



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307624-20

#### Development

Amend a previously permitted development ABP-305207-19 by adding an additional floor containing 2 no. 2 bed apartments with recessed south facing terraces at fourth floor level of permitted apartment block. The proposal will increase the overall number of apartments from 16 to 18 and the height of the proposed building from 4 storey to 5 storey all with ancillary elevational changes and site works.

#### Location

Site to the rear and side of The Laurels, 54 Inchicore Road, Kilmainham, Dublin 8.

#### Planning Authority

Dublin City Council

#### Planning Authority Reg. Ref.

2458/20

#### Applicant(s)

Covelo Developments Ltd

#### Type of Application

Permission

#### Planning Authority Decision

Grant

**Type of Appeal**

Third Party

**Appellant(s)**

(1) Inchicore Road Residents Group.  
(2) Joseph O'Carroll & Elizabeth Reddin.

**Observer(s)**

**Date of Site Inspection**

27<sup>th</sup> October 2020

**Inspector**

Colin McBride

## 1.0 Site Location and Description

- 1.1 The site of the proposed development has a stated area of 1,426 square metres is located in Kilmainham on the north side of the Dublin Cork Mainline railway track, Con Colbert Road and the Memorial Gardens and, to the west of Kilmainham Gaol on Inchicore Road. It is formed from lands at the rear of No. 54 Inchicore Road (“The Laurels”) and 56 Inchicore Road which are a semi-detached pair of Victorian houses which have front curtilages and entrances onto Inchicore Road to the south. Nineteenth century two storey over garden level terraced houses at Nos. 40 to No 52 Inchicore Road, (Spencer Terrace) are to the east side of the site. Two storey terraced houses are located on the opposite side of Inchicore Road. The northern boundary of the site adjoins the railway cutting and nineteenth century retaining wall supporting it which was dates from the nineteenth century. The ‘Chocolate Factory’ apartment development is to the north east.
- 1.2 A permitted development under PL29S.305207 is currently under construction on site (four-storey apartment block). The carriageway has been narrowed on Inchicore Road providing for a single lane one-way system with a two-way cycle route on the north side of the carriageway adjacent to the footpath and intermittent parallel parking on the spaces on the north side where the kerb and footpath are setback behind a line of mature trees. Continuous parallel parking facilities are on the south side of the carriageway. A telegraph pole is located at the edge of the footpath beside one of the gate piers.

## 2.0 Proposed Development

- 2.1. Permission is sought to amend previously permitted, ref no. ABP-305207 by adding an additional floor containing 2 no. two bed apartments with recessed south facing terraces at fourth floor level of the permitted apartment block. The proposal will increase the overall number of units proposed from 16 to 18 and the height of proposed building from four to five storeys all with ancillary elevational changes and site works.

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

Permission granted subject to 6 conditions. The conditions are standard in nature.

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Reports

Planning report (19/06/20): The proposal was considered to be compliant with Development Plan policy, satisfactory in the context of visual amenity, adjoining amenity, traffic safety and in accordance with the proper planning and sustainable development of the area. A grant of permission was recommended based on the conditions outlined above.

#### 3.2.2. Other Technical Reports

City Archaeologist (01/04/20): No objection subject to condition.

Drainage Division (14/05/20): No objection.

Road Planning Division (02/06/20): No objection subject to conditions.

### 3.3. **Prescribed Bodies**

3.3.1 IAA (06/05/20): No observations.

### 3.4. **Third Party Observations**

3.4.1 A number of submissions were received. The issues raised can be summarised as follows...

- Inappropriate increase over permitted development, out of character with existing development/streetscape/visual amenity, overlooking, contrary a condition attached to permitted development, contrary the zoning objective, overdevelopment of the site, overshadowing, units unsuitable for families, lack of acknowledgement of Climate Change Action Plan.

