



An
Bord
Pleanála

Inspector's Report ABP-307800-20

Development

The demolition of an existing two-storey apartment building and the construction of a four storey mixed use development, comprising of retail and residential use.

Location

28 Dale Road, Stillorgan

Planning Authority

Dun Laoghaire-Rathdown County
Council

Planning Authority Reg. Ref.

D20A/0295

Applicant(s)

Ceannabo Limited

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Observers

Karen Devine & Marco Krans
David Gibbs

Date of Site Inspection

11th November 2020

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The site comprises of an eastern/ end of terrace (three-unit terrace, 28 to 32 Dale Road), two-storey unit at no. 28 Dale Road, Stillorgan, Co. Dublin on a stated site area of 0.025 hectares. The ground floor of these units appears to have been designed for retail/ commercial use with residential units over; there was no activity in the subject unit on the day of the site visit. Each of the first-floor units has individual ground floor access. Each of the units has a separate rear/ southern garden/ yard which is accessed by way of a laneway to the rear. A three-storey building has been constructed to the rear of no. 32 with access from the laneway.
- 1.2. The adjacent area is generally characterized by residential development, mostly two-storey terraced houses. The subject terrace faces onto a small area of public open space. A larger area of public open space is located to the east of the site. The three units here are of a similar design with retail provided on the ground floor and served by a large shopfront/ integrated door and residential over. The ground floor element of the front elevation is finished in red brick with smooth plaster finish on the first-floor front elevation and all of the side/ rear elevations.
- 1.3. Dale Road is approximately 900 m to the south west of Stillorgan and the same distance from the retail provision in Sandyford Business Park.
- 1.4. Public transport in the form of Dublin Bus route 11 which operates every 30 minutes off-peak between Sandyford, City Centre and Glasnevin, is available approximately 260 m to the north of the site on the Lower Kilmacud Road. Go-Ahead bus routes 75/A which operate every 30 minutes between Dun Laoghaire and Tallaght are available approximately 290 m to the south on the Upper Kilmacud Road. The section of the Kilmacud Road Upper to the east of the site, approximately 360 m to the east, is served by the 11, 47, 75/A and 116, giving an extra service every hour or so on the 47, the 116 is a peak hours only service. The site is also within 790 m of Kilmacud Luas stop and 840 m of Stillorgan Luas stop, both on the Green Line.

2.0 Proposed Development

The proposed development of this site, with a stated area of 0.025 hectares, consists of:

- The demolition of an existing two-storey office building – Use permitted under P.A. Ref. 93A/1440
- The construction of a mixed use four storey building comprising of:
 - A retail unit at ground floor level with a stated floor area of 77.55 sq m.
 - 1 x one-bedroom unit at ground floor level.
 - 1 x one-bedroom unit at first floor level.
 - 1 x three-bedroom duplex unit at first and second floor level.
 - 1 x three-bedroom duplex unit at second and third floor level.
- All units to be provided with either terrace or balconies.
- Two car parking spaces to be provided to the front and internal bicycle storage to also be provided.
- All landscaping and associated site works.

The application is accompanied with a Planning Report prepared by Hughes Planning & Development Consultants.

The proposed density is 160 units per hectare 4 units on a site of 0.025 hectares.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to refuse permission for four reasons as follows:
1. 'The proposed development, in providing just two car parking spaces to serve the entire development, would materially contravene Section 8.2.4.5 and Table 8.2.4 of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022; would result in an over-reliance on the public road to cater for the parking demand generated by the development and would set an undesirable precedent for similar development proposals.
 2. It is considered that the laneway from which all residential access and servicing is proposed, is substandard in both width and alignment and significant conflict would occur between pedestrians and vehicles at this location, endangering public safety by reason of traffic hazard.
 3. The proposed development, and in particular Unit 1 fails to comply with the SPPR 5 of the 'Sustainable Urban Housing: Design Standards for New Apartments

Guidelines for Planning Authorities', 2018 in relation to the floor-to-ceiling heights of ground floor apartment units.

4. By virtue of its scale and form, it is considered that the proposed development would result in a visually discordant presence in the streetscape, significantly detracting from the area in terms of visual amenity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area'.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report reflects the decision to refuse permission for the four reasons provided. The Planning Authority Case Officer reports that 'A general recommended height of two storeys applies to this area. Apartment or town-house development to a maximum of 3-4 storeys may be permitted in appropriate locations, such as prominent corner sites, or large redevelopment sites, provided they have no detrimental effect on existing character and residential amenity'. The Planning Authority Case Officer then reports that a four storey unit may be acceptable here subject to the design being sympathetic to its surroundings; the submitted design of building does not achieve this and the '..design will have a negative visual impact and detrimentally affect the character of the area'.

