



An
Bord
Pleanála

Inspector's Report

ABP-307965-20

Development	Construction of 29 no. apartments and associated site works
Location	Clonross, Navan Road, Blanchardstown, Dublin 15.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW20A/0078
Applicant(s)	Bartra Property (Clonross) Limited
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Observer(s)	Cllr Mary McCamley and Cllr John Walsh Yvonne Kinsella Jane and Riley Gatensby Navan Road and Old River Road Residents Association James Harper

Date of Site Inspection

25th November 2020.

Inspector

Barry O'Donnell

1.0 Site Location and Description

- 1.1. The site is located on the north side of the R806 Navan Road, 100m south of the signalised junction of Navan Road and Castleknock Road and around 200m from the N3, at the eastern edge of Blanchardstown Village.
- 1.2. The site is roughly rectangular in shape, with a stated area of 0.22ha and it currently contains a derelict bungalow and detached garage, hard surfacing and an overgrown garden. The site is hoarded along the south and east boundaries and is enclosed by hedgerows along west and north boundaries. There is a Dublin Bus stop located immediately outside the site access.
- 1.3. The immediate surrounding area contains a mix of commercial and residential uses, including detached, semi-detached and terraced housing, a 2-storey apartment development, a public house incorporating a bookmaker's office and a medical clinic.

2.0 Proposed Development

- 2.1.1. Permission is sought for demolition of existing structures on the site and the construction of a residential development of 29 apartments, comprised of 16 2-bed units (14 4-person units, 2 3-person units) and 13 1-bed units, provided in 5 blocks, together with associated site works.
- 2.1.2. The 5 proposed blocks are a mix of 2 and 3-storey buildings. Blocks 1 and 2 are 3-storey, flat roofed buildings with parapet heights of 8.85m measured from ground level and Block 4 is a 3-storey pitched roof building with a ridge height of 10.1m above ground level. Block 3 is a 2-storey, pitched roofed building with a ridge height of 8.85m above ground level and Block 5 is 2-storey, pitched roof building, with a ridge height of 8.1m above ground level. The development has a gross floor area of 2,226sqm.
- 2.1.3. The 1-bed units would have a minimum floor area of 48.4sqm, the 2-bed, 3-person units would each measure 77.9sqm and the 2-bed, 4-person units would have a minimum floor area of 78.3sqm.
- 2.1.4. Communal Open Space measuring 192sqm is proposed, in the form of a courtyard area in the centre of the site and other incidental landscaped areas located along the central spine of the development.

- 2.1.5. Access to the main part of site is provided for pedestrians only, with a primary access provided at the west end of the site, adjacent to Block 1. This entrance is a hard landscaped area and allows access to all areas of the site behind Block 1. A secondary access is provided at the east end of the site.
- 2.1.6. 1 car parking space is proposed, located within the hard landscaped area to the west of Block 1. 60 bicycle parking spaces are proposed, primarily within an internal store at ground floor level within Block 5.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 20th July 2020, Fingal County Council refused permission for 3 reasons, as follows:

'1. The development, if permitted would, arising from the siting, by reason of overlooking and by way of being unduly overbearing would negatively impact on the amenity of the neighbouring established residential properties and depreciate the value of adjoining property. The proposal would contravene materially the Development Plan Objective DMS 28 & DM 65 'RS' land use zoning objective of the site in the Fingal County Development Plan 2017-2023 which seeks to provide for residential development and to protect and improve residential amenity and would therefore be contrary to the proper planning and sustainable development of the area.

2. Taking particular account of the density of the proposed development at 131 units/Ha, the proposed design is considered inadequate to ensure that the quality of place, residential accommodation and amenities for existing and future residents are not compromised. The proposal if permitted would therefore contravene materially objective PM41 of the Fingal County Development Plan 2017-2023 and would therefore be contrary to the proper planning and sustainable development of the area.

