



An
Bord
Pleanála

Inspector's Report ABP 307883-20.

Development	Demolition of existing buildings and construction of a residential development comprising thirty-eight apartments in a five storey over basement block and demolition and reconstruction of boundary wall to the rear with colonnade feature.
Location	Nos 146 – 156 Harold's Cross Road, Dublin 6.
Planning Authority	Dublin City Council.
P.A. Reg. Ref.	2688/20
Applicant	Via Properties Ltd.
Decision	Refuse Permission
Type of Appeal	First Party X Refusal
Appellant	Via Properties Ltd.
Observers	1. Shirley Dalton and Nathan Nugent 2. Orlette McGrath Massey 3. General Cemetery Company 4. Harold's Cross Community Council 5. Phillip O'Reilly
Date of Inspection	10 th November, 2020.
Inspector	Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The site is that of a group of five terraced buildings located on the west side of Harold's Cross Road, just north of the gate lodge and entrance to Mount Jerome Cemetery and opposite the park. It is 'L' shaped and has a stated area of 8000 square metres. The existing buildings, which have been in residential, retail and commercial uses are vacant and in poor condition.
- 1.2. To the rear, west site is a gated apartment complex in two three storey blocks which has access off Harold's Cross Road via Gandon Close to the north. Nos 140-144 Harold's Cross Road are located between the northern end of the application site and Gandon Close.
- 1.3. Some of the buildings, Nos 148-152 are Georgian, dating from the eighteenth century.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for the
 - Demolition of existing buildings
 - construction of a residential development in a five storey over partial ground floor/basement block providing for thirty-eight apartments comprising thirty-two one bed units, six two bed units.
 - Deck access at the rear at ground to fourth levels
 - Private open space in the form of a garden at the rear for the lower ground level and a terrace at the rear of the first-floor level
 - Communal amenity space at ground and in a terrace at the fourth level
 - Cycle storage bin storage, substation and plant room at ground level and an ancillary office at the lower ground/basement level.
 - Demolition and reconstruction of the boundary wall to the rear with colonnade feature on the western boundary and,
 - Site development works and services.

- 2.2. The total stated floor area is 2,427 square metres with stated site coverage of 82%; stated plot ratio of 2.7; and density of 475 units per hectare.
- 2.3. The application is accompanied by a Design Statement, Planning Context statement, Mobility Management Plan, Condition Survey, Infrastructure report, Basement Impact Assessment report, waste management plan, daylight and sunlight assessment flood risk assessment conservation report, and appropriate assessment screening statement.

3.0 **Planning Authority Decision**

3.1. **Decision**

By order dated, 16th July, 2020, the planning authority decided to refuse permission based on five reasons which are outlined in brief below:

- 1 Conflict with section 16.10.17 and Policy CHC 1 of the CDP with regard to the proposed demolition of Nos 148-152 Harold's Cross Road.
- 2 Overdevelopment of the site and overdominance in the streetscape and incompatible with surrounding protected structures, serious injury to the amenities and undesirable precedent.
- 3 Lack of sunlight and daylight access to the private open space and substandard habitable accommodation for future occupants.
- 4 Adverse impact on residential amenities of the adjoining apartment development at Gandon Close and at the Gatelodge.
- 5 Insufficient parking provision leading to overspill to the local road network leading to endangerment of public safety, precedent and conflict with Policy MT 17, Section 16.38, and Table 16.1 of the CDP.

3.2. **Planning Authority Reports**

- 3.2.1. The **Planning officer** having assessed the proposal taking into account the technical reports, observer submissions and the application documentation recommended a decision to refuse permission based on five reasons which have been outlined in

brief above in para. 3.1. It stated that higher densities are supported but that the current proposal gives rise to concerns which include design issues and impact on the surrounding built environment, especially the protected structures in the vicinity, dwelling mix, size, amenities and residential quality standards along with concerns raised in the technical reports.

- 3.2.2. The report of the **Conservation Officer** contains a comprehensive account of the historical background and building descriptions and the special interests and architectural heritage significance and value of the structures at Nos 148 – 152 Harold's Cross Road which is described as a Yeomanry Barracks dating from the seventeenth century.