3.2.2. Other Technical Reports

Transportation Planning: Further information was requested in relation to the provision of 6 parking spaces in accordance with the requirements of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 and details of bicycle parking in addition to facilities for office staff.

Drainage Planning – Municipal Services Department: No objection subject to recommended conditions.

Environmental Health Officer (EHO): Further information requested in relation to the provision of a Demolition and Construction Management Plan, details on waste recycling/ recovery for each unit and demonstration of provision of three-bin system for each residential unit.

3.2.3. **Prescribed Bodies Report**

Irish Water: No objection subject to conditions.

3.2.4. **Objections/ Observations**

A significant number of letters of objection (circa 40) were received to the original application. These included submissions from Councillor J. Kennedy, Councillor M. O'Connell, Councillor B Saul, Redsdale Residents Association, Marsham Court Residents' Association and individual members of the public.

Issues raised include:

- Dale Road is part of the Redsdale Garden Estate, which was constructed in the 1950s.
- Overdevelopment of this site with a building that is out of character through design/ height and imposing on the existing area.
- The proposed unit is overbearing on its surroundings.
- The design/ elevation treatment is not of a suitable quality to be appropriate in this location.
- The development is contrary to the requirements of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022.
- The development will overlook existing houses and will also overlook the public open space area to the south/ east.
- Potential traffic safety concerns.
- Substandard parking provision for a development of this nature.
- Negative impact on the residential amenity of the area.
- The retail unit will attract more traffic into the area.
- There is no demand for a retail unit in this area. Concern that the unit may remain vacant after the development is complete.
- Drainage and water supply concerns arising from the development. Flooding is referred to as a problem in the area.
- Nuisance during the construction phase such as from rat infestation, noise, and disturbance.

- Access to existing units may be restricted during construction times.
- The construction phase may impact on access to amenity lands in the area.
- Request that construction not take place at peak times - 7.00 hours to 9.00 hours and 16.00 to 18.00 hours.
- Potential structural impact on adjoining no. 30 Dale Road – roof and walls in particular.
- No. 30 is in use as a health/ day care centre for people with special needs, the construction phase may disturb the running of this business.
- Significant impact on available natural light to 30 Dale Road.
- Issue of ownership of lands to the rear of the site.
- The lane to the rear of the site is used by a number of properties in the area.
- The rear access is not currently suitable for pedestrian use and may give rise to safety issues.
- The upper floors of the development are not accessible as no lift is to be provided.
- Problems with refuse storage and collection.
- Potential use of balconies for clothes drying and bicycle storage.
- Company directors applying for permission are not listed.
- Omissions in the drawings and documentation submitted.
- No sunlight and daylight analysis is submitted.
- The residential quality of the proposed units is compromised by the submitted design.
- No Environmental Impact Assessment has been provided with the application.
- The development does little to meet the housing needs of the area.

4.0 Planning History

P.A. Ref. 93A/1440 refers to a December 1996 decision to grant retention permission for the change of use from shop to office on the ground floor of 28 Dale Road and for the first floor to be changed from residential unit to office.

P.A. Ref. D02A/0484 refers to a December 2002 decision to grant permission for a replacement ground floor rear annexe and first/ attic floor extension over the ground level car parking, as a separate building to the rear of existing offices at 32 Dale Road.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned NC ‘To protect, provide for and or improve mixed-use neighbourhood centre facilities’. Betting-Shop, Residential, Shop Local and Restaurant developments are listed within the ‘Permitted in Principle’ category of this zoning objective. The Open for Consideration Category also includes a wide range of uses including ‘Shop-Specialist, Shop District and Offices less than 600 sq m’.
- 5.1.2. Chapter 2 – ‘Sustainable Communities Strategy’ of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, includes section 2.1 ‘Residential Development’. The Introduction (2.1.1) refers specifically to how future population growth will be accommodated, with one model – ‘Through the continuing promotion of additional infill accommodation in existing town and district centres at public transport nodes, brownfield sites and established residential areas’.
- 5.1.3. Under 2.1.3.3 ‘Policy RES3: Residential Density’ it is policy to: ‘.. 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’. I also note the following:

‘As a general rule the minimum default density for new residential developments in the County (excluding lands on zoning Objectives GB, G’ and B’) shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to ‘greenfield’ sites or larger ‘A’ zoned areas. Consideration in relation to densities and layout may be given where proposals involve existing older structures that have inherent vernacular and/or

streetscape value and where retention would be in the interests of visual and residential amenity and sustaining the overall character of the area’.