3. The proposed development is visually out of character with the existing development in the area, in terms of building line, style, roof profile and bulk. The proposed development would, therefore, seriously injure the amenities of the area

and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.'

3.2. Planning Authority Reports

- 3.2.1. Planning Report dated 17th July 2020, which reflects the Planning Authority's decision to refuse permission. The report noted that residential development is acceptable in principle on the site, under the zoning and also having regard to its planning history and the pattern of development in the vicinity.
- 3.2.2. Concern was expressed in relation to the applicant's contention that the site comes within the highest class of urban location, defined as a 'Central and/or Accessible Urban Location' in Section 2.0 of the Design Standards for New Apartments Guidelines for Planning Authorities (2018). The officer considered the site to be in a suburban location.
- 3.2.3. Related to this concern, the proposed density was considered to substantially exceed the carrying capacity of the site and environs, and the proposed block layout was considered to not respond to the site context and buildings in the vicinity. The report considered proposed Block 1 should acknowledge building lines, whilst Blocks 2-4 were considered ad hoc in appearance. Concerns were also expressed in relation to overlooking, overshadowing and overbearing impacts
- 3.2.4. In relation to open space, the report considered that proposed public open spaces would not be considered as such by the Planning Authority and that a financial contribution in lieu would be appropriate. Proposed play space was inadequate and the proposed communal open space was considered to be constrained by its location above an attenuation tank. The report noted, in this respect, that the Water Services division also required a revised surface water management proposal.
- 3.2.5. Boundary treatments and landscaping proposals were considered unclear and/or inadequate, in a number of areas and considered that a revised approach was required.
- 3.2.6. In relation to traffic and transport issues, the report outlined concerns regarding lack of parking and that any reduced parking strategy should be supported by a detailed assessment of modal split and car ownership trends, in the form of a traffic assessment. Other issues identified in relation to traffic and transport included

concerns regarding the ability of refuse carts to serve the site, inadequate provision being made for bicycle usage and other concerns regarding integration.

3.2.7. The recommended reasons for refusal are generally in accordance with the Planning Authority's reasons for refusal.

3.2.8. Other Technical Reports

Transportation Planning Section – Report dated 14th July 2020, which outlined concerns in relation to the proposed layout. The report outlined that the Transport section would be amenable to reduced parking provision, but that this would be at a rate of 1 space per unit. The provision of 1 space total was not considered acceptable and had not been justified. The report outlined that any reduced parking strategy should be supported by a detailed assessment of modal split and car ownership trends, in the form of a traffic assessment. In relation to bicycle parking, it was considered that the proposals represent the minimum required and that no effort had been made to incorporate a high quality or innovative design within the building footprint. Concerns were also raised in relation to the lack of clarity regarding integration of the proposed access off Navan Road with the existing bus stop, footpath or sightlines for proposed parking. A number of planning conditions were requested, which seek to address the above concerns, in the event of a grant of permission.

Architects Department – Report dated 14th July 2020, which outlined a number of concerns with the development. It was considered that the proposed site layout does not respond to the site context and buildings in the vicinity and that Block 1 should acknowledge building lines in the area, whilst Blocks 2-4 were considered ad hoc in appearance and result in multiple small, left over spaces. The report also highlighted the close proximity of opposing windows which would present privacy issues and also questioned the buildability of the blocks to the north of the site, given their close proximity to site boundaries and the effect they would have on neighbouring rear gardens. It was recommended that projecting balconies over Navan Road should be accommodated within the design and massing of the building, in order to provide greater privacy, whilst permanent boundary solutions were requested for ground level private open spaces. In relation to the internal layout, the report highlighted and questioned that 15 of 29 first and second floor units require stair access and also

requested that a more uniform circulation and access design approach is incorporated, instead of the varied solutions proposed.

