



An
Bord
Pleanála

Inspector's Report ABP-307881

Development	Demolition of all buildings and construction of Build to Rent apartments in 3 blocks (3-5 storeys) with 43 units and communal gym/rom. Access off Clonard Road, multiple pedestrian accesses, car and bicycle parking, open space and ancillary works
Location	4 Clonard Road, Clonard Lodge at the corner of Clonard Road and Sandyford Road and Ballawley Lodge, Sandyford Road, Sandyford Dublin 16
Planning Authority	Dun Laoghaire Rathdown
Planning Authority Reg. Ref.	Reg. Ref.: D20A/0291
Applicant(s)	Stargem Properties Ltd.
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First-Party
Appellant(s)	Stargem Properties Ltd.
Observer(s)	Ken and Janet Mahony and 16 others
Date of Site Inspection	13 th April 2021
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The site of 0.51 hectares (net area of .0.315ha within the boundary walls) is in a sylvan suburban setting located at the signalled junction of Clonard Road and Sandyford Road and just over 1 km south of Dundrum Town Centre. (1.6km to Dundrum Village). It is 1.2km from the Balally Luas stop and 1.3km from the Kilmacud Luas stop.
- 1.2. The site comprises a number of plots relating to 3 structures and three vehicular entrances - two off Clonard Road and one off Sandyford Road. There is also doorway in the rear garden wall along Sandyford Road
- 1.3. The site is bounded by 6 Clonard Road to the south west, numbers 27, 28, 29, 30 and 31 Ballawley Court to the West/north-west and the rear garden of no.32 Ballawley Court to the north. It has frontage onto Conard Road to the south and Sandyford Road to the East. Opposite the site, Sandyford Road is fronted by a mix of predominantly single and two storey detached dwellings. Balally cottages (one and half storeys) are directly opposite the site and are of a similar period as Clonard Lodge. The Irish Management Institute is located in a parkland setting opposite the site and on the attendant grounds of the original 19th residence 'Clonard' (previously Moreen Lodge) which still exists as part of the IMI complex and was part of a larger demesne on which the Central Bank and housing have been developed over the last 50 years. Clonard Lodge is the only surviving lodge of a pair associated with Clonard. The Conservation Assessment submitted by the applicant provides a description with photographs of its interior.
- 1.4. Clonard Lodge is a two-storey structure dating in its present form from c. 1912 and is presently vacant and in a state of disrepair. It was occupied as a dwelling(s) and doctor's surgery with an entrance fronting Clonard Road and pedestrian entrance is set into an old granite wall which marks the original boundary along Sandyford Road. No 4 Clonard Road, a two-storey detached modern dwelling house is to the west of Clonard Lodge and is consistent in style with the Clonard housing estate. It has vehicular access from Clonard Road. Ballawley Lodge is a gable fronted c1980s dwelling previously in use as a medical centre and has a bell-shaped vehicular access off Sandyford Road. There is also a prefabricated structure north of this

access. There is a cast iron letter box set into the granite wall adjacent to the northern gate pier of the vehicular entrance on Sandyford Road.

- 1.5. There is a moderate slope in the site and the former gardens have a number of mature ornamental trees. Mature trees also front the site along Clonard Road. The Site-Specific Flood Risk Assessment refers to underlying rock outcropping based on the Geological Survey Ireland information.
- 1.6. Clonard Road is the sole vehicular access for Clonard, Wesley Heights, Wesley Lawns and Ballawley Court (around 450 houses) and the Irish Management Institute campus. It also serves as an access point for Wesley College. A bus stop is located on Sandyford Road to the south side of its junction with Clonard Road. There is a cycle path along Sandyford Road which is partially segregated from the main carriageway by broken lines.

2.0 Proposed Development

- 2.1. The proposed development comprises demolition of all buildings on site (547.7 sq.m.) and construction of Build to Rent apartments in 3 blocks (3-5 storeys) with 43 units (reduced to 42 in revised plans). Elements of the scheme include:
 - A 52sq.m. communal gym/room, (increased in revised plans)
 - Sole vehicular access off Clonard Road
 - pedestrian accesses along both frontages,
 - 22 car parking spaces, (reduced to 17 in revised plans) 2 GO-Car spaces are incorporated .
 - 60 cycle spaces, (increased in revised plans)
 - 728 sq.m. of open space and ancillary works , (increased in revised plans)
- 2.2. The unit types comprise: 30 x one bed units (70%) , 13x two-bed units (30%), 27 of these are dual aspect. The density is 42 units/0.315ha => 133units/ha
- 2.3. The open space comprises 460 sq.m. of public open space (minimum of 14.6%) and communal amenity space at a minimum of 241 sq.m. A toddler's play area is proposed to the rear of the site.
- 2.4. The application is accompanied by the following documents:

- Transport Statement
- Infrastructure Design Report
- Site Specific Flood Risk Assessment
- Preliminary Construction Management Plan PCMP
- Statement of Screening
- Shadow study
- Landscape Management and Maintenance Plan
- Tree Survey and Arboricultural Implication Assessment Method Statement
- Landscape and Visual Assessment Photomontages
- Conservation Assessment

2.5. The grounds of appeal contain revised plans which incorporate increased communal space and consequent omission of one dwelling, increased and modified bicycle parking, reduction in car parking 22 to 17 units.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to refuse permission for the stated reasons:

1. The proposed development represents overdevelopment of a limited site by way of its overall design, scale, bulk, and massing and by its poor transition within the existing streetscape. It is considered that the proposed development would appear overbearing and visually dominant at this corner location and would be seriously injurious to the visual amenities of the area. The proposed development would therefore be contrary to the policy provisions of the Dun Laoghaire Rathdown county Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development represents a poor form of development for future residents by way of its lack of provision and poor location of both communal open space and public open space that comprises a of poorly located and unusable spaces. In addition the proposed development provides for limited resident facilities for a 'Built-to-Rent' development contrary to the provision of the Sustainable Urban Housing -Design Standards for New Apartments (2018) and to the proper planning and sustainable development of the area.

3. Given the absence of available high-quality public transport, the proposed development provides for an insufficient number of car parking spaces and as a result would create on-street parking demand in the surrounding area. The proposed development in itself and in the precedent it would set, would adversely affect the use of Clonard Road and /or the surrounding local road network by road users and would endanger public safety by reason of traffic hazard obstruction of road users.

3.2. **Planning Authority Reports**

Planning Reports

- 3.2.1. While noting the distances of over 1km to Luas, the proximity to services supports high density generally. There is no objection in principle to a density of 137units/ha
- 3.2.2. Clonard Lodge: While noting the DAU submission, reference is made to a previous inspector's assessment of Clonard Lodge judged to be 'an average structure in terms of its visual interest and is one which has suffered in the changing context of the area whereby its setting has been altered immeasurably by the residential development and IMI'. Ultimately there are reservations about demolition of Clonard Lodge having regard to the quality of the proposal.
- 3.2.3. Height: Five storeys in this established suburban location is accepted to be supported by the Building Height Strategy and a decision by the Board to grant permission for 5 storeys (223777) [Note: reduced to 4.], however there is poor visual relationship between Block B and Clonard rd. houses. The materials, finishes, and overall height bulk and massing results in an abrupt visual transition at a prominent corner location and would detract from the visual amenities of the area,
- 3.2.4. Apartment standards: The absence of 3 bed units is appropriate in the mature residential area with extensive traditional family sized housing stock.
- 3.2.5. Overlooking : There is sufficient spacing between blocks to avoid overlooking. Opposing windows of 8.4m between Blocks A and B are not of concern due to nature of secondary use. As there are no windows in the west elevation of Block B no overlooking of no. 6 to the west arises. Due to the distances of 20-50m between the Ballawley Court dwellings to the west and the proposed apartments there is no concern about overlooking. The northern elevation of Block C does not contain

windows so there is not potential for overlooking of the dwelling to the north. It is considered that the proposed development will not result in a poor level of residential amenity for existing or future residents by way of overlooking.