## 4.0 Planning History

- 4.1 PL29S.305207 (2738/19): Permission granted for demolition of 2 outbuildings and construction of a 4 storey residential building comprising 16 apartments to the rear of the site and a 3 storey, three-bedroom house.
- 4.2 PL29S.248834 (2708/17): Permission granted for demolition of outbuildings and for construction of seven dwellings including a house adjacent to No 56 and eleven parking spaces and modified vehicular and pedestrian access.
- 4.3 1855/05: Permission was granted for demolition of the garage and rear extensions at No 54 Inchicore Road and for change of use from Guesthouse to four apartment units, a three storey extension to the side with three apartments and a four storey extension to the rear with fourteen apartments, nineteen underground and two surface car parking spaces and widening of the existing entrance. (Details are not available.)
- 4.4 3841/01: Permission was granted for alterations to the existing guesthouse at No 54 Inchicore Road and for a two storey and a single storey extension providing for fourteen apartments and eighteen under car spaces.

There is a record of prior applications for residential apartment developments entailing alterations to the existing house which was in use as a guesthouse and construction of extensions for which permission was refused according to the planning officer's report. (P. A. Reg. Refs: 2185/00, 3244/00, 3117/97, 0102/97 and 0718/91 refer.)

## 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'.

Development Management Standards for residential development are set out Chapter 16 with guidance and standards for infill developments set out in section 16.10.10. Objective QH 8 provides for higher density development which respects the character of surrounding development on vacant or under-utilised sites.

Section 16.10.9 (Corner/side garden site) Development, if it is of a high standard adds to existing building stock in serviced areas where there is a suitable large site and the development does not compromise the quality of the original house.

Permissible uses within the site include local shops, local offices, license premises, banks & other local services.

### 5.2 National Policy

The Sustainable Urban House: Design Standard for New Apartments (March 2018)

The Urban Development and Building Height - Guidelines for Planning Authorities (December 2018)

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009).

Urban Design Manual, A Best Practice (DOEHLG, 2009)

Urban Design Manual- A Best Practice Guide and the Design Manual for Urban Roads and Streets (2013)

### 5.3 Natural Heritage Designations

#### 5.3.1 None in the vicinity.

## 5.4 EIA Screening

5.4.1 In regard to the nature and scale the development which consists of the amendment of a permitted residential scheme to add 2 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 the Inchicore Road Residents Group. The grounds of appeal are follows...

- The proposal is contrary condition no. 6 attached to the previous grant of permission on site (no additional development above roof level). There is no justification for a change in attitude.
- The appellants noted that the approved development is deficient in terms of open space and the current proposal seeks to increase the number of units with it notes that the proposal maximises profit over the consideration of wellbeing and residential amenity of future residents.
- The proposal is contrary Development Management Standards of the City Development Plan in terms of failure to demonstrate the proposal contributes positively to urban design and the provision of an inadequate mix of apartment units.
- The proposal would give rise to a transient population and does not cater for long term living or a settled community.
- The proposal would have a negative impact on adjoining residents and previously raised issue of traffic safety remain unanswered with the provision of additional development on site.

6.1.2 A third party appeal has been lodged by Joseph O'Carroll & Elizabeth Reddin, 52 Inchicore Road, Kilmainham, Dublin 8.

- It is noted that granting permission for additional development on site is inappropriate and fails to have regard to the concerns of the residents in the local area who has serious reservations about the permitted development.
- The proposal would not be in accordance with the proper planning and sustainable development of the area, would be excessive in scale, overdevelopment of the site and have an adverse impact on adjoining amenity due to being visually obtrusive and overlooking.

## 6.2. Applicant Response

6.2.1 A response has been submitted by PCOT Architects on behalf of the applicant, Covelo Developments Ltd.

- The proposal is designed to comply with Development Plan policy, national policy and was deemed to be satisfactory by the City Council.
- Relevant issues concerning visual impact, noise, traffic, environmental issues and adjoining amenity (overlooking, shadowing, separation distances) with dealt with comprehensively in the original application.
- The current proposal would have negligible impact in the context of permitted development on site.