Parks and Green Infrastructure Division – Report dated 13th July 2020, outlining that there is a shortfall of 1,100sqm of private open space and that this should be compensated by a financial contribution, in lieu. The report outlined that this contribution would be used toward continuing upgrade of facilities at Tolka Valley Park. The report considered that the design and function of the proposed central communal open space appears to be to accommodate an underground attenuation tank and that tree and play equipment were an afterthought. Other areas of proposed open space were not considered to constitute open space. The report considered the proposed layout should be revised to allow for adequate provision of open space and to help integrate the development and promote a more attractive environment.

Water Services Department – Report dated 11th June 2020, seeking additional information in relation to surface water drainage aspects of the development. In particular the applicant was required to clarify the proposed underground attenuation tank and to consider other SuDS options.

3.3. **Prescribed Bodies**

- 3.3.1. Irish Water submission dated 13th July 2020, advising that the applicant submitted a pre-connection enquiry and that a confirmation of feasibility for a development of 40 units has been issued. In relation to the proposals, the submission outlined that IW cannot guarantee a flow to meet the Fire Authority requirements and that fire storage capacity may be required within the site. This would be determined based on an on-site assessment. The submission also requested standard conditions, in the event of a grant of permission.
- 3.3.2. Transport Infrastructure Ireland submission dated 12th June 2020, advising that TII had no comments on the application.

3.4. **Third Party Observations**

- 3.4.1. A number of third party objections were received, the issues raised within which can be summarised as follows:

- Concerns relating to non-compliance with the zoning objective.
- The development is considered contrary to recent planning decisions in the area
- The subject site is outside of the core urban area of Blanchardstown.
- The proposal is considered to constitute overdevelopment of the site and is out of character with the area.
- Concerns regarding the design and layout of the development.
- Concerns regarding the adequacy of open spaces proposed.
- Concerns regarding proposed boundary treatments.
- Concerns regarding the impact of the proposed density.
- Concerns regarding impacts on adjoining residential properties, including reference to overlooking, overshadowing, overbearing and noise issues.
- Concerns that the development will attract a transient people.
- Concerns regarding anti-social behaviour.
- Concerns regarding surface water drainage proposals.
- Concerns regarding inadequate car and bicycle parking provision, and traffic and road safety impacts.
- Concerns regarding the adequacy of the transport assessment and mobility management plan submitted as part of the application.
- Concerns regarding the capacity of public transport in the area to accommodate additional development.
- Concerns regarding the lack of cycle lanes and inadequate footpaths in the locality.
- Concerns regarding the loss of trees, hedgerows and green space.
- Concerns regarding devaluation of property.
- It is considered the development fails to meet the vision for Fingal, to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenities

- Concerns that the impact of the Covid 19 pandemic has increased the reliance on private transport and the lack of parking proposed in this instance cannot be supported by an argument in favour of public transport provision.

3.4.2. A number of submissions highlighted that the co-living development at the Brady's Public House site, which was referenced by the applicant, was subject to a judicial review and the decision of An Bord Pleanála (Ref. ABP-305459-19) was overturned.

3.4.3. A number of the submissions outlined that the objector is not opposed to some development on the site, but that the proposed development is not suitable for the area.

4.0 Planning History

FW18A/0051 - Permission granted on 30th January 2019 for development of 7 houses and associated site works.

FW18A/0037 – Permission granted on 11th June 2018 for demolition of existing house and retention of hoarding to the southern boundary.

Relevant Nearby Planning History

FW17A/0176 - *Lands at River Road, Blanchardstown:* (ABP Ref. ABP-300533-17) Permission granted for demolition of existing house and construction of 3 No. 2-storey houses.

5.0 Policy Context

5.1. Relevant Ministerial Guidelines

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)

5.1.1. The Guidelines set out standards for apartment developments, with the aim of ensuring that such developments are an attractive and desirable housing option in the future. Standards provided within the Guidelines include: the mix of units to be

provided, minimum size thresholds for 1-bed, 2-bed and 3-bed units, the orientation and internal layout of units and private open space provision.