- 3.2.6. Overshadowing: While some additional early morning shadowing is accepted as occurring it is not considered to be so significant as to warrant a reason to refuse permission.
- 3.2.7. Public/communal open space: In the context of the Guidelines for Sustainable Urban Housing, the apartments as Build to Rent are an acceptable standard generally in terms of mix, size, storage area, ground floor height and private balcony space. There is concern about the accessibility to quality of roof garden space for all residents and also the configuration of the third floor of block Block A. While the quantum of 268 sqm. meets with these guidelines, the quality is questionable and it would be poor in terms of amenities for residents.
- 3.2.8. In the context of the Development Plan, applying an occupancy of 1.5 persons for units with two or less bedrooms, a total of 64.5 residents is used by the PA as the base for calculating the open space requirements. At a rate of 10-20 sq.m., it is estimated that the proposal should deliver a range of 967- 1290sq.m. for the scheme. At an absolute minimum a 10% apportioning of the site area should be provided and this would be 315sq.m. It is noted that there is an overall stated provision for 460 sq.m. but components of this are not spatially illustrated. It is just generally stated that it wraps around the blocks as a buffer. This is considered to amount to small pockets of space fronting Blocks A, and C and does not constitute quality useable open space. It will provide no real amenity value.
- 3.2.9. Transport: The location of the entrance off Clonard Road is considered acceptable. The proposed 22 spaces which equates to 0.5 spaces per unit fails to meet the car parking standards in section 8.2.4.5 and the concerns of the Transportation Planning Department are noted.
- 3.2.10. Car parking is considered to be deficient by reference to the development plan on the basis that it is considered that the availability of accessible high-quality public transport has been exaggerated. It is considered that the development would generate on-street parking at a location where it would be a traffic hazard.

3.2.11. It is accepted that there is some provision for relaxing the car parking due to proximity to Dundrum town centre however the level of provision falls significantly short.

3.2.12. Observations: A total of 30 observations were made to the planning authority from residents in the area and these are noted.

3.2.13. Part V: A preferred option is for long lease units for 10% of units. No draft legal covenant has been submitted as required by SPPR7(i).

3.3. Other Technical Reports

3.3.1. Transport Planning: (13/7/20) Refusal of permission. The report accepts that the Clonard Road access is the better option and also considers the pedestrian access onto Sandyford Road to be good. However the car parking is deficient.

3.3.2. It is considered that the public transport connectivity is exaggerated having regard to the bus service and the distances to the Luas service. The nearest bus services are not frequent. It is accepted that a reduced rate of car parking could be allowed by reference to Design Standards for New Apartment (DHPLG, 2018) however this would require 44/45 off street spaces. The provision of only 22 spaces cannot be justified due to the relative absence of high-quality public transport in close proximity to the site. The car parking is therefore insufficient.

3.3.3. There is no provision for electrically operated vehicles or motorcycle parking. Bicycle parking is also deficient in the context of reduced parking and the DHPLG standards.

- Precedent - the proposed development would adversely affect the use of Clonard Road/Sandyford Road and/or the surrounding local road network by road users as per Clause 7 of the 4th Schedule of the PDA 2000.

3.3.4. Drainage Department 12/6/2020 further information required with regard to attenuation, green roof access and design, utilities clash interception and overall compatibility GDSDS requirements and Codes of Practice.

3.3.5. Conservation Officer (3/7/20) refers to the recommendation of the Department of Culture Heritage and the Gaeltacht to reconsider the retention of the Clonard House to ensure its long-term survival and its boundary wall and gateways be an integral

part of any future proposal. While acknowledging and citing this the conservation officer acknowledges the previous permission to demolish and also the challenges of viable retention in a manner that would not compromise its setting. The current scheme is somewhat lacking in terms of design .Whether or not it is of sufficient quality to enhance the streetscape is a matter for the planning department.

3.3.6. It is pointed out that this part of the county has not been surveyed for the NIAH, but that this is not justification for demolition.

3.3.7. The Parks and Landscape Section (9/7/20) refusal recommended .

- The removal of trees would be a significant loss to the local residential landscape having regard to the nature, maturity and visibility of the trees, the views along Sandyford Road and the definition of the entrance to Clonard estate
- The open space is deficient in terms of quality and quantity. It is noted to be dominated by car parking and useable open space is sparse and confined to small slivers of perimeter space.
- The proposed planting with small tree species are inappropriate to the existing trees.
- The retention of only 2 out of 29 trees is significant habitat loss.
- Irish Water previously reported no objection subject to connection agreement.

4.0 Planning History

4.1. The site

4.1.1. An Bord Pleanála ref 307448 refers to an appeal against a section 18 demand for payment of vacant site levy in relation to Clonard Lodge. This is undecided at time of preparing this report.

4.1.2. An Bord Pleanála ref 233960 refers to permission in 2010 for demolition of all structures on site and construction of a mixed-use development comprising retail and 15 apartments, medical centre and creche. Permission is for revised plans which reduced the Sandyford block from 5 to 4 storeys in height.

4.1.3. An Bord Pleanála Ref. 224777 (PA ref D07A/0670) refers to a refusal of permission in 2008 for demolition of Clonard lodge and other structures and construction mixed used development with 34 apartments 4 retail units medical centre and creche in

a development 2-5 storeys in height on the subject site. Permission was refused for the following reasons:

- Having regard to **the height, scale, bulk and design** of the proposed development relative to the location and context within which the site is situated, it is considered that the proposed development would be **overbearing and would unduly impact on the visual amenity** of the area. In addition, the design of the proposed development, particularly the eastern, southern and southwestern elevations, is **not considered to be of sufficient quality** to make the necessary architectural contribution required relative to the site's location and context. The proposed development would, therefore, seriously injure the amenities of the area, would fail to make a positive architectural contribution to the area and would, therefore, be contrary to the proper planning and sustainable development of the area.
- It is considered that by reason of the layout proposed particularly **the location and design of the public open space** that the proposed development would result in a **substandard** form of development and would provide a poor residential amenity for future occupants of the proposed development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
- The Board is **not satisfied that there is an existing deficiency in the provision of local convenience shopping** in the area in the vicinity of the site and in this regard, considers that the proposed development contravenes Policy RET5 of the Dun Laoghaire Rathdown County Development Plan 2004-2010 which provides that the Council will facilitate the provision of a local convenience shop in residential areas where there is a clear deficiency of retail provision, subject to protecting residential amenity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
- It is considered that the proposed number of car parking spaces would be inadequate to serve the proposed residential and commercial uses and that the proposed location of parking spaces along Sandyford Road would endanger public safety by reason of traffic hazard and obstruction of road users.

