearing when viewed from within the adjacent property, it will not result in any significant overshadowing of that dwelling due to its siting to the north of same. In terms of the potential for any overlooking from the proposed bedroom accommodation, I am inclined to suggest that this will be satisfactorily mitigated through a combination of the glazed screening to be erected atop the shared site boundary (as approved under PA Ref. No. D19A/0282), the separation distances available, and the limited nature of the viewing angle. Whilst it is possible that some overlooking / loss of privacy may arise from the southernmost balcony area of the proposed apartment, I note that the height of the glazed screening along the edge of same will serve to mitigate any such impact.

7.4.4. In addition to the foregoing, the Planning Authority has also determined that the proposed development would have a negative impact on the amenity and aspect of several of the lower level apartment units as well as the amenity value of those balcony areas facing onto the internal courtyard and the courtyard itself. In this regard, whilst I would acknowledge that the increased height of the scheme will

serve to further enclose the internal courtyard and balcony areas, given the confined nature of the application site, the limited amenity value of the areas in question as already permitted, and the continued 'open' nature of the courtyard to the south, I am not of the opinion that any such loss of amenity would warrant a refusal of permission.

#### **7.5. Appropriate Assessment:**

- 7.5.1. Having regard to the nature and scale of the proposed development, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

### **8.0 Recommendation**

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the reasons and considerations set out below.

### **9.0 Reasons and Considerations**

1. Having regard to the prominent corner location of the site, the existing character and the prevailing pattern of development along this stretch of Main Street / Dublin Road in Shankill village, and the presence of a structure on site of architectural interest, it is considered that the proposed development, by reason of its overall scale, height, massing and design, would be out of character with the site location, would be visually obtrusive and excessively dominant in the streetscape, would be out of character with the existing pattern of development in the vicinity, and would seriously injure the amenities of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the restricted nature of the site, its relationship with adjoining properties, and the pattern of development in the area, it is considered that the proposed development, by reason of its overall scale, design, height and positioning on site relative to existing dwellings to the immediate south and west, would constitute an unacceptably visually dominant and overbearing form of development which would seriously injure the residential amenities of the occupants of neighbouring properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Robert Speer  
Planning Inspector

15<sup>th</sup> September, 2020