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

5.1.2. The Guidelines set out key planning principles to guide the preparation and assessment of planning applications for residential development in urban areas. Of relevance to the current appeal, the Guidelines promote, in relation to the design and layout of residential developments in Cities and Larger Towns, the achievement of an efficient use of land appropriate to its context, while avoiding the problems of over-development. Whilst promoting higher densities, the Guidelines identify a number of safeguards, as follows:

- *'compliance with the policies and standards of public and private open space adopted by development plans;*
- *avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;*
- *good internal space standards of development;*
- *conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;*
- *recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and*
- *compliance with plot ratio and site coverage standards adopted in development plans.'*

5.2. Development Plan

5.2.1. The site is zoned 'RS' under the Fingal County Development Plan 2017-2023, with an objective to *'Provide for residential development and protect and improve residential amenity.'*

5.2.2. Objective PM41 promotes development at higher densities, in appropriate locations, outlining that the Planning Authority will *'Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential*

accommodation and amenities for either existing or future residents are not compromised.'

- 5.2.3. Objective PM44 outlines the Planning Authority's support for infill and backland developments, outlining that it will *'Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.'*
- 5.2.4. Section 4.2 contains development strategies for each of the towns and villages within the County, including Blanchardstown. The development distinguishes Blanchardstown Town Centre, 'a Level 2 Major Town Centre in the Retail Strategy for the Greater Dublin Area', and Blanchardstown Village, an 'attractive commercial centre which complements the town centre to the west.' The overarching strategy for Blanchardstown is *'the consolidation of Blanchardstown as a major centre in Fingal through the promotion of residential development in addition to the uses contained within the Major Town Centre zoning.'* The strategy is supported by a number of Objectives, with those of relevance to the current appeal summarised as follows:
- **BLANCHARDSTOWN 1:** Prepare an Urban Framework Plan for Blanchardstown Village to guide and inform future development through high quality infill development not exceeding three storeys.
 - **BLANCHARDSTOWN 2:** Prepare an Urban Framework Plan for Blanchardstown Town Centre to guide and inform future development, including improvements to the urban fabric of the Town through the integration of public transport facilities and road corridors with increased density development and innovative building formats.
 - **BLANCHARDSTOWN 3:** Promote Blanchardstown Town Centre and Village area as an integral component in the promotion and development of the Dublin Enterprise Zone.
 - **BLANCHARDSTOWN 4:** Promote the consolidation and densification of the core retail area of Blanchardstown Town Centre as a major centre in Fingal through the promotion of residential development in addition to the uses contained within the MC zoning.

- 5.2.5. Objective PM65 requires seeks to, for new housing, *‘Ensure all areas of private open space have an adequate level of privacy for residents through the minimisation of overlooking and the provision of screening arrangements.’*
- 5.2.6. Objective DMS28 relates to separation distances between units, outlining that *‘A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.’*

5.3. **Natural Heritage Designations**

- 5.3.1. The site is not located within or adjacent to any Natura 2000 sites.

5.4. **EIA Screening**

- 5.4.1. Having regard to the limited nature and scale of the proposed development it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. The grounds of appeal can be summarised as follows:
- The proposed design evolved with a focus on the achievement of a low rise, high density development which would be appropriate for the site, given its locational context. The proposed development has achieved that objective.
 - Planning Policy Supports
 - The development is supported by the *National Planning Framework*, with particular reference to supports for brownfield developments.