- 4.1.4. **PL06D.213783 (Ref D05A/0143) refer to a grant of permission** on appeal for a two, three and four storey building comprising 55 no. apartments on the corner of Sandyford Road and Blackthorn Drive/Wedgewood Estate and Rathdown Terrace.
- 4.1.5. **PL06D.225021(Ref. D06A/1689) refers to refusal** of amendment to add units on ground of visual amenities and impact on residential amenity. (original proposal was revised at further information omitting a fifth floor.)

4.2. Other relevant cases

- 4.2.1. **An Bord Pleanala ref: 302196** refers to a refusal of permission in Feb 2019 for demolition of a commercial unit and construction of 7 new dwellings and refurbishment and conversion of existing former forge building to provide 2 new townhouses. The reasons for refusal were based on

- Demolition of structure of streetscape importance
- Overdevelopment /height and impact on no. 36 Barnhill Road.

In this cases duplexes were proposed up to a height of 10.8m .

The report of conservation division of the planning authority (**15.06.2018**) appraised the historic importance of the site and the following considerations were highlighted in the inspector's report:

- Consider that the schoolhouse should be retained in conjunction with the forge. Collectively it is the external composition and expression of the two co-joined buildings that strengthen the built heritage interest of this grouping. Whilst the schoolhouse has been altered, it remains legible and its historical footprint remains in situ. The buildings contribute positively to the built character and historical narrative of the area and provide a sense of place.
- Recommend that the applicant explore the retention in part of the schoolhouse so as the external expression and perceived relationship survives.
- The development does not contextually benefit or enhance the site. The opportunity to provide a high quality, architecturally stimulating development which complements the setting and context has not been taken. The development is considered contrary to Policy AR5 and AR11 of the County Development Plan 2016-2022.

5.0 Policy and Context

5.1. National Policy

5.1.1. The National Planning Framework (2018) sets out a number of national objectives.

- Objective 3c is to deliver at least 50% of new houses in the city/suburbs of Dublin, Cork, Galway, Limerick and Waterford.
- Objective 11 is to favour development that can encourage more people to live or work in existing settlements.
- Objective 27 is to prioritise walking and cycling accessibility to existing and proposed development.
- Objective 33 is to prioritise the provision of new homes that can support sustainable development.
- Objective 35 is to increase residential density in settlements.

5.1.2. Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009)

5.1.3. This document sets out general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 5.11 states that densities for housing development on outer suburban greenfield sites between 35 and 50 units/ha will be encouraged, and those below 30 units/ha will be discouraged. A design manual accompanies the guidelines which lays out 12 principles for urban residential design.

These guidelines note the following key points regarding infill development:

“It is important to recognise the existing character, street patterns, streetscape and building lines of an area, particularly in the case of infill sites or where new dwellings will adjoin existing buildings’.

‘In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.....The design approach should be based on a

recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities’

5.1.4. **Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (2018)** (published December 2020 and updated January 2021) contains several specific requirements with which compliance is mandatory. Section 5 specifically relaxes these requirements in the case of Build To Rent schemes. However particular requirements in the management and communal nature of the development are set out Specific Planning Policy Requirements 7 and 8. The standards permitted by SPPR8 are contingent on meeting the requirements of SPPR7 in the first instance.

Specific Planning Policy Requirement 7

BTR development must be:

(a) Described in the public notices associated with a planning application specifically as a ‘Build-To-Rent’ housing development that unambiguously categorises the project (or part of thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period;

(b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:

(i) **Resident Support Facilities** - comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.

(ii) **Resident Services and Amenities** – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

Specific Planning Policy Requirement 8

For proposals that qualify as specific BTR development in accordance with SPPR 7:

- (i) No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise;
- (ii) Flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. This shall be at the discretion of the planning authority. In all cases the obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;
- (iii) There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures;
- (iv) The requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes;
- (v) The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations.

Specific Planning Policy Requirement 1 requires a particular mix of unit types: Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios)Note: there shall also be scope for planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development.

Specific Planning Policy Requirement 3 requires minimum Apartment Floor Areas:

Studio apartment (1 person) 37 sq.m

1-bedroom apartment (2 persons) 45 sq.m

2-bedroom apartment (4 persons) 73 sq.m

3-bedroom apartment (5 persons) 90 sq.m

5.1.5. New schemes are also required to exceed the minimum floor areas by at least 10%. Requirements for individual rooms, for storage and for private amenity space are set out in the appendix to the guidelines, including a requirement for 3m² storage for one-bedroom apartments, 6m² for two-bedroom apartments. In suburban locations a minimum of 50% of apartments should be dual aspect. Ground level apartments should have floor to ceiling heights of 2.7m.

5.1.6. **Urban Development and Building Heights - Guidelines for Planning Authorities (2018)**. Section 3.6 states that development in suburban locations should include an effective mix of 2, 3 and 4 storey development. SPPR 4 requires a planning authority to secure a mix of building heights and types and minimum densities in line with other guidance.

- **Specific Planning Policy Requirement 4** states that it is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:
 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;
 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and
 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively in any one development of 100 units or more.

5.1.7. Circular Letter: NRUP 02/2021 provides clarity on application of Residential Densities in Towns and Villages, as set out in Guidelines for Planning Authorities on *Sustainable Residential Development in Urban Areas (2009)*

5.1.8. **The Design Manual for Urban Roads and Streets (DMURS 2013)** sets out (Section 1.2) a policy that street layouts should be interconnected to encourage walking and cycling and offer easy access to public transport. Section 3.2 identifies types of street. Arterial streets are major routes, link streets provide links to arterial streets or between neighbourhoods, while local streets provide access within

communities. Section 3.3.2 recommends that block sizes in new areas should not be excessively large, with dimensions of 60-80m being optimal and 100m reasonable in suburban areas.

5.2. Dun Laoghaire Rathdown County Development Plan 2016 – 2022.

5.2.1. The objective for the site and adjacent sites is “To protect and/or improve residential amenity.” (Zone A)

5.2.2. Relevant policies and objectives include:

Section 8.2.3.4 (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.’

Section 2.1.3.4 Existing Housing Stock Densification: “Encourage densification of the existing suburbs in order to help retain population levels – ‘Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc. In older residential suburbs, infill will be encouraged while still protecting the character of these areas.’

Policy RES 3: 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.

Where a site is located within 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities of 50 units per hectare will be encouraged.

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 of larger ‘A’ zoned areas.

Densification : Policy RES4 refers to a policy to improve and conserve housing stock, to densify existing built-up areas having due regard to amenities of established dwellings. Section 8.2.3.4 (xiv) refers to demolition and replacement of dwellings in the context of building strategy. It states that the council will sometimes state a preference to retain existing structure houses that, while not Protected Structures, do have merit and/or contribute beneficially to the area in terms of visual amenity, character and or accommodation type. Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered simply on the ground of replacement numbers but will be weighed against other factors. Better alternative to comprehensive demolition of for example a distinctive detached dwelling and its landscaped gardens may be to construct structures around the established dwelling... In larger proposals for demolition of existing structure the balance between the greater energy efficiency ratios of the new building will be considered.

Section 8.2.3.2 of the Plan set out quantitative standards for residential development. **Section 8.2.8.4** sets out standards for **Private Open Space**.

Policy AR5: Buildings of Heritage Interest

- i. Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features.

“Many of the older buildings and structures in the County, whilst not strictly meeting the criteria for inclusion in the Record of Protected Structures, are often modest buildings which make a positive contribution to the historic built environment of Dun Laoghaire-Rathdown. The retention and reuse of these buildings adds to the streetscape and sense of place and has a role in the sustainable development of the County.”