The conservation officer states that the NIAH as the survey for the Harold's Cross area has not yet been carried out but she advises that she considers No 152 to be of Regional Significance and that it is of special architectural, historical, social and archaeological interest. She also advises that she considers Nos 148 and 150 as being of Local Significance of special architectural, historical, and archaeological interest.

It is stated that it is planned to initiate proceedings under Section 55 of the Planning and Development Act as amended to include No 152 (circa 1740) on the record of protected structures.

A recommendation is made for refusal of permission, having regard to section 16.10.17 of the CDP on grounds of the buildings' special regional and local significance and positive contribution to the locality with there being objection outright to the proposed demolition of No 152, having regard to the initiation of proceedings for consideration inclusion on the RPS.

- 3.2.3. The report of the **Transportation Planning Division** indicates a recommendation for refusal of permission based on conflict with Policy MT 17 regarding parking provision due to absence of parking provision and resultant overspill onto the local road network leading to endangerment of public safety by reason of traffic hazard and undesirable precedent.

The proposed reliance on elimination of demand for parking regard to the modal split targets in the submitted Mobility Management Report is not supported, public transport options being considered insufficient. Cycle parking provision (58 spaces)

and storage is considered acceptable. Separately, it is recommended, if permission is granted that a construction traffic management plan be prepared and submitted by compliance with a condition, supplementing the submitted construction management plan.

- 3.2.4. The report of the **Drainage Division** indicates a recommendation for a request for additional information owing to concerns about flood risk due to the residential use including ground floor and lower ground level accommodation and that finished floor levels may need to be increased. It is stated that the development is also premature pending the completion of the Poddle Flood Alleviation Scheme.
- 3.2.5. The report of the **City Archaeologist** is not available. According to the planning officer report, the City Archaeologist has advised that preparation and submission of an archaeological assessment report, prior to determination of a decision on the application would be essential owing to the location adjacent to the River Poddle and within a zone of archaeological constraint in that there are potential for subsurface features within the site area.

3.3. **Third Party Observations**

- 3.3.1. Fifteen observer submissions were lodged with the planning authority in which issues raised include that of adverse impact on the approach to Mount Jerome Cemetery, increased traffic generation and demand for parking, overdevelopment in excessive intensity, scale and height and, adverse impact on visual amenities, historic architectural character of protected structures and the area, and residential amenities, substandard accommodation for future occupants, precedent for similar development in the area and construction stage impacts.

4.0 **Planning History**

There is no record of recent planning history for the application site.

5.0 Policy Context

5.1. Development Plan

The site location is within an area subject to the zoning objective 'Z1': *to protect, provide for and improve residential amenities.*"

The indicative plot ratio is 0.5 – 2.0 and site coverage is 45 to 60 per cent.

The location is within a Zone of Archaeological Constraint for recorded monument DU018.020 (Settlement)

Policy CH1 provides for preservation of built heritage making positive contributions to the character, appearance and

Policy CHC2 provides for ensuring the protection of the special character and integrity of protected structures. Guidance and standards on works and additions, internally and externally, to protected structures are set out in section 11.1.5.3 which provides for minimal intervention to and maximisation of retention historic fabric and original planform, protection of proportions within buildings and relative to adjoining buildings.

Policy CHC4 provides for protection of the special interest and character of Dublin's Conservation Areas. Guidance is set out in section 11.1.5.4 according to which there is a request that development contribute positively to the character and distinctiveness of the conservation area and that development should take opportunities to protect and enhance the special appearance of the area and its setting in so far as is possible.

The location is within "Low rise – rest of city" as shown in Figure 39. for which the maximum permissible height is sixteen metres.

Objective S113 excludes basement construction for residential development within Flood Zone A and B areas.

Development management standards are set out in chapter 16.

Residential quality standards are set out in section 16.10.1

Section 16.2. provides design principles and for compatibility in new development with surrounding built context and character. Section 16.2.2 contains standards for infill developments.

Policy QH 23 provides for discouragement of demolition of habitable buildings. Policies regarding retention and reuse of historic buildings that are not on the record of protected structures are set out in section 16.10.17.

The area comes within Area 3 for parking standards providing for a maximum of 1.5 spaces per dwelling according to table 16.1

According to the planning officer report the planning authority is conducting an assessment

5.2. **Statutory Guidance.**

Policies and standards for building heights are in “*Urban Development and Building Heights: Guidelines for Planning Authorities*”, 2018, (Urban and Building Height Guidelines) issued under Section 28 of the Planning and Development Act, 2000 as amended.