- The site is situated within the Dublin Metropolitan Area and is within the North-West Development Corridor, identified under the *Eastern & Midlands Regional Spatial and Economic Strategy 2019-2031*. It is part of the core urban area designated for future development. Reference is also made to efforts envisaged by the Strategy to facilitate modal shift and to the enhancement of the urban cycle network and the development of primary urban cycle arteries which include the Royal Canal Greenway which is less than 500m from the site.
- The subject site is in a 'central and/or accessible urban location', in accordance with the *Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities*.
- Blanchardstown is identified by the development plan as a Metropolitan Consolidation Town and is identified as having capacity for an additional 11,757 units.
- The site is zoned 'RS' under the development plan, under which residential development is permitted in principle.
- The development plan encourages the development of underutilised infill sites in residential areas.
- There are no grounds for the Planning Authority's contention that the development is a material contravention of the area's residential zoning objective.
- The proposed residential density is acceptable, where it accords with development plan objective PM41 which encourages increased densities at appropriate locations. The site is within the urban area of Blanchardstown, is 500m from Castleknock Train Station and is within walking distance of a range of bus routes.
- Regarding the shortfall in public open space provided on the site the applicant is willing to provide a financial contribution in lieu of such provision.
- The development will create a new building line along Navan Road, constituting a significant positive change to the quality of the streetscape and which will greatly enhance its visual amenities.

- A Sunlight and Daylight Report, prepared by JV Tierney, has been provided as part of the appeal. It concludes that the design meets the principles of BRE guidance within *Site Layout Planning for Daylight and Sunlight*.
- Regarding boundary treatments, the applicant has no objection to the attachment of a planning condition specifying treatments or requiring that same should be agreed with the Planning Authority.
- Response to refusal reason No. 1
 - The development does not represent a Material Contravention of the Objectives DMS28 and PM65 or the residential zoning objective for the site.
 - The Architectural Design Response prepared as part of the appeal considers the issue of overlooking and no overlooking would arise, which would have a material impact on the amenities of residential properties in the vicinity.
 - Many new residential developments in the area have been permitted in the area which have gables immediately adjacent to the rear boundaries of other houses and this is now an acceptable design element in the layout of developments.
 - Regarding concerns for the development potential of adjoining sites, it is difficult to see how the proximity of blocks within the development will interfere with their development potential.
- Response to refusal reason No. 2
 - The proposed density is not excessive and does not result in a Material Contravention of Objective PM41.
 - The site constitutes an urban infill, brownfield site with an established residential use within Blanchardstown Village. The area is designated as a Metropolitan Consolidation Town in the development plan, where the continued promotion of sustainable development is encouraged, including through consolidation and densification of existing urban built form. The site is within 500m of Castleknock Railway station and guidance under Sustainable Residential Development in Urban Areas seeks to promote higher density development in proximity to public transport corridors.

- The application creatively demonstrates how a high density development can be accommodated in a low rise form, whilst complying with the criteria outlined in development plan objective PM41. The Architectural Design Response prepared as part of the appeal assesses and outlines compliance with the requirements of objective PM41.
- The proposed density is appropriate, having regard to the site's location context and the focus of government guidance on the promotion of higher residential densities.
- Response to refusal reason No. 3
 - The development represents a creative response to the locational context and will enhance the character of the area and have a positive impact on the streetscape and wider amenities.
- The following additional reports have been provided as part of the appeal:
 - Daylight & Sunlight Report prepared by J.V Tierney,
 - Architectural Design Response prepared by Isherwood Ellis,
 - Engineering services report prepared by O'Connor Sutton Cronin

6.1.2. The grounds of appeal outline that, whilst the Planning Report states that no pre-planning consultation took place regarding the proposed development, the applicant did make a pre-planning submission, on 12th February 2020, but the pre-planning process was suspended by the Planning Authority following the onset of the Covid19 pandemic.

6.2. **Planning Authority Response**

6.2.1. None received.

6.3. **Observations**

A number of observation letters have been received, the issues raised within which can be summarised as follows:

- The proposed design, density, layout and scale are unacceptable.