Policy AR 8 Nineteenth and Twentieth Century, Buildings Estates and Features. It is Council policy to:

- i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised.
- ii. Encourage the retention of features that contribute to the character of exemplar nineteenth and twentieth century buildings and estates such as roofscapes, boundary treatments and other features considered worthy of retention.

Policy AR11 Industrial Heritage. It is Council policy to:

- i. Have regard to those items identified in the Industrial Heritage Survey listed in Appendix 5 when assessing any development proposals.
- ii. Identify further sites of industrial heritage significance with a view to assessing them for inclusion in the Record of Protected Structures.

Section 6.1.4 refers to **ACAs** and a range of policies refer to the importance of boundary features and the protecting the context including the public realm.

5.2.3. Clonard is included in the Record of Protected Structure (no. 1538). It is to the south of the site was previously known as Moreen Lodge which was associated with the larger Demesne. Clonard Lodge is one of the ancillary structures in the attendant grounds.

5.2.4. BALALLY COTTAGES Architectural Conservation Area- Character Appraisal and Recommendations (Feb 2011). This document explains the context and rationale for protecting Balally Terrace as an area rather than as individual protected structures. It states, 'Balally Terrace receives architectural merit as it is a good quality example of a building type typical of workers or estate cottages at the turn of the 19th century. Architectural interest is also attributed for the positive contribution that the row of cottages has on its setting and streetscape. The symmetry of the eight cottages lends a harmonious and pleasing aspect to the character of this suburban area.'

5.3. **Dun Laoghaire Rathdown Draft County Development Plan 2016 – 2022.**

5.3.1. The boundary of the site is identified on Map 5 of the Draft Development Plan.

5.3.2. The Heritage List in Appendix 4 of the Plan includes a Letter Box in Balally Lodge and appears to relate to the Victorian metal letterbox in the wall to the north of the existing vehicular entrance to Ballawley Lodge.

5.4. **EIA Screening**

5.5. Having regard to the nature of the development comprising a significantly sub-threshold residential development on appropriately zoned lands where public piped 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.

5.6. **Natural Heritage Designations**

5.7. The nearest sites, at 4.1 and 4.3km respectively, are South Dublin Bay and River Tolka Estuary SPA – site code 004034 and South Dublin Bay SAC - site code 000210.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. An appeal was lodged on behalf of the applicant by McGill Planning Consultants. The reasons for refusal are refuted on the following grounds:
- 6.1.2. The principle of demolition has been established in the previous cases before the Board.
- 6.1.3. The proposal as an high density stepped 2-5 storey high infill housing scheme on a brownfield site is supported by national housing policy. In design terms will act as local landmark whilst providing for compact growth. Rather than continuing with to storey housing, it is a sustainable form of development for such a well located site. It respects the established amenities and character of the area.
- 6.1.4. The bulk and massing is broken up by varying heights and use of large windows whilst the brick is residential in character. The 5 storey element is sited at the greatest distance from existing houses and views therefore diminish as viewed from 1st floors. The streetscape impact is disputed. The prominence of Block A is appropriate to the context in establishment of new edge development and as part of an emerging new character along this corridor.
- 6.1.5. The need for more car parking is strongly refuted. The following points are made in respect of reduced car parking:

- The car parking is appropriate having regard to the nature of the Build to Rent residential units – notably the tenure. Tenants are not committed in the long term and will rent knowing that car parking is limited. There is provision for flexible parking in the form of - Go -Car . Each Go-Car replaces 15 private cars generally.
- The Sustainable Guidelines allow for reduced car parking and Board has previously accepted a lower level of parking e.g Gort Mhuire development ratio is 1 space per 0.3 units.
- The location is an accessible in that it is convenient to places of work (Sandyford Business Park and Dundrum) and shopping and services and is also served by a cycle network and public transport. It is appropriate to permitting a reduced ratio of spaces to dwelling.
- 74 bike spaces
- An alternative vehicular access was not considered necessary in the Inspector's report.
- By design and management it would not result in additional on-street parking. From the outset renters will agree to rent apartments on basis of no dedicated car parking space yet they will have access to a car when needed with a car club system.

6.1.6. In respect of impact on amenities:

- It is reemphasised that the proposal as determined by the planning authority is acceptable in terms of overshadowing and overlooking.

6.1.7. In respect of amenities for future occupants:

- The layout has been amended to reduce the units by 1 and to increase the communal facilities and bicycle parking arrangement. This has resulted in a slight reduction for car parking and increase in open space provision.

6.1.8. The appeal is supported by

- Amended drawings
- A transport statement. This document sets out in detail the basis for car usage patterns by reference to other recent permissions for apartments s in Dublin and

the UK experience. The traffic impact is negligible and a TIA is not warranted having regard to the significant subthreshold scale and low volumes of traffic.

6.2. Planning Authority Response

- 6.2.1. While noting the changes in the open space and residential facilities, the planning authority remains of the view that permission should be refused. The Board's attention is also drawn to the comments from the Drainage Division which highlights outstanding issues primarily in relation attenuation for which further information is required. This is required to ascertain the compatibility of the revision with all utilities and services. It is noted that some drawings are omitted (fourth floor) and there is some inconsistency between drawings.

6.3. Observations

- 6.3.1. Observations on the appeal have been lodged by the following parties: Ken and Janet Mahony, Anna and Michael Dooley, Nick Lee, Roger Young, Trish Farrelly, Ruth Delany, Carmel Richards, Gilbert McCullagh, Olive Mongey, Pat O'Doherty, Bernadette Nolan, The Concerned Residents of Clonard Estate, Frank and Margaret Fitzpatrick, Philip and Lorna Rowe, Desmond and Elizabeth Gilmore and John and Theresa Grace. These are principally residents in the surrounding area including those that adjoining the site directly such as in in Ballawley Court, Clonard Road and Rathdown Terrace . Many of these individuals are also party to the observation submitted in a very lengthy observation by BPS planning consultants who represent 95 residents of these aforementioned areas and also Balally Terrace, Wesley Heights Conard Park, Clonard Drive, Clonard Close Clonard Avenue and Clonard Grove. The submissions are based on the following concerns:

- 6.3.2. Impact on Architectural Heritage of area.

- Principle of demolition of Clonard Lodge needs to be revisited.
- It should not be demolished having regard to the DCHG request to review the demolition of a landmark lodge and better scheme for the remainder of the site. Department of Culture, Heritage and the Gaeltacht in its report requests careful review given the possible inclusion of Clonard Lodge as an landmark lodge in the NIAH.