## 6.3. Planning Authority Response

6.3.1 No response.

## 6.4. Further Responses

6.4.1 No responses.



## 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/development plan/national policy

Quality of design/development control objectives

Design, scale, and visual impact

Adjoining Amenity

Traffic

7.2 Principle of the proposed development/development plan/national policy:

7.2.1 The proposal is an amendment to a permitted development under ABP-305207, which entails the demolition of 2 outbuildings and construction of a 4 storey residential building comprising 16 apartments to the rear of the site and a 3 storey, three-bedroom house. The proposal entails amendment of the 4-storey block permitted to the rear of the site with the provision of an additional level with 2 no. two bed apartment units. The proposed development is an acceptable use within the Z1 zoning objective and is an extension of a permitted development. The principle of the proposed development is acceptable subject to the proposal being acceptable in the context of the visual amenities of the area, the amenities of adjoining properties and traffic safety. These elements of the proposal are to be explored in the following sections of this report.

7.2.2 The permitted development consists of 17 residential units on a 0.1426 hectares site, which is a density of 119 units per hectare. The proposal increase the density to 133 units per hectare. Development Plan policy and national policy permit for increased densities along public transport corridors. The appeal site is located along a public transport corridor (bus), within 15 minutes walk of Suir Road Luas stop and accessible to the city centre and local urban centres. The location of the appeal site is an appropriate location for increased densities and based on the recommendations of the Guidelines on Sustainable Residential Development in

Urban Areas 2009 density should not be below 50 units per hectare, which would be the case of existing residential development on the appeal site and in the surrounding area.

7.2.3 One of the appeal submissions raises concerns that the proposal is contrary condition no. 6 of the parent permission. Condition no. 6 is a standard condition relating to restriction of development on the roof section. I would note it is condition no. 6 in the City Council's decision but such is superseded by the appeal decision under PL29S.305207 which has a similar condition, condition no. 16. I would note that such a condition does not preclude the applicant seeking permission for an additional storey or development on the roof of the permitted block and such proposals will be assessed on their merits.

7.3 Quality of design/development control objectives:

7.3.1 The appeal submission note that the proposal is overdevelopment of the site. The site coverage of proposed development remains as per the permitted development (29%) and the proposal has a plot ratio of 1.03 increased from 0.89 for the permitted development. Both standards are compliant with development plan standards at this location in the city. The height of the amended proposal is also below the 24m height standard for Inner City areas outlined in the City Development plan.

7.3.2 The design and layout of the 2 no. additional units is compliant with relevant and most up to date standards for apartment developments, which are the Sustainable Urban House: Design Standard for New Apartments (March 2018). The proposal meets all relevant standards including apartment size, room dimensions, storage, private open space and provision of dual aspect units. There is no change to the level of public open space on site, which was deemed to be a satisfactory percentage of the site area under the permitted proposal. I am satisfied that the proposal meets all relevant development control standards for developments of this type and would not constitute overdevelopment of the site and would be a development of sufficient quality.

7.4 Design, scale, and visual impact:

7.4.1 The permitted development entails the retention of a two-storey dwelling on site and the construction of a four-storey apartment block to the rear of the site with 16 no. apartments. The proposal seeks to add an additional storey to the four-storey block. The approved development had a ridge height of 12.3m with the new floor raising such to 15.3m. The additional level is setback and has a smaller footprint than the floors below. I would consider that the additional storey would not be detrimental to the visual amenities of the area. The proposed block is located to the rear of the site and its visibility from the public road is not high due to intervening buildings. There are existing structures in close proximity to the site that are similar in height and higher with the block located adjacent similar apartment development in the form of the Old Chocolate Factory apartments located to the east of the site. The design of the additional floor is well integrated into the permitted design and the overall visual impact in the area would be negligible in comparison to the permitted development and would be acceptable in the context of visual amenities.