- The proposal is overdevelopment of the site.
- The development does not comply with the 'RS' zoning objective.
- The development breaches the building line along Navan Road.
- The development will impact on the character and amenities of the area.
- The development will impact on neighbouring properties, with reference to overlooking, overbearing and overshadowing.
- Living conditions for future residents will be poor.
- The development incorporates a lack of amenities and facilities.
- Proposed boundary treatments are inadequate.
- The development will impact on traffic and road safety.
- Proposed car and bicycle parking proposals are inadequate.
- Public transport in the area is incapable of accommodating additional growth.
- The removal of trees from the site has impacted on the visual amenities of the area.
- The development will result in the loss of hedgerows along shared boundaries with neighbouring residential properties.
- It is inappropriate to allow apartment blocks to function as site boundaries.
- The construction phase of the development will impact on neighbouring properties, in terms of noise and dust.
- The development will result in the devaluation of property in the vicinity.

6.3.1. One observer requested that a masonry wall be provided along the shared boundary with the Wood's End apartment complex, to match that currently running along other boundaries of that site, together with trees which would replace trees felled on the subject site,

6.3.2. A number of the letters raised concerns in relation to the length of time available to the observer to comment on the appeal.

6.4. **Prescribed Bodies**

6.4.1. None.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal, the main planning issues in the assessment of the proposed development are as follows:

- Principle of development;
- Proposed density;
- Impact on the character of the area;
- Impact on neighbouring properties;
- Residential amenity;
- Parking and access;
- Other Issues;
- Appropriate assessment.

7.2. Principle of Development

7.2.1. The proposed development is consistent with the 'RS' zoning objective, as set out in the Fingal County Development Plan 2017-2023.

7.2.2. Regarding the proposed demolition works, the existing dwelling on the site is not of any special or unique architectural character and there is no objection to its demolition, to facilitate redevelopment of the site.

7.3. Proposed Density

7.3.1. The site is located within c.500m walking distance of Castleknock Rail Station and is served by a Dublin Bus stop, immediately outside the site access. There are other bus stops in the locality also. The site is thus in a 'central and/or accessible location', in accordance with the *Sustainable Urban Housing Design Standards for New*

*Apartments Guidelines for Planning Authorities*¹ and located on a 'public transport corridor', in accordance with the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas*² and it is deemed to be suitable for higher density residential development.

- 7.3.2. However, in saying this, the proposed density is well in excess of the density reasonably required to be provided on a site such as this, and the supports provided by both of the above-mentioned guidelines do not override the need to carefully consider the quality of a proposed development and its impact on both the surrounding area and adjoining properties. A balance needs to be struck between the promotion of higher densities and ensuring the protection of the amenities of the surrounding area and in particular the amenities of adjoining residential properties. In this respect, I have concerns regarding a number of aspects of the development, as are discussed in subsequent sections.

7.4. Impact on the Character of the Area

- 7.4.1. The overarching site layout is in my opinion incoherent and does not appropriately respond to the site context. The distribution of blocks 2-5 in particular appears random, perhaps in response to site constraints. There is a maximum distance of approx. 7m between blocks, between Blocks 1 and 2, and a minimum separation distance of 5.3m, between Blocks 2 and 3, which contributes to a cramped layout and would likely result in reduced privacy for ground floor occupiers in particular, due to the close proximity of the individual blocks.
- 7.4.2. The layout also fails to adequately promote legibility, by failing to provide a clearly defined and legible access through the site from Old Navan Road, and through the incorporation of multiple separate, and in some cases concealed, accesses to units.
- 7.4.3. Regarding the breach of the Old Navan Road building line, there is no clear building line along this section of Old Navan Road and I see no issue with a proposed development on the site encroaching closer to it, provided the scale, design and massing are high quality and serve to protect and improve the character of the area.
- 7.4.4. As the primary publicly visible element of the development, Block 1 has a long and uninterrupted roof, of uniform height, and incorporates intermittent recesses at

¹ Page 5, Section 2.4

² Page 18, Section 5.8

second floor level of the front elevation, which serve as enclosed private balconies. These recesses are the only break in the block's mass over its entire length, along the front elevation. The elevation drawings identify a vertical emphasis detailing on the front elevation of the block, which serve to delineate the units and which provide some 3-dimensional depth to the buildings. However, the floor plan drawings identify no such detailing, instead depicting an effectively flat/flush treatment across the entire front elevation, at ground and first floor levels. Regardless of the absence of such detailing, I consider the design and massing of Block 1 are inappropriate. The block does not adequately respond to the site context and other buildings in the vicinity and, due to its overall bulk and massing, detracts from the character of the area.