- The reliance on the rationale in 233960 is inappropriate due – difference in quality of proposal – it was considered to be a very high quality design. It was in a different policy context also. The decision pre-dated the Architectural Heritage Protection Guidelines 2011 and the current development plan which has changed in favour of protecting such buildings..
- Loss of local heritage: There is new information about Clonard Lodge and it is of significant heritage value in a area where there is little more than surviving placenames.
- At the very least the reason for refusal in relation to justifying the demolition should be upheld.
- The proposed five storey development would have a detrimental impact on an ACA directly across the road (Balally Terrace as listed in Appendix 4 section 3, identified in Map 5) and in
- Substandard for occupants.
- Other heritage concerns relate to Loss of all trees and residual visual impacts on Balally Terrace ACA

6.3.3. Height, scale and density.

- Poor transition with the streetscape.
- There is an erroneous and misleading reliance on precedence of permission for 5 storey- it was 4 storeys as per conditions. (Drawings I Appendix 2 of BPS submission to DLRCC.) Section 2.2.1 of the inspectors report is cited 'A revised proposal has been submitted with appeal which reduces the Sandyford block by one-storey creating a transition from 2 to 4 storeys at the junction with Clonard Road. The gross floor area of the proposal is reduced from 4096 sq.m. to 3630 sq.m.
- It is disputed that national policy for higher and denser form of housing is justified having regard to the standards . The other apartment development further south on the Sandyford Road is at the entrance to industrial estate and can't be compared. The roads are otherwise unchanged south of Dundrum town centre.
- Monolithic block on a highly prominent corner the location and scale does not comply with the development plan Building Height Strategy. The site is not

designated for a high building and totally disregards this strategy. The buildings are over scale relative to adjacent property. A very significant and profound change would occur within the site and in the character of the area that includes an ACA relating to one and a half storey cottages to which the existing development relates.

- Block B should be omitted as it does not integrate. Abrupt transition – photos attached with submission from owner of no.6
- It is being treated as a de facto greenfield site without any consideration of development constraints.
- Height density and scale inappropriate to surrounds and direct impact on adjacent dwellings
- Too close to dwellings Proximity
- 3,4 and storey development does not justify demolition of Clonard Lodge.
- Totally dominant in streetscape of both roads
- 2-4 stories with underground and off Sandyford would retain trees and integrate better.

6.3.4. Impact on Residential Amenity.

- Reduce the attractiveness of the environment of the immediate vicinity in terms of visual amenity and residential amenities.
- Too close to no. 6 Clonard Road. 13.3m deep building 1m from boundary.
- Overlooking from winds and balconies: The layout is overly reliant on the depths of the adjacent rear gardens. The development would result in overlooking of gardens and is deficient as compared to the previously approved scheme which was robustly assessed for overlooking and consequently revised. Lack of screen planting.
- Overshadowing of garden and dwellings is of concern. E.g. It will block morning sunlight to house and garden in spring and winter (phot from Philip Rowe no. 27 Ballawley Ct. shows existing sunlight).

- Extent and scale of bin and bike store abutting boundaries of 31 and 32 Ballawley Court. The bin store is over 3m high and extends 10.88m along the boundary with no.32 and also 6.6m along the boundary with no.31.
- Overbearing for Rathdown Terrace and Balally cottages.
- Obstruction and nuisances generated by additional traffic on a road network legendary for its congestion and which serves the industrial estate/business park and a large 450 dwellings, a back entrance to a large school and the IMI which has a large car park.
- Impact of entrance location on no. 6: Noise impact of tunnel acoustics, particularly on abutting habitable space along boundary.
- Loss of trees – root protection. (a basement car park would permit more trees.
- Parking adjacent to boundaries with dwellings – absence of buffer and will give rise to disturbance by way of noise and light.
- Lack of consultation with adjoining neighbours

6.3.5. Construction impacts (particularly for no. 6)

- Impact on structural integrity of house and wall due to underlying rock.
- Noise and vibration, hours parking dirt dust over 4-year programme needs to be addressed in detail. TII Good Practice noise limits should be agreed and this should be demonstrated prior to commencement. Noise limit should be a condition. Appropriate acoustic panelling is needed. The 2.4m high panelling is not enough. The Construction Management Plan should address continuous vibration. There should be a hotline for complaints.
- Prolonged exposure to vibration should be addressed as a planning issue and requires a vibration testing report
- Hours of operation should be Mon-fri 8-5 and Sat 9-1 only.
- Disturbance of badgers.

6.3.6. Quality of Apartments

- The scheme constitutes over development and is substandard. It does not comply with section 28 guidelines having regard to the substandard open space,

deficient car parking and high number of one-bed units and compromises facilities and amenities for future occupants.

- The validity of the BTR tag is queried and the description is submitted to be an attempt to circumvent apartment standards such as the provision for car parking as was provided in the previous scheme in a basement level. Even as BTR, the proposal is deficient.
- The applicant has not provided details of legal covenant required for BTR scheme in accordance with SPPR7. The proposal in the words of the DLRCC provides no residents support facilities for the Build to Rent development. There are no laundry or concierge facilities, and the gym operation is unclear. Lack of quality useable open space which relates to pockets of spaces. It should be at a minimum 315 sq.m. but usable.
- The revision of an apartment to communal facilities in the appeal together with concierge facilities etc is an after thought - and not properly conceived in the overall design. Nor is it supported with a management plan. The feasibility of a coffee dock right beside a treadmill does not seem realistic. The operation of the concierge service is also queried.
- In an effort to increase open space, the reduction to 17 car parking is even more substandard than the original proposal with 22 spaces for 43 apartments. This underlines the need for a basement car parking.
- The reasons for refusal are substantive and cannot be construed to mean that the DLRCC is satisfied with this type of scheme.
- The applicant has failed to address the concerns of the planning authority in the appeal and has not offered any meaningful revisions. The planning authority's position is requested to be supported.
- Concur with DLRCC that there's an over reliance on Ballawley park and 15-20 sq.m. per residents would be a preferable standard.
- The toddlers area is not a new addition and as part of original plans was already assessed to be poorly sited and of a poor standard.
- No consideration of suitability in a pandemic

6.3.7. Shortage of Car Parking and traffic congestion:

- Insufficient car parking – not justified due to absence of convenient high quality public transport. The location is outside 10 min. walk band for Luas. Most Clonard residents drive to Luas stop. The bus service is infrequent and in any event the Luas is congested.
- Insufficient parking will result in on- street parking on Clonard Road and environs which would compromise safety. Given the profile of 25-35 year olds they are likely to double up and there could potentially be up to 100 cars generated by the profile of tenant. This would be aggravated in event of not using cars for commuting as they would be there all day.
- The traffic along Sandyford Road since Dundrum town centre is intolerable, cycling is also minimal on this road and since the Luas, the traffic in the area has increased.
- The Gort Muire scheme as an example of reducing car parking is not comparable. Aside from it being home-owner apartments, it is closer to Dundrum Town Centre (850m) and the Luas (900m) and adjacent to schools. It is also close to 5-8 storey high developments and is with plentiful open space and 76% of apartment with dual aspect and balconies in some cases exceeding 100sq.m. the absence of a basement car park was justified on the basis of conflict with the foundations and integrity of a protected structure. In that case the site was described as an intermediate Urban Location which is not applicable in this case given distances to quality public transport.
- The location is not in a town centre where services are easily accessible.
- There is no set-down for deliveries/taxis
- There is insufficient information to support that this is a Build to Rent scheme and the management of parking would be ultimately chaotic. The transport statement refers to a system of renting out spaces or first- come first-served basis which has cost consequences for residents needing a car and for surrounding roads. The scheme is inoperable.
- The development represents a drop in standard as compared to the previous permitted proposal in terms of basement parking, scale and design mix of uses.
- Proposal is at a location where the road needs widening - the design hems in the junction.

- The TRICS data is not relevant
- This development will not change a car dependant society which is particularly prevalent in this area out of necessity due the decreased bus service.