Policies and standards for apartment developments are set out in “*Sustainable Urban Housing: Design Standards for new Apartments*”, (2018) (Apartment Guidelines 2018) issued under Section 28 of the Planning and Development Act, 2000 as amended.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. An appeal was received from Simon Clear and Associates on behalf of the applicant on 11th August, 2020 attached to which is a statement that, subject to a grant of planning permission Respond, with the support of Dublin City Council’s Housing section intends to acquire the development for social housing purposes and, considers the proposed development would provide for high quality accommodation.

6.1.2. According to the appeal:

- The proposed development is a well-designed and high quality thirty-eight-unit scheme intended to provide for social housing needs. It will rejuvenate

derelict eyesore with a sensitive and positive development relating well to the gate lodge and the surrounding urban setting with innovative design.

- The density responds to current national policy and the four and five storey element is consistent with recommendations in the Urban and Building Height Guidelines, 2018.
- The existing terrace in which the buildings are derelict and at risk of collapsing has never been identified as being of conservation interest. The applicant is now concerned about the terrace being deemed by the planning authority as being of conservation value with proceedings under Section 55 of the Act being initiated. In the submitted conservation report the buildings are evaluated as being of minor local architectural interest with no contribution value, in the context of a terrace to the character, quality and appearance of the streetscape or to the sustainable development interests. Inclusion on the RPS is not merited. The retention of facades is not merited due to substantial alterations and removal of top floors.
- Within the Harold's Cross area there is a current process of changing scale, density and intensity and design in urban structure. Permission has been granted for development at several vacant and underutilised sites including large scale residential developments in densities and heights that respond to current national policy. (Examples are provided along with extracts from the planning officer/inspector reports followed by commentary on relevant National Policy.) The scale of the development is not appropriately assessed in the planning officer report. The derelict adjoining buildings are not relevant to the context and there is opportunity to develop an entire new streetscape between Mount Jerome and Gandon Close.
- As regards height, Nos 148 and 150 was a four-storey building with transition in scale (towards No 146) similar to the proposed development. The block the southern elevation of which is simple and in light coloured brick finish and separated from the gate lodge will not have overbearing or overshadowing impact on it. However, a condition with a requirement for reorientation to face north for the west facing bedrooms would be acceptable to the applicant if required.

- The four to five storeys and building height above ground level is 15.8 metres (exclusive of plant) conforms with national policy. The height parameters of the CDP are only just exceeded at the outer parapet walls.
- The proposed dwelling mix responds to current need. The Apartment Guidelines 2018 provide for flexibility in application of the SPPRs in infill development and dwelling mix and private open space.
- Private open space can be relaxed subject to quality for sites less than 2,500 square metres in area. The limited site depth necessitates a single row of units in layout allowing for external access off walkways, semi-private amenity space, natural light (via high level kitchen and bathroom windows) and ventilation into the apartments. The lack of outlook due to screening required to the west is compensated for by the outlook over Harold's Cross Park opposite the site a benefit referred to in the design statement. (S.4.5). The ground floor, street level residential use is suitable at city locations and railings can be provided as appropriate at the street frontage.
- With regard to the Gandon Close apartments, the development will not have overbearing impact due to the eighteen metres separation distance which is appropriate for opposing windows and, as indicated in the design statement, the gallery access screening (vertical louvres to the south west) obscuring views to the north west, minimises intrusiveness on privacy.
- The non-availability of parking provision on site is appropriate to the accommodation standards of Respond, (which intends to manage the development) and it is to be taken into consideration in arranging tenancies so that can be ensured that residents have no parking requirement. The location is favourable because of close proximity to alternative transport and the city.
- The submitted Flood Risk Assessment report identified a small portion of the site area as coming within Flood Zone A and a similar approach can be taken to that within the development permitted further to appeal under PL 304552 for 126-128 Harold's Cross Road can be taken. The applicant is willing to accept a condition omitting occupation of the lower ground floor pending completion of the (River Poddle) flood alleviation works.