- 7.4.5. Blocks 2-5 are a mix of flat roof and pitched roof designs, of either 2 or 3-storey height. They would not be prominent in publicly available views, i.e., from Navan Road, due to the length and massing of Block 1, but they would be very noticeable in views from the adjoining properties to the north, as is discussed further below.

7.5. Impact on Neighbouring Properties

- 7.5.1. Block 1 would not have any undue impact on adjoining properties, by reason of overlooking, overshadowing or overbearing, due to level to which it is set off the east and west site boundaries and the limited number of side-facing windows within the block. There may be some overshadowing of the front garden and side of the west adjoining property, Woodlands, but I do not consider that this would be undue, in this location.
- 7.5.2. Regarding overlooking from Blocks 2-5, each contains north-facing, high-level, obscure glazed windows, which, whilst not directly overlooking, create a sense of overlooking for the north-adjoining occupiers. Blocks 2, 4 and 5 also incorporate external stairs and/or projecting balconies, which, whilst shown as incorporating privacy screening, also create a sense of overlooking for the north-adjoining occupiers. I acknowledge that the applicant has attempted to mitigate direct overlooking, through the incorporation of obscure glazing for windows and privacy screening for balconies/stairs, but I do not consider this satisfactorily addresses the issue. The perception of being overlooked can have the same degree of impact as

actual overlooking, particularly in this case, given the very close proximity of Blocks 2-5 to the shared boundaries with the affected properties.

- 7.5.3. In the case of Block 2, I also have particular concerns that the block incorporates west-facing windows at first and second floor level, within the main living area of the unit, set away from the shared boundary by c.3.5m and directly overlooking the rear garden of the west adjoining property. These are the primary windows serving the living spaces of the first and second floor apartments within Block 2 and it would not be appropriate to seek to have them obscure glazed.
- 7.5.4. Regarding overbearing, Blocks 2-5 either abut the north site boundary or are set immediately adjacent to it and each will have a significant overbearing impact on the north-adjoining properties, presenting a number of structural masses of at least 8.1m in height, directly adjacent to the end of the adjoining rear garden. Also, in the case of Block 2, the development fails to allow adequate space to incorporate a boundary treatment, with the block itself intended as the boundary treatment and the space immediately to the north identified as 'land to be given over to adjacent property.' Such an arrangement is unacceptable. It also appears to create a need to access the neighbouring property in order to satisfactorily complete the development.
- 7.5.5. A number of the observers have cited concerns regarding devaluation of property, were the development to be completed. For the reasons outlined above, I would share these concerns.
- 7.5.6. Regarding overshadowing, I note that a Daylight & Sunlight Report, prepared by JV Tierney & Co, which demonstrates that adjoining properties would continue to receive adequate daylight and sunlight.

7.6. Residential Amenity

- 7.6.1. In terms of the internal layout of units, appropriately sized spaces are provided within each apartment, in accordance with the requirements of key aspects of the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* (2018). Compliance with the Guidelines is discussed within the grounds of appeal and also within the design statement, both of which outline compliance or exceedance in all areas, including in relation to the mix of units, the size and internal layout of each unit, orientation and the level of private open space provided.