6.4. **Proscribed Bodies**

Dep. of Tourism, Culture, Arts, Gaeltacht, Sport and Media – Development

Applications Unit: (DAU) In a detailed report the Department raises concerns about the removal of the roadside fronted structure and its boundary wall, the loss of its architectural character and historical association with the former Clonard Estate which partly survives as the IMI. It is described as landmark lodge with a distinctive clay tiles, roof profile and boundary , decorative gateways which are discernible as part of the wider character and contributes to the sense of place. It is advised that the retention of Clonard be revisited as such its demolition is no longer in accordance with current policies or strategies

In the opinion of the department, the surviving lodge, its details and materials are representative of an era of architecture of which few survivors remain of this quality and of this typology ‘

The site has not been reported on yet as the Dun-Laoghaire Rathdown Interim survey of the NIAH is only recently underway. It is however noted that a number of buildings that are of a similar building period and architectural style have been included in the NIAH survey as they represent the on-going settlement of the area in the early 20th century as society pushed out from the city the foothills of the Dublin mountains. The fact that the Clonard Lodge and its boundary has not yet been surveyed by the NIAH is not sufficient justification for its removal.

In consideration of the Department’s recently completed Climate Change Adaptation sectoral plan, the reuse of existing assets and their craftsmanship is central to government policy to combat climate change and loss of cultural significance/sense of place. Incrementally picking-off buildings of local to regional importance is a flawed approach to sustainable development.

The Department recommends that the proposed residential development be re-considered to ensure the long-term survival of Cloward Lodge and its boundary wall and gateways as an integral part of any future proposal. It is pointed out that the building plot indicates that contemporary building may be laid into the context while

retaining the lodge and whilst noting the condition, the restoration is considered to be achievable and refers to the RIAI Old House New Home recent publication.

An Taisce: The previous permission to demolish Clonard Lodge has ceased and cannot be relied upon for precedence. The principle of demolition of Clonard Lodge must be reassessed by current policy which is now strengthened in favour of protecting such buildings. Policies AR5, AR8 and RES4 of the current CDP differ from the previous plan. Policy AR 8 is particularly relevant as Clonard Lodge is an exemplar 20th century building. This is set out in its previous submission and that of the Department both of which are attached. The demolition is strongly opposed on the basis that

- It has intrinsic value as part of architectural heritage.
- It is significant as a local landmark and in defining the streetscape – particularly the double gable-ended structure with clay roof tiles and decorative features fronting onto Sandyford Road and designed to be seen.
- It is attributed to RM Butler who has an association with the area (Carnegie Library buildings) and notably the Balally Cottages across the road - these cottages are seen as being linked with the lodge as an architectural group. This is supported by reference to a number of sources including Dictionary of Irish Architects, A History of the Gate Lodge in Leinster (the Arts and Crafts Lodge) by J.A.K. Dean , Ireland and the New Architecture by S. Rothery.

It is also submitted that:

- The height mass and scale are out of keeping with the surrounding area and are inappropriate for this location. There is no basis for saying that 5 storey has been approved by An Bord Pleanala.
- The Conservation officer did not fully appraise the conservation issues and did not have full regard to the points made by the Department.

6.5. Further Responses

No further responses.

7.0 Assessment

7.1. Issues

7.1.1. The principal planning issues in this case are:

- Heritage: Demolition and Architectural Conservation.
- Height Scale and Density
- Impact on Adjoining Property and Streetscape.
- Apartment quality.
- Parking and Traffic Safety.
- Landscaping.
- Other matters: ecology, construction and ground conditions
- Appropriate Assessment.

7.2. Demolition – Architectural Conservation

- 7.2.1. The proposal involves the demolition all buildings and boundary features on the site and the creation of a new building line which permits the partial realignment of Sandyford Road. The planning authority is of the view that the demolition of Clonard Lodge on site would not be justified on the basis of the design. The conservation officer takes a similar view rather than focussing on the intrinsic value of Clonard Lodge. In a somewhat pragmatic approach, consideration is given to the viability of retention with a possible risk of compromising the integrity of restoration work by surrounding it with infill development. This I note differs from the previous assessment in which retention and subdivision was advocated as a more appropriate development strategy. The Development Applications Unit of the Dep. of Tourism, Culture, Arts, Gaeltacht, Sport and Media however goes further and recommends that retention of Clonard Lodge and its boundary should be re-considered. It points out that the NIAH Survey has not been carried out for this area and therefore its omission from any list of architectural interest or protection is not a reasonable basis to permit its demolition and that assessment should have regard to more enlightened policy and practice. The Department advises for example the restoration is supported by government policies in the climate Change Adaption sectoral plan which seeks reuse of such buildings in the interest of conserving resources and surviving craftsmanship. It is further considered that the building plot indicates that a contemporary building may be laid into the context while retaining the lodge. Whilst noting the building condition, the restoration is considered by the

DAU to be achievable and the recently published RIAI Old House New Home recent is referred to as a guide.

- 7.2.2. The applicant however makes the case that the Board has previously permitted demolition (2010) and that the status of the house remains, in that it is not a protected structure, nor is it in a designated Architectural Conservation Area. Ultimately its retention compromises the provision of a comprehensive redevelopment so as to provide a more resource efficient and denser form of development in line with the national planning framework strategy to densify serviced and accessible sites. The demolition, as in the previous case is supported by a conservation report which concludes that there is limited conservation value.
- 7.2.3. An Taisce however emphasises that the previous decision to grant permission was under different circumstances and that as time has lapsed the current proposal must be assessed de nova and therefore allows the principle to be re-appraised. In such appraisal regard must be had to changes in the development plan and also information on the characteristics of the Lodge as detailed in the submission by both proscribed bodies. For reasons as set out in the DAU submission the Lodge is, in its judgment, is an exemplar of 20th architecture the protection of which is clearly provided for AR8 of the development plan. Some of the observing parties to the appeal also advocate the subdivision of the house as a means to its retention and densification of the site.
- 7.2.4. Clonard Lodge, in its form, style and prominence as particularly displayed in its decorative double gabled street elevation is I accept a landmark building on Sandyford Road. It is also significant in its building typology- a early 20th Arts and Crafts Lodge attributed to RM Butler (the same architect of Balally Cottages opposite) and as being the last surviving ancillary structure of this scale associated with "Clonard" a former principal residence which still remains in a parkland setting albeit as part of the IMI complex opposite the site. There is still I note a direct visual link from the intervening IMI entrance. It is also contextually relevant to the opposing cottages that form part of an Architectural Conservation Area which was newly designated in the current development plan and on foot of a 2011 report cited in section 5.2.5 of this report. Of particular note is I consider the contribution of the lodge in defining the historic streetscape together with what appears to be the partly

surviving demesne granite wall which incorporates an ornamental doorway to the garden and an early 20th Letter box alongside the northern gate pier on Sandyford Road. This wall mounted metal letterbox is of note in itself as it features the royal cypher symbols GR (George Rex) which is unusual. This would appear to be included in the draft County Development Plan 2022-2028 although attributed to Balally Lodge which does not appear to exist and probably refers to Ballawley Lodge.

7.2.5. I consider the Lodge to have the hallmarks of exemplar 20th architecture and retention of such modest type buildings and features of this historic nature accords with the policies of the development plan for vernacular buildings of interest. I refer particularly to policies AR5 and AR8 and the recognition that, as stated, ‘the retention and reuse of these buildings adds to the streetscape and sense of place and has a role in the sustainable development of the County.’ I consider the case for retaining the lodge and associated boundary features is further supported in national policy as referred to by the DAU and also in housing guidelines. While the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) provide for higher densities in the form of infill developments, they also state that ‘It is important to recognise the existing character, street patterns, streetscape and building lines of an area, particularly in the case of infill sites or where new dwellings will adjoin existing buildings’ and ‘In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.....The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities.’