6.2. Observations

6.2.1. Submissions were received from or on behalf of the following parties in which support for the reasoning for the refusal of permission attached to the planning authority decision is indicated although some parties also state that redevelopment at the application site, in which the issues in the reasons are overcome would be acceptable in principle:

1. Shirley Dalton and Nathan Nugent, Gandon Close.

2. Orlette McGrath Massey (Gate Lodge, Mount Jerome)

3. General Cemetery Company (Mount Jerome)

4. Harold's Cross Community Council (representing several residents associations in the Dublin 6, 6W and 12 postal district areas.

5. Phillip O'Reilly (Grosvenor Place, Rathmines, Dublin 6.

6.2.2. The issues in the objections are similar in some or all of the submissions and an outline summary of them are outlined below.

- With regard to the proposed demolition of the existing structures there is agreement with the assessment and recommendations in the conservation officer report. There is no justification based on 'exceptional circumstances' for the proposed demolition of the structures which is contrary to Policy CHC 1 of the CDP and, the findings of the conservation report included with the application are contrary to section 16.10.17. The impact of the proposed demolition on the adjoining structures is also adverse.
- There is no attempt to acknowledge or respect the historic importance of the site and the adjacent buildings.
- The proposal constitutes overdevelopment. The site location and context are not similar to the Z4 (mixed use) zoned lands to the south in the village for the permitted development or the St Clare's convent lands (Block J) referred to in the appeal.

- The site context adjacent to the Mount Jerome Cemetery structures, gates, piers railings, gate lodge entrance and boundaries and funeral route and internal walkways within the cemetery. require special consideration. The introduction of the proposed block would be monolithic, excessive in height and scale and incongruous. The design does not accord with section 11.1.5.3 of the CDP in which the policy with regard to impact on the curtilage of protected structures is set out, the gate lodge and cemetery structures being included on the RPS. A protected structure impact assessment report should have been included with the application for consideration with regard to impacts on adjoining protected structures and their curtilages.
- The height is contrary to section 16.10.1 of the CDP in disregard for the relationship with surrounding buildings. A maximum height of three storeys would be in line with the Gandon Close apartments.
- The two-storey building height and façade retention on the road frontage is appropriate and is reinforced in the grant of permission under P.A. Reg. Ref. 4735/18 PL 3045552. Only the eastern side of main route along the eastern side the park has more capacity to accept 4-5 storey buildings. The predominant heights in existing development should take precedence over the low-rise height to sixteen metres referred to in section 16.7.2 of the CDP.
- Overlooking of the Gandon Close development will not be adequately mitigated by the proposed screening of the communal areas. There would be an unacceptable level of overlooking of the gate lodge's private open space and the funeral route within the cemetery. The assessment in the design statement does not include potential overlooking from the fourth level communal terrace the use of which could also be a source of disturbance or anti-social behaviour. If the development is permitted the fourth level terrace should be omitted by condition.
- Daylight and morning sunlight at some of the Gandon Close apartments will be obstructed by the proposed building.
- The building height and its proximity to the Gate Lodge and Gandon apartment complex will result in considerable and unacceptable overbearing

impact on these properties and adjoining development. Two storey height would be appropriate and acceptable adjacent to the gate lodge.

- The lack of parking provision and additional demand for parking on the local road network is unacceptable and will lead to traffic hazard and public safety concerns and cause undesirable precedent. Parking provision, at reduced levels have been included in another recently permitted development in Harold's Cross.
- There is potential for obstruction of traffic and access at the entrance to the cemetery at construction stage by construction traffic or overspill parking outside the designated parking area for construction staff would be unacceptable to the cemetery management. Appropriate requirements should be included within a revised construction management plan, by condition, with if permission is granted.

7.0 **Assessment**

7.1. The issues central to the determination of a decision can be considered below under the following subheadings are:

Demolition of Existing Structures

Overdevelopment: design, form, mass and height and impact on the character of development and amenities of the area.

Dwelling mix, density, and residential qualitative standards.

Additional Demand for parking on Local Road Network

Flooding Risk.

Environmental Impact Assessment Screening

Appropriate assessment screening

7.2. **Demolition of existing structures.**

7.2.1. The existing buildings are not subject to statutory protection at present but it is noted in the Conservation Officer's report that it is planned to initiate proceedings under Section 55 of the Planning and Development Act as amended for No 152 (circa

1740) to be proposed protected structure, for addition to the record of protected structures.