7.5 Adjoining Amenity:

7.5.1 The proposal is for amendment of an approved residential development with the alteration being the provision of an additional storey consisting of 2 no. apartments. The permitted development was considered to be satisfactory in the context of its impact on adjoining properties and to be satisfactory in the context of overshadowing and overlooking. In relation to overlooking, the additional level conforms to the permitted pattern of development with orientation of windows consistent with the orientation of the permitted apartment units. It was considered that there was adequate separation between the permitted block and adjoining residential development in the vicinity and the amendment does not reduce this level of separation. I would note that the urban context of the appeal site is relevant with the site in an established built up area where a total maintenance of privacy cannot be guaranteed or expected.

7.5.2 The permitted development was considered to be satisfactory in the context of adjoining amenity and impact on light levels/overshadowing. A daylight assessment was submitted with application. This assessment dealt with impact on adjoining properties as well assessing light level to the proposed development including the open space area. The assessment is based on the BRE standards. I am satisfied that the information contained in the daylight assessment is sufficient to assess the impact of the proposed development. I am satisfied that the assessment demonstrates that the impact of the development on daylight/sunlight in relation to adjoining properties, the proposed development itself and the public open space area provided is satisfactory and would not give rise to an unacceptable level of overshadowing. It is noted in the assessment of Vertical Sky Component (VSC) that a portion of windows on adjoining properties would fall below the recommended standard. This relates to a small portion of the windows in the vicinity of development and the urban context of the site must be taken into account. In addition I would note that the proposed amendment does not give rise to a significant deterioration of daylight/sunlight level over and above that of the permitted development. I would consider that the proposed development would be satisfactory in the context of the amenities of adjoining properties.

7.6 Traffic:

7.6.1 The appeal submission raises concern regarding traffic impact and appear to note that such were concerns raised regarding the previous proposal permitted under PL29S.305207. The proposal entails no change to the permitted layout, which provides for a vehicular entrance off the Inchicore Road with 8 no. surface car parking spaces and bicycle parking. I would note the traffic layout and entrance arrangement is approved and was subject to assessment under PL29S.305207 and there is no reason to reassess such. The proposal does entail the provision of 2 no. additional apartments. There is no increase in parking proposed with the site within Area 2 of City for the purposes of car parking and a maximum standard of 1 space per resident unit. The proposal entails the provision of a total of 19 residential units with the two additional units.

7.6.2 Parking standards are maximum standards and the location of site is a consideration, the appeal site is an inner urban location in close proximity to the city centre, public transport infrastructure and highly accessible and not dependent on car based trips. I would consider that the provision of two additional apartments without any increase in parking provision is acceptable and would note that there should be no issue of parking overspill onto the public road, with parking control in force in the area. The proposed development would be satisfactory in the context of traffic safety and convenience.

## 8.0 **Appropriate Assessment**

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 9.0 **Recommendation**

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

## 10.0 **Reasons and Considerations**

Having regard to the zoning objective for the site, Z1: “To protect, provide and improve residential amenities”, as set out in the Dublin City Development Plan 2016 to 2022, to the design and layout of the proposed development, and to the established architectural character and pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not constitute overdevelopment of the site and would provide a satisfactory quantum and quality of open, communal and private space provision, would not give rise to undue overlooking, would not seriously injure the residential amenities of property in the vicinity or the visual amenities of the area, or the setting of protected structures or historic architecture on Inchicore Road, and would, by means of satisfactory vehicular access and egress arrangements, be

acceptable in terms of pedestrian and traffic safety. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application. 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. The development shall be carried out in accordance with the conditions set down under the grant of permission, PL29S.305207.

**Reason:** In the interest of clarity.

3. The construction of the proposed development shall comply with the detailed requirements of Iarnród Éireann.

**Reason:** In the interest of protecting the operation and property of the adjoining railway infrastructure.

4. 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.

5. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

7. 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.

8. 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, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

9. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

10. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such



phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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Colin McBride  
Planning Inspector

27<sup>th</sup> October 2020