Under 2.1.3.4 ‘Policy RES4: Existing Housing Stock and Densification’ it is policy to:

- Encourage densification of the existing suburbs in order to help retain population levels – by ‘infill’ housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc.

Under 2.1.3.7 ‘Policy RES7: Overall Housing Mix’ ‘It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy’.

5.1.4. Section 5.1 refers to ‘Environmental Infrastructure and Management’ and Section 5.2 refers to ‘Climate Change, Energy Efficiency and Flooding’.

5.1.5. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to ‘Principles of Development’ and the following are relevant to the subject development:

- 8.2 ‘Development Management’ – with particular reference to section 8.2.3 ‘Residential Development’ and 8.2.3.4 ‘Additional Accommodation in Existing Built up Areas’.
- Section 8.2.6 refers to Retail Development.
- Section 8.2.8.2 refers to Public/ Communal Open Space – Quantity and Section (i) refers specifically to Residential/ Housing Developments. The following is noted/ is relevant:

‘Open Space: For all developments with a residential component - 5+ units - the requirement of 15 sq.m- 20 sq.m. of Open Space per person shall apply based on the number of residential/housing units’.

The Planning Authority shall require an absolute default minimum of 10% of the overall site area for all residential developments to be reserved for use as Public

Open and/or Communal Space irrespective of the occupancy parameters set out in the previous paragraph’.

Public and/or communal open spaces should be overlooked and designed to ensure that potential for anti-social behaviour is minimised through passive surveillance. ‘Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities’ (2009) provides detailed guidance on the provision of open space for new residential developments while the ‘Retail Design Manual’ (2012) provides guiding principles on how landscaping and open spaces can assist improved public realm and promote attractive retailing centres’.

5.2. National Guidance

- The National Planning Framework includes a specific Chapter, No. 6 – ‘*People Homes and Communities*’ which is relevant to this development. This chapter includes 12 objectives (National Policy Objectives 26 to 37) and the following are key to this development:
 - National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.
 - National Policy Objective 33 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.
 - National Policy Objective 35 seeks to ‘Increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- Design Manual for Urban Roads and Streets (DMURS).

- Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (DoEHLG, 2009) and its companion, the Urban Design Manual – A Best Practice Guide (DoEHLG, 2009).
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DoHPLG, 2018).

These guidelines provide for a range of information for apartment developments including detailing minimum room and floor areas.

- Urban Development and Building Heights Guidelines for Planning Authorities (DoHPLG, 2018).

5.3. **Natural Heritage Designations**

None.

5.4. **EIA Screening**

Having regard to the nature of the proposed development comprising the provision of a mixed use residential/ commercial development in an established urban area and where infrastructural services are available, 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 applicant has engaged the services of Hughes Planning & Development Consultants to prepare an appeal against the decision of Dun Laoghaire-Rathdown County Council to refuse permission for this mixed-use development.

Mains grounds of appeal include:

- Seeking permission for the development as originally submitted, however they have submitted two revised proposals that attempt to address the reasons for refusal as issued by the Planning Authority in relation to height, scale and form.
 - Option A – Increase in the floor to ceiling height of the ground floor.

- Option B – Omits the top floor – proposes a three-storey unit accommodating a total of three residential units in the form of 2 x 3 bed duplex units and 1 x 1 bed unit.
- The planning history of the site and adjoining lands is provided.
- A summary of the application and its context is provided.
- The proposed development provides for a more attractive/ useful use for the site than at present. The development provides for densification of this site.
- The proposed development complies with local, regional and national policy in terms of intensification/ consolidation of existing urban areas. Refers to National Planning Framework, National Development Plan, Regional Spatial & Economic Strategy (RSES) for the Eastern & Midlands Region, Ministerial guidelines as issued under Section 28 of the Planning and Development Act 2000 as amended and the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022.
- The proposed development provides for a convenience retail unit within an established neighbourhood centre.
- The development is in accordance with the NC – Neighbourhood Centre zoning that applies to this site.
- The development meets all necessary qualitative standards and ‘will not result in the disamenity of adjoining sites due to careful and high-quality design’.
- All residential units are provided with adequate private amenity space.
- Adequate car parking is provided in an area with high quality public transport.
- The proposed four-storey height is considered to be appropriate to this site.