- 7.2.2. It is also accepted that No 152, at least is a historic building, of special architectural, historical, social and social interest meriting recording and assessment, as would be anticipated with regard to the NIAH when carried out in the area along with a photographic survey for consideration in connection with planning applications for development. It is therefore considered that application of the provisions of section 16.10.17 of the CDP regarding buildings of historic significance and candidate additions to the RPS in this regard would be appropriate and reasonable
- 7.2.3. Having reviewed the information on the building histories and their features and fabric and assessment of their merits in terms of special interests and ratings of significance, in the conservation officer's report the case made for outright demolition owing to lack of conservation merit, in the conservation report and accompanying submissions on behalf of the applicant is not fully persuasive.
- 7.2.4. Based on an external visual inspection there is no dispute, as indicated in the condition study, that the buildings are in poor and deteriorating condition but an options for retention, repair, refurbishment, adaptation and reuse or at least some element of incorporation into future development in some part is not fully investigated and assessed. In this regard it is noted from the conservation officer report that at a minimum, façade retention for No 152 is likely to be feasible. It is considered that it provides for some recognition of the former eighteenth-century building form and characteristics, including the two-storey form be retained in future development at the front building line on the street frontage. A relevant precedent can be taken from the permitted development at Nos 126-128 Harold's Cross Road referred to in applicant and observer submissions. (P.A. Reg. Ref. 4735/18 PL 3045552 refers.) It is considered that Reason 1 attached to the planning authority's decision to refuse permission is reasonable and it is supported.

7.3. Overdevelopment - Design, Form, Mass and Height and Impact on the character of development and amenities of the area.

- 7.3.1. As has been highlighted in the appeal and associated submissions of the applicant there is considerable recently permitted and constructed development in the Harold's Cross area. However, the capacity of the site location and surrounding area on the

west side of Harold's Cross Park to accept four to five storey over basement/lower ground level development directly on the street frontage is limited having regard to the sensitive characteristics of the surrounding built environment and context. It is therefore considered that direct precedent for four and five storey high density development cannot be taken, for the application site, with reference to the permitted developments to the south on Harold's Cross Road (subject to mixed use zoning objectives) and at St. Clare's Convent, the permitted developments referred to in the appeal. (P. A. Reg Refs. 3026/19, 4279/18 and 3781/17 refer).

- 7.3.2. The proposed site coverage stated to be 82% and stated plot ratio at 2.7 but estimated by the planning officer to be 3.04:1 are well in excess of the indicative range for development within lands zoned "Z1" of site coverage of is 45 to 60 per cent and indicative plot ratio is 0.5 – 2.0. While flexibility in the application of the indicative range is provided for in the CDP, having regard to specific criteria and high-quality development standards, the exceedances in the current proposal which constitutes significant overdevelopment of the site cannot be justified.
- 7.3.3. In this regard, the site is prominent in views on approach from both directions and, there is no specific objective within the CDP that provides or encourages the replacement, along the western side of Harold's Cross Road and the existing eighteenth century terrace of buildings with four to five storey over basement development.
- 7.3.4. On approach from the north the massing and height of the block, which is excessive in proportion, especially the blank gable end, notwithstanding the shallow depth, would dominate the streetscape views. However, there may have been a presumption in the building design of possible future redevelopment of the adjoining buildings to the north side of the site.
- 7.3.5. On approach from the south the block notwithstanding the step down at the southern end, is excessive in proportion, dominant and overbearing due to the massing, height and proportions relative to the immediate context and integrity of the gate lodge, gate piers, entrance to Mount Jerome as a group along with the boundary treatment and front curtilage and the streetscape to the northern side. The façade treatment whereby incorporating vertical emphasis with some recognition of historic plot widths and selection of materials has some ameliorative effect to continuous

horizontal massing but it has a parapet height at almost to sixteen metres which contrasts considerably to the eaves heights and pitched roofs of the eighteenth century buildings.

7.3.6. Concern has been expressed as to the possibility of additions above the proposed roof accommodating plant and lift overruns. The lodged plans indicate a sedum roof and a dedicated plant room at lower ground level at the south western corner within the block. In the event that permission is granted, for the purposes of clarity a condition can be included whereby additions above the parapet height are not permitted without a prior grant of planning permission.