7.2.6. In view of the foregoing, I consider the extent of demolition proposed would be detrimental to the streetscape and character of the area. This loss is further compounded by the disregard in the proposed design of the historic footprint of the structure, its plot and boundary delineation and features. In the context of the locality in which there is a dearth of historic structures and references and where as one observer states, there is, little more than historic placename references, I consider

the impact of the nature and extent of proposed demolition and erosion of surviving elements of the demesne landscape character to be seriously injurious to the amenities of the area and in the context of current heritage policy would be contrary to the proper planning and sustainable development of the area. Accordingly, I consider the extent of demolition and loss of heritage by itself constitutes grounds for refusal of permission.

7.3. Height, Scale and Density

7.3.1. The proposed 5 storey high apartment block providing for a density of 133/ha is rationalised by the applicant on the basis of being supported by national policies for densification of suburban areas and the previous permission on the site by the Board. However, in that previous case, the height was reduced from 5 to four storeys with the top floor retaining the stepped profile. This followed a previous refusal of permission for a development of 5 storeys high incorporating 36 apartments over ground floor commercial/community uses. Accordingly there is no precedence for five storeys on the site. It is a fair point that more recent S.28 guidelines provide for higher scale buildings and somewhat change the context but, aside from the heritage issues, this is predicated on the location being highly accessible and well serviced which as pointed out by the planning authority has been exaggerated and is not entirely applicable in this case.. I do not consider the site to fully meet the criteria for 5 storeys. I say this having regard to the location not being identified for high density primarily by reason of proximity to high quality public transport. The site is outside the 10 minute walk band of high quality public transport. It is not directly comparable to the lands at Gort Mhuire which are within the more immediate environs of Dundrum Centre and closer to the Luas. Moreover, I consider the site to be constrained in its capacity to assimilate with the character of the area and concur with the planning authority that 5 storeys would be an abrupt transition with both the immediately adjacent houses, particularly no.6 Clonard Road and also the adjacent one and half storey Balally cottages in an ACA and the single storey Rathdown Terrace. There are also some qualitative issues with the form and scale of the buildings and their interface with neighbouring dwellings particularly those to the west and north of the site .

7.4. Impact on Adjoining Property.

7.4.1. The residents raise concerns with regard to impacts on their respective properties. Specifically the issues centre on the scale and intensity of development and associated traffic, consequent overlooking, overshadowing, overbearing nature, visual aspect, bin storage and disturbance. Traffic is assessed separately/

Ballawley Court to North and North West

7.4.2. I note the submitted shadow analysis shows shadowing for the sunlight path over a range of times throughout the day for the summer and winter solstices and spring and autumnal Equinoxes. It shadows that wehre some shadow cast in morning hours but O consider these to be within acceptable limits. It is I consider to be reasonably expected that in an urban infill situation that any building higher than 2 storey will cast some shadow degree of shadow. The garden of no32 which is directly north will experience slight more shading however this would have a negligible impact on the garden area having regard to the location of the shed and size of the garden. I do however consider the siting and design of the stairwell of Block c. at 4m from the boundary will present an austere and bleak outlook from the closest dwellings in Ballawley Court . The modelling and scale together with the cladding panels is industrial in character and while I accept that the materials as viewed from Sandyford Road presents a varied palette of texture and colour, the view from the west will I consider be overbearing. This could be improved by the use of brick.

7.4.3. In terms of overlooking I accept that the stairwell in Block C has limited potential of any perceived overlooking and could be addressed by position of windows and glazing. I concur with the planning authority that the separation distance between the opposing windows are within an acceptable range. In terms of disturbance generally I consider the site layout would benefit from more significant landscaping buffering along the boundary to minimise the forecourt type activity of the complex arranged along the rear of these houses.

Impact on western boundary - no. 6 Clonard Road .

7.4.4. No.6 immediately adjoins the site where Block B is proposed to be constructed up to within 1m of the boundary and through which the sole vehicular access is proposed alongside the boundary. The owner/occupier of this house is particularly concerned

about the impact on his habitable space which abuts the boundary. The concerns relate to the noise and disturbance in this tunnelled entrance together with the overshadowing and overlooking consequent on the bulk, orientation and extent of windows. I consider the proximity of the entrance for 42 units would generate an unacceptable level of disturbance for the adjacent dwelling. While low parking and reliance on the active travel reduces the level of car usage all this is offset by the intensity of use of the go car space (equivalent to 15 cars), the potential to increase the shared spaces. There is also the traffic associated with deliveries and drop-off. The absence of any buffering is likely to be intolerable in the abutting dwelling. Aside from the day-to-day domestic use, the servicing of the scheme and associated trucks reliant on this entrance would also give rise to frequent disturbance. The rental nature is also likely to generate a higher level of removals, deliveries and service.

- 7.4.5. With respect to overlooking the layout is such that there are no windows in the western elevation of Block B and for this reason the opportunity for any significant overlooking is prevented. In terms of bulk and massing and overshadowing to the rear of no 60 I do not consider the proposal will give rise to any significant overshadowing the flat roof three storey high and 13m deep adjacent is not appreciably different to no. 4. In this regard as supported by the shadow analysis. I concur with the planning authority in its assessment that overlooking and overshadowing do not by themselves constitute grounds for refusal.

Bins

- 7.4.6. The bins are proposed to be located along the boundaries. These facilities are enclosed and split which would diffuse nuisances such as noise, odours and flyaway littering. It would be preferable to relocate away from the boundaries with private dwellings and particularly no.6 Clonard Road. However the site is constrained and not easily relocated without compromising the open space or residential amenities of the future occupants of the proposed development. Ultimately the layout relies on the curtilage of the adjacent dwellings for buffering of the utilities area. It cannot be easily addressed by condition.

7.5. Apartment quality.

- 7.5.1. In the first instance there is an issue of ambiguity about the nature of the development raised in the objections in so far as it is considered that the proposal is substandard when assessed as regular apartments. It is further submitted that the description of Build to Rent cannot be relied upon in the absence of compliance with SPPR7 (i) which requires a legal covenant committing the nature of the proposal to appropriate management.
- 7.5.2. With regard to the covenant I note the class of residential development is clearly provide for in the housing guidance and is subject to particular conditions notably tailored in SPPR7 and SPPR 8. I accept that the scheme can be assessed as BTR, as has been done by the planning Authority and that a condition requiring the provision of a legal covenant and its appropriate terms could be addressed by conditions. This has been done by the Board in a recent decision (ref. 308827) for example. Accordingly it has to be accepted as a bone fide BTR proposal and assessed accordingly.
- 7.5.3. The BTR concept relies on the institutional management model as a means of providing more co-ordinated and actively managed communal facilities. In this case for example the applicant includes a gym and coffee dock area as set out in the revised designs submitted. While these elements are improvements I do not consider it to be sufficient to address the concerns of the planning authority . There remains some qualitative issue with the overall development. I refer for example to laundry facilities. The applicant states that the apartments will be provided with these facilities. However I note that the apartments are open plan and have no utility area and would appear to be limited in providing for such facilities. This is further compounded by the fact that some apartments are limited in private open space. For example the ground floor units have only one external door – with the result that the entrance for each of these units is through what is described as private open space but this space is in effect in the public realm within the development. It is also immediately adjoined by the footpath to the utility/bike areas and communal area . There is very limited buffering and nowhere for discrete external storage. Such restricted space is not only lacking in its functionality and amenity for the occupants, it is also likely to result in visual clutter in the public realm.