Specific comments are made to each of the reasons for refusal as follows:

- Two car parking spaces is sufficient in an area with good public transport provision.
- The access laneway to the rear of the site is sufficient to serve the proposed apartments. A proposal for a bungalow was permitted under P.A. Ref. D05A/0427 and which proposed the use of the laneway; the Planning Authority had no objection to the use of the laneway in that case.

- It is considered that the use of the laneway to serve four apartments would not result in overuse of this access.
- The ground floor unit was only slightly below required floor to ceiling heights and a revised proposal has been submitted that addressed this matter.
- The proposed building is considered to be acceptable in this location. A revised proposal has been provided (Option B) which includes the removal of the top floor – revising the proposal from a four storey to a three-storey building.

6.2. Observations

A significant number of observations have been received including submissions from Councillor M. O’Connell, Councillor B. Saul. Redsdale Residents Association, Marsham Court Residents Association in addition to individual members of the public. Issues raised are similar to those provided in the letters of objection.

The following additional comments are made in summary:

- The proposal would set an undesirable precedent for similar developments in the area.
- Insufficient information has been provided as to how the development will integrate with its surroundings.
- There is no need for increased passive surveillance in the area.
- Parking is already an issue in the area – the shortfall is not acceptable.
- The laneway is not suitable for use as it is substandard.
- Note that the development did not comply with minimum standards with particular reference to car parking and floor to ceiling heights.
- The proposed option A increases the overall height of the building, further impacting on the visual amenity of the area.
- The development is out of character with the area in terms of design, height, finish, and site coverage.
- The building to the rear of no. 32 Dale Road is of a similar height to 32 Dale Road; the proposed building will be much higher than the existing building/buildings here.

- Concern about the impact on the area during the construction phase of development.
- There is already adequate retail provision in the area.

Procedural comments have raised including the lateness of the notification of the appeal and incorrect reference numbers allocated to the file/ planning application.

6.3. **Planning Authority Response**

The Planning Authority note the revised proposals (Option A and B), however neither addresses all of the reasons for refusal and it is considered that the decision under D20A/0295 should stand. It is also considered that any revision should be assessed under Section 34 of the Planning and Development Act 2000 as amended, i.e. be lodged to the Planning Authority for consideration and allow for the public to make a submission within the statutory five week period.

7.0 **Assessment**

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Design and Impact on the Character of the Area
- Impact on Residential Amenity of Future Occupants
- Impact on Existing Residential Amenity
- Traffic and Parking
- Water Supply and Drainage
- Other issues
- Appropriate Assessment Screening

7.2. **Design and Impact on the Character of the Area**

7.2.1. There are numerous examples of small neighbourhood centres, shopping parades in the Dublin area, which were intended to serve the needs of the immediate local population. Dale Road appears to have constructed in the 1950s and the retail needs/ practices of the population have changed considerably over this 70 year

period. None of the three units (28 to 32 Dale Road) were in retail use on the day of the site visit, however there has been a growth in the number of coffee shops and niche retail and such uses could be attracted to a site such as this again in the future. I have no objection to the mixed-use nature of the development as proposed by the applicant. I note in the appeal that it is proposed to provide a convenience retail unit here.

- 7.2.2. National and local policy is to encourage the densification and use of infill sites, where it can be established to be appropriate. The bus is the primary form of public transport in the area and although multi direction destinations can be reached on the 11 and 75, the frequency on both is every 30 minutes off peak. These are not high frequency bus routes. Despite what was stated in the Planning Report, the Luas stops at Kilmacud/ Stillorgan are between 790 m and 840 m, on a direct line, both are over 1 km walking distance from the site and not on very direct walking routes. Public transport is not of a suitable quality/ frequency, accessibility to justify the increased density/ scale of proposed development.
- 7.2.3. The existing unit on site is not of any particular important character/ design that warrants the retention of the unit. The building is not a protected structure and is not located within an Architectural Conservation Area (ACA). From the site visit it was apparent that the three units retained many of their original features including the mix of red brick and smooth render finishes to the front elevation. Although not worthy of retention, there is no doubt that the units have a local importance.
- 7.2.4. The proposed building design is of a good architectural quality, however, the proposed design is totally out of character with the area and would, if permitted, result in a poor quality of development in this, established, mostly residential area. As noted in a number of the observations, the design takes little, if not, no regard to the existing character of the area. The proposed material finishes are primarily brick with relief provided through the use of a 'selected metal box window' and 'selected fibre cement panel' to the front, side, and rear elevations. The external treatment is therefore out of character with the area. The original submitted elevational drawings indicate that the shop front does not align with the existing retail/ commercial units.
- 7.2.5. The proposed height is of concern in the context of the four-storey unit attached to the remaining two storey units. It is probably the case that a comprehensive