7.3.7. With regard to the amenities of the private open space for the Gate lodge, it is considered that while direct overlooking from the fourth floor terrace would be restricted, it would give rise perceptions of overlooking and intrusiveness on privacy particularly given the higher density multiple unit occupancy of the proposed development. Although direct overlooking from west facing windows in the proposed block would be minimal and the block does not immediately abut the gate lodge have overbearing impact in mass and height of the proposed block in close proximity is excessive.

7.3.8. The degree of potential overlooking of the communal amenity space at the Gandon Close apartment block adjacent to the development is considered unacceptable to a degree that adversely impacts on the residential amenities of the adjoining apartments whereas, the louvred timber screens for the walkways are considered to provide an adequate level of screening of potential viewing towards the Gandon Close apartments. Notwithstanding the urban location, it is agreed that the fourth-floor terrace would give rise to overlooking of the funeral route in particular, within Mount Jerome Cemetery. It is considered that potential for intrusiveness of noise disturbance about which concern is expressed in observer submissions, could arise although such occurrences would be seldom with the frequency of sun incidences being infrequent.

7.4. **Dwelling mix, density, and residential qualitative standards.**

7.4.1. As indicated in the documentation lodged in connection with the application the management and operation of the development is to be under the control of Respond on behalf of the City Council. By virtue of the nature of management and

occupancy in meeting social housing needs, it is noted that there is no objection by the planning officer to the dwelling mix being almost in entirety of the units being one bed units. The very high density at circa 475 units per hectare which is partially accounted for the predominance of one bed units is not objected to outright by the planning officer and to this end, the proposed dwelling mix in principle is acceptable. However, having regard to the issues of concern discussed above in subsection 7.3 as to overdevelopment, it can be concluded that the density is unacceptable.

7.4.2. Generally, the sizes and quality of the internal layouts of the dwelling units as proposed appears satisfactory having regard to the minimum standards within the Apartment Guidelines 2018, inclusive of refuse and cycle storage facilities. However, should the communal open space at fourth floor level, which is potentially the best external communal amenity area within the development, be omitted, having regard to concerns as to adverse impact on residential amenities of adjoining properties the quantum and range of communal amenity space benefitting the residents is radically reduced.

7.4.3. The private open space allocated to the lower ground floor units, which are single aspect would lack sunlight access, which it is noted does not meet minimum standards within BRE guidance due to overhang from the building itself and the height of the boundary treatment. Furthermore, as mentioned in the planning officer report, the shallow depth of the private open space areas for these units would give rise to sense of enclosure. Cumulatively, this deficiency along with that of the overshadowing effect over the private open space of these single aspect units would result in seriously substandard attainable amenity for the future occupants.

7.5. **Additional Demand for parking on Local Road Network**

7.5.1. As previously mentioned, it is intended that the development will be operated and managed by Respond on behalf of the local authority and claimed that possible future tenants will be advised that no on-site parking facilities will be available. While private car ownership could be lower than average for residential development in suburban areas and that there is scope for reasonable modal choice as well as proximity to local services and facilities it is considered that that comments and recommendations set out in the Transportation Planning Division's report, further to its review of the submitted Mobility Management Plan should be disregarded. It is

agreed that the development would give rise to additional demand for parking along the local road network, and consequent potential for obstruction and conflicting movements affecting all road users.

- 7.5.2. It is considered that the supply and availability of parking spaces generated by and associated with the residential, commercial, and retail uses along with Mount Jerome cemetery should not be unduly compromised. Some on-site parking provision is therefore considered desirable to offset additional parking demand that would be generated but at a rate well below the maximum of 1.5 spaces per dwelling indicated for Area 3 within the CDP having regard to section 16.38 and table 16.1 of the CDP.
- 7.5.3. The concerns as to potential for overspill parking outside the somewhat limited designated area during the construction stage is considered reasonable. This matter can be addressed within a construction traffic management plan to accompany or be incorporated within a comprehensive construction management plan construction to ensure that demand for parking on the local road network does not occur.
- 7.5.4. The reasoning attached to the planning authority with regard to lack of parking provision and as to conflict with Policy objective MT14 regarding availability of the supply is supported.