Open Space.

7.5.4. The communal space is stated to amount to over 450sq.m. which is quantitatively acceptable for BTR however in this case it comprises strips of space to the front and rear of the blocks and offers limited value in terms of use. The single communal space which includes and is dominated by the play area is essentially a triangular area wedged between the footpath and the rear boundaries of Ballawley Court dwellings. In terms of practically providing for useable and accessible amenity for some 65 residents, I concur with the planning authority that the communal open space as amended, remains seriously deficient in its quality and useability. I consider the reason for refusal still stands as there has been no meaningful additions by the provision open space.

7.6. Parking and Traffic safety/Access.

7.6.1. Notwithstanding the reason for refusal in this regard, the applicant rejects the need for increased car parking and in the revised layout supporting the appeal, the amount of car parking spaces is in fact further reduced (in addition to omitting one apartment) in order to increase communal facilities. The Transportation Planning division in its initial report provides the rationale for concluding that the amount car parking spaces would be inadequate to serve the proposed residential. It is I note markedly different from a previously permitted scheme which included a basement car park off the Sandfyord Road frontage. In this case the deficiency is considered to result in on-street parking in the surrounding road network which would likely cause a traffic hazard and obstruction of road users of the road network in the vicinity of the site and this in turn would endanger public safety.

7.6.2. The applicant makes what I consider a strong case for reduced parking by reference to the alternative active travel options which are facilitated by an improving cycle path network, permeability of the site layout and access to employment and service centres as indicated in the Transport Statement. The proposal for shared parking also seems a potentially viable alternative in keeping with sustainable transport policies and emphasis on mobility management. It is also possible that this is achievable in a managed BTR scheme with transitory tenure.

7.6.3. However, while I accept that The Sustainable Guidelines allow for reduced car parking and the Board has previously accepted a lower level of parking, e.g. the Gort

Mhuire development ratio is one space per 0.3 units I consider the concerns of the planning authority as explained in detail in the report of the Transportation Planning Division, to be reasonable I consider the location of the site outside the 10 minute walk zone of the Luas and absence of a high quality bus corridor service, places the site in a secondary location in terms of accessibility. In such circumstances the demand for car use and ownership is likely to generate on-street parking in a quiet residential area and close to a busy junction. This is likely to cause obstruction to road users and be therefore, prejudicial to public safety by reason of traffic hazard. Accordingly I consider the reason for refusal in this regard to be reasonable.

7.7. Other matters: Landscaping, construction and ground conditions

Landscaping

- 7.7.1. There are concerns about the extent of loss of trees and the Parks Department also has reservations about the landscaping proposal. I accept that the removal of 27 of the 29 trees in addition to the demolition of Clonard Lodge further alters the local landscape features that contribute to the character of the area. The nearby open spaces to the north and south of the site can I consider absorb the loss and replacement of trees as I do not consider it appropriate that retention of all mature trees should unduly constrain development. On balance I do not consider this to be an insurmountable issue in the context of appropriate infill development. While every effort should be made to maximise protection of mature trees particularly along boundaries and to protect the landmark trees, I do not consider loss of trees to constitute grounds for refusal.
- 7.7.2. Ecology: With respect to the loss of habitats and impact on woodland species, I do not consider there to be reasonable basis for serious concerns in this regard. While it is a mature site, it is an urban site of modest scale and the nature of the planting is for the most part domestic and ornamental. In the context of the adjacent woodlands, the loss of habitats and disturbance can be absorbed, subject to good construction management practices.

Construction and ground conditions

7.7.3. I note that there is underlying granite within the site and environs as identified in the SPFRA and accept that there are legitimate concerns about the wider impact of grounds works and site preparation. I consider this matter could be addressed by condition requiring a prior submission of a site investigation and methodology report by a competent structural engineering firm.

With respect to construction methodology I accept that the proximity of the development to no.6 would warrant a detailed demolition and construction management plan which could be addressed by condition.

7.8. **Appropriate Assessment**

7.8.1. Having regard to the nature and scale of the proposed development on serviced land within an established urban area, and the distance 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.

7.9. **Conclusion**

7.9.1. On balance, while noting the planning history, having considered the objections and submissions and particular those made by the DAU, ministerial guidance, the provisions of the development plan and having inspected the site and environs, I consider that the proposed development which involves the demolition of Clonard Lodge and its boundary would result in the loss of a significant building of architectural interest by itself and in the context of the streetscape and area which includes an Architectural Conservation Area and 'Clonard', a Protected Structure with which it has a historic subordinate relationship and the loss of such features would seriously erode historic context and detract from the character of the area. Furthermore the proposed development by reason of height and scale and its deficiency in provision of amenities and parking for future occupants would seriously injure the residential amenities of both existing residents in the area and future occupants of the proposed apartments and would be unacceptable in terms of traffic hazard. For these reasons permission should be refused.

8.0 Recommendation

8.1.1. I recommend that permission be refused

9.0 Reasons and Considerations

1. Having regard to the submissions on file and most notably the submission by the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, it is considered that Clonard Lodge is of architectural value as an example of early 20th century domestic built heritage and that its contribution to the streetscape is worthy of retention. The proposed development which includes the demolition of this Lodge and removal of a significant amount of its surrounding landscaping and boundary features which includes a Letterbox (which is noted to be included in the Industrial Survey of the Draft Dun-Laoghaire Rathdown County Development Plan 2022-2028) would negatively impact on the streetscape and character of the area and detract from the visual amenities of the area which includes an adjacent Architectural Conservation Area relating to the curtilage and setting of Balally Cottages directly opposite the site. The proposed development would therefore be contrary to the provisions of the Policies AR5, AR8 and AR11 regarding buildings and features of heritage interest and character, the provisions of section 8.2.3.4(xiv) regarding Demolition and Replacement Dwellings and the provisions of Policy RES4 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 in relation to Existing Housing Stock and Densification. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the height, scale and bulk of the proposed development relative to the prevailing architectural character of existing buildings in the vicinity, it is considered that the proposed development, by reason of its poor transition within the existing streetscape would be overbearing and would seriously detract from the residential and visual amenities of the area. In addition, the design of the proposed development is not considered to be of sufficient quality to make the necessary architectural contribution required at this prominent location and would, therefore, fail to justify the proposed demolition of Clonard Lodge. Accordingly, it is considered that the proposed building would seriously injure the amenities of, and fail to make a positive architectural contribution to, the area

and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development represents a poor form of development for future residents by reason of its lack of provision and poor location of both communal open space and public open space that comprises poorly located and unusable spaces. In addition the proposed development provides for limited residents' facilities for a 'Built-to-Rent' development contrary to the provisions of the Sustainable Urban Housing -Design Standards for New Apartments (2018) and to the proper planning and sustainable development of the area.
4. Having regard to an absence of available high-quality public transport, it is considered that the proposed number of car parking spaces would be inadequate to serve the proposed residential and would create on-street parking demand in the surrounding area. The proposed development would therefore endanger public safety by reason of traffic hazard and obstruction of road users of the road network in the vicinity of the site.

Suzanne Kehely

Senior Planning Inspector

24th May 2021