redevelopment to incorporate all three units (28 to 32 Dale Road) may be visually more acceptable, but the redevelopment of only one site does not work. I note the revised Option A and B elevational drawings submitted in support of the appeal and I do not consider that they sufficiently address the issue of integration/ visual impact. A comprehensive redevelopment may allow for a four storey block here and in doing so it may address many of the issues of concern that are raised later on in this report.

7.2.6. Impact on Residential Amenity of Future Occupants

- 7.2.7. The proposed development provides for adequate room sizes in accordance with the apartment guidelines and adequate storage provision is available to future occupants. The proposed development provides for two x one bedroom and two x three-bedroom units. Unit 2 is a single aspect unit (I am not counting the window in the southern elevation as a second aspect), the other three units are dual aspect. Upper levels are reached by staircases only and I am not certain as to how the applicant will demonstrate compliance with Part M – Accessibility of the Building Regulations.
- 7.2.8. The ground floor apartment unit was submitted with a floor to ceiling height of 2.45 m; the guidelines require a minimum of minimum of 2.7 m for such units. The revised details provided in support of the appeal indicate that a height of 2.7 m can be provided, though this results in the overall building increasing in height from 14.16 m to 14.41m.
- 7.2.9. I note that the private amenity space for apartment Unit 1 is indicated as 4.9 sq m, slightly less than the required 5 sq m; it is possible to revise this space such that the required area can be met.
- 7.2.10. The private amenity space serving these units is located to the eastern elevation of the proposed building. The amenity value of this space will be compromised by the lack of sunlight that will be received, this will be from morning to midday and no afternoon or evening sunlight will reach these spaces. The submitted 'Ground and First Floor Plan' Drawing No. 1910-BLD_A-0501 indicates through the 3D image the level of overshadowing that the eastern elevation will endure. Unfortunately, the kitchen/ living/ dining rooms of these residential units will suffer from poor light penetration through the design of the apartments. This will result in a poor standard

of residential amenity, therefore introducing poor quality units into this established residential area.

7.2.11. The proposed development provides for access to these units to be from the laneway to the south/ rear. This laneway is designed as a rear access with no footpaths and a generally poor form of urban environment. Whilst the upgrading of this laneway may benefit the local area, there is nothing in the submitted application to identify any improvements to the streetscape or pedestrian facilities.

7.3. Impact on Existing Residential Amenity

7.3.1. The proposed development will give rise to some overshadowing of the rear gardens/ yards of 30 and 32 Dale Road, however this impact will not be significant as the existing unit to the rear of 32 Dale Road is likely to give rise to a more significant impact in terms of overshadowing. Some overshadowing of the public open space to the east is also likely. The open space to the east consists of a mix of grass and a rocky outcrop towards the centre of this space. Any use of this space is primarily passive recreation and informal play by children. I do not foresee that some overshadowing in the late evening will negatively impact on the use of this space.

7.3.2. The letters of objection and the subsequent observations raising a wide range of issues are noted. The proposed development does not give rise to increased overlooking in the area as the design has been carefully considered to ensure that the south/ rear elevation provides for adequate separation distances. The ensuite window serving Unit 2 does not give rise to overlooking and there is an adequate separation distance between the southern/ rear windows serving the double bedroom to the southern side of Unit 4 and the boundary it faces.

7.3.3. Concern was raised about overlooking of the public open space and it was stated that there was no need for increased passive surveillance. I will have to dismiss this argument as public open space is by its nature open to all and overlooking need not be controlled. The open space is not a controlled/ fenced space and it can be accessed by anyone at any time. Overlooking of this space by residential units is not therefore a negative issue.