7.6. **Flooding risk.**

- 7.6.1. The application includes a lower ground level/basement element incorporating some habitable accommodation. The proposed residential use is vulnerable, the site is close to the River Poddle with a small portion outside the Flood zone C, the policies within the CDP discouraging basement level development as provided for under Policy Objective S115, it is recommended, in the event of possible favourable consideration, that the Drainage Division's recommendations for a further information submission to be submitted to supplement the flood risk assessment report be requested from the applicant for consideration. In this regard, the option proposed in the appeal that permission could be granted with a condition attached that precludes occupation of the lower ground/ground floor apartments pending the completion of the flood relief works for the River Poddle is not recommended.

7.7. **Archaeology**

- 7.8. The location is adjacent to the River Poddle and within the area of the zone of archaeological constraint for a recorded monument, (Settlement) it would be

advisable that recommendations of the City Archaeologist, as to a requirement for preparation and submission of an archaeological assessment in that subsurface remains are likely to be present be taken into consideration. In the event of possible favourable consideration of the proposed development, it is recommended that the archaeological impact assessment report first be requested from the applicant for consideration prior to determination of a decision.

7.9. Environmental Impact Assessment – Screening.

7.9.1. Having regard to the minor nature of the proposed development and its location removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.10. Appropriate Assessment.

7.10.1. The application is accompanied by a screening assessment report which has been consulted. It identifies an appropriate zone of influence as being within five kilometres and it indicates the site location as being 4.6 km to the west of the South Dublin Bay SAC and South Dublin Bay and River Tolka SPA. Having regard to the scale and nature of the proposed development and to the location within a serviced urban area, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. In view of the foregoing, it is recommended that the planning authority decision to refuse permission be upheld. Draft Reasons and Considerations follow:

9.0 Reasons and Considerations

1. It is considered, having regard to the surviving eighteenth century fabric and special architectural, historical, archaeological, interest of No 152 Harold's Cross Road in particular and the adjoining buildings at Nos 148 and 150 Harold's Cross within the site and their contribution to the historical

architectural character of the streetscape within the immediate environs, it is considered that it has not been satisfactorily demonstrated that the proposed demolition would not be contrary of the Dublin City Development Plan, 2016-2022 in which according to section 16.10.17 the retention and reuse of historic buildings not included on the record of protected structures is encouraged, and Policy Objective CHC1 which provides for preservation of built heritage making positive contributions to the character, appearance of the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development, having regard to the excessive height especially to parapet level along the site frontage, and form and massing in proportion to the surrounding structures, features and streetscape, and, excessive site coverage and plot ratio would constitute overdevelopment, which would be visually overbearing, obtrusive and would seriously injure the integrity, context and setting of the gate lodge to Mount Jerome and the gate piers, and railings at the entrance opening onto the funeral route included on the record of protected structures, would set precedent for further similar development and would be contrary to the proper planning and sustainable development of the area.
3. The proposed development would result in substandard attainable amenity for the future occupants of the lower floor single aspect units due to poor outlook and lack of sunlight and daylight penetration and, sense of enclosure owing to the configuration and boundary treatment for the private open space. As a result, the proposed development would seriously injure the residential amenities of the future occupants, would be contrary to the recommendation within in “*Sustainable Urban Housing: Design Standards for new Apartments*”, (2018) (Apartment Guidelines 2018) issued under Section 28 of the Planning and Development Act, 2000 as amended and would be contrary to the proper planning and sustainable development of the area
4. It is considered that the proposed development would seriously injure the residential amenities of adjoining properties at the Gate Lodge at (Mount Jerome Cemetery to the south west boundary and the Gandon Close apartment development to the west side of the site by reason of overbearing

impact, overlooking of private open space and obstruction of access to daylight to the communal open space and interiors of the adjoining west facing single aspect apartments. As a result, the proposed development would be contrary to the proper planning and sustainable development of the area.

5. It is considered that owing to the absence of any proposals for parking provision the demand for parking on the local road network in the vicinity which would be generated by the proposed development, would lead to obstruction, unauthorised parking and conflicting traffic movements and would set undesirable precedent for similar developments in which on-site parking provision is omitted. As a result, the proposed development would endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
20th November, 2020.