7.3.4. Concern was also expressed about the impact on the area of a retail unit operating from the proposed ground floor. I do not have a concern with such a proposal as the

site is zoned for neighbourhood centre use and a mixed-use development consisting of apartments and a retail/ commercial unit is appropriate to the area. As I have already noted in this report, there has been a change in retail demand over recent years and numerous areas have seen the introduction of commercial/ retail/ café uses that primarily serve the local community.

7.4. Traffic and Parking

- 7.4.1. The Dun Laoghaire-Rathdown County Council Transportation Department sought further information in terms of the applicant demonstrating that a minimum of six car parking spaces be provided to serve the residents of this development. The applicant has only proposed the provision of two spaces. I accept that there is a need to reduce dependency on car use but I would have concerns about the location of the car parking adjacent to the main access to serve these units. As already stated, the laneway is not an acceptable means of access to these apartments and the provision of car parking spaces here, may encourage additional parking along the laneway. It may be better if no parking at all were provided, however I would caution this, as the public transport provision in the area is not of a suitably high quality/ frequency to warrant zero parking provision. The site is circa 1 km from the nearest Luas stop but which is accessed by a circuitous route and bus services are infrequent.
- 7.4.2. The provision of bicycle storage facilities is also somewhat substandard as very little detail is provided in this regard other than an indicated location adjacent to the bin storage area. I would question the use of one area for bicycle and bin storage and it is likely to give rise to user conflicts over time; for example moving the bins may damage parked bicycles as the submitted floor plan indicates a very tight internal layout. Access to this storage space is from the rear of the block, this is necessary through the design/ orientation of the ground floor plan.
- 7.4.3. Concern was raised about potential on-street parking in the area and I would agree that this is likely having regard to the layout of the proposed development, minimal car parking provision and existing character of the area.
- 7.4.4. It is assumed that deliveries to the retail unit will be from the front of the unit on Dale Road, however the relevancy of this is dependent on the type of activity that occupies this space.

7.5. Water Supply and Drainage

- 7.5.1. Irish Water have raised no issues in relation to water supply and foul drainage proposed to serve this unit. The development is located in a serviced urban area, so I would foresee no issues in relation to connections.
- 7.5.2. Concern was raised in relation to potential surface water drainage/ flooding issues in the area. The Drainage Department raised no concerns in this regard.

7.6. Other Issues

- 7.6.1. No public/ communal open space is proposed, and this is acceptable for a development of this scale. Whilst the density may work out at 160 units per hectare, only four apartment units are proposed.
- 7.6.2. I note that comments were made regarding the impact on the adjoining units during the construction phase. Disruption is likely but development impacting on adjoining units must comply with relevant legal and Building Control requirements. A number of the observations referred to concern about impact on the area during the construction phase. I accept that there will be disruption as that is the nature of redevelopment and it is also accepted that the provision of conditions may not limit the extent of disruption possible in an area.

7.7. Appropriate Assessment Screening

- 7.7.1. The submitted Planning Report included a very brief Appropriate Assessment Screening. The main indirect impact was considered to be indirect hydrological connection of the development to surrounding aquatic sites. However, suitable foul and surface water management in accordance with best practice will ensure that there are no negative impacts. Foul drainage is treated through the existing public drainage system and surface water will also be disposed through the existing public surface water network.
- 7.7.2. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 Recommendation

- 8.1. I recommend that permission be refused subject to the following conditions and reasons.

Reasons and Considerations

1. Having regard to the prominent location of the site, to the established built form and character of Dale Road and to the existing buildings on the site which are considered to be of importance to the streetscape, it is considered that the proposed development, consisting of a four storey building attached to two storey buildings, would be incongruous in terms of its design, which would be out of character with the streetscape and would set an undesirable precedent for future development in this area. The proposed development would seriously injure the visual amenities of the area, would be contrary to the stated policy of the planning authority, as set out in the current Development Plan, in relation to urban development and urban renewal and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the private amenity space serving the proposed residential units, located to the eastern side of the block and which will endure significant overshadowing and also the lack of sunlight/ reduced daylight to the living/ dining/ kitchen areas of all of the apartments which will similarly suffer poor residential amenity, it is considered that the proposed development would thereby constitute a substandard form of residential development which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

3. Having regard to the scale of the proposed development and the traffic to be generated by it, it is considered that the additional traffic associated with the proposed development using the laneway to the rear, which is also proposed to be the primary access for the residential units, would endanger public safety by reason

of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists.

Paul O'Brien
Planning Inspector

26th November 2020