- 7.6.2. Regarding the mix of units, there are 14 2-bed, 4-person units (48%), 2 2-bed, 3-person units (7%) and 13 1-bed units (45%). The Guidelines allow for up to 50% of all units to be provided as 1-bed units and provide an allowance for 10% of all units to be provided as 2-bed, 3-person units.
- 7.6.3. Regarding the floor area of each apartment, the Guidelines outlines minimum requirements as follows: 1-bed 45sqm, 2-bed (3-person) 63sqm and 2-bed (4-person) 73sqm. All apartments meet or exceed the minimum requirements and, in relation to the requirement for 10% of apartments to exceed the minimum floor area requirement, the appeal states that this exceedance is distributed across all units, in accordance with Section 3.12 of the Guidelines. Performance in relation to the minimum requirements for the internal layout of all units is not outlined within the appeal documents but I am satisfied that each unit is adequately sized, where the overarching requirements in relation to the minimum size of apartments has been met or exceeded.
- 7.6.4. In relation to floor-to-ceiling heights, SPPR 5 requires a minimum ground floor floor-to-height of 2.7m, however; discretion may be exercised, on a case-by-case basis, on sites of less than 0.25ha. The proposed development provides uniform floor-to-ceiling heights of 2.4m and it is argued that this is appropriate as there is no realistic prospect of the ground floors of any of the blocks being used for commercial purposes. In this location and for this development, I consider the proposed ground floor floor-to-ceiling heights are acceptable.
- 7.6.5. Regarding private amenity space provided to each unit, the development achieves or exceeds the minimum requirements of 5sqm per 1-bed, 6sqm per 2-bed (3-person) and 7sqm per 2-bed (4-person). In terms of the quality of these spaces, a number of the ground floor units are provided with a patio/terrace, which would look onto the footway routeing through the centre of the site. Given the close proximity of blocks to one another, the close proximity of the footway to all of these patios/terraces, and, in the case of Block 1, the provision of access to upper floor apartments between patios/terraces, the spaces would experience reduced privacy. I note the Planner's Report also expressed concerns regarding the quality of private open spaces proposed.

- 7.6.6. Regarding communal open space, there is a requirement for 175sqm of space to be provided. The grounds of appeal state that 192sqm of communal open space is provided, in the form of a courtyard area located in the centre core of the development and that other incidental landscaped playspaces are provided. Specific measurements for each of the open space areas have not been provided, but from a review of the application drawings I have calculated the 'courtyard' space, being the main area of open space for the development, as measuring approx. 90sqm.
- 7.6.7. The courtyard area is likely to function as the sole area of open space for the development and it is proposed to house an underground attenuation tank. This will likely impact on the ability to landscape the space. I do not consider that the other green spaces identified constitute communal open space, due to their fragmented nature and low-level usability. There therefore appears to be an underprovision of communal open space. The Board may wish to clarify compliance with minimum requirements for communal open space, should they be minded to grant permission.

7.7. Parking and Access

- 7.7.1. In accordance with Table 12.8 of the development plan, this development gives rise to a requirement for up to 33 car parking spaces, including visitor spaces.
- 7.7.2. The development incorporates a single car parking space, to the west end of Block 1, which is identified as intended for mobility impaired persons. In justifying the approach to car parking, the grounds of appeal highlight the proximity of the site to Castleknock Rail Station and the plans to increase capacity through electrification of lines. Reference is also made to supports within *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* for car parking to be '*minimised, substantially reduced or wholly eliminated in certain circumstances*', in central and/or accessible urban locations.
- 7.7.3. I would agree that the site's sustainable location means that favourable consideration can be given to reduced parking provision, however; the proposed approach has not been adequately justified within the grounds of appeal and I am concerned that it would lead to overspill parking in the surrounding area.
- 7.7.4. There is reference within the Traffic and Transportation Report to Census 2016 data, which outlines that there are 102,000 households in Dublin without a car. The applicant contends this is a demonstration of the strong demand for this type of

housing but, no attempt has been made to interrogate or examine specific circumstances of developments which provide little or no car parking, which would allow for comparison with the proposed development. I note, in this respect, that the Transportation section report referred to other instances where reduced car parking has been allowed, in proximity to rail links, and the experience has been that there are problems with overspill parking.

- 7.7.5. The absence of such detailed evidential analysis is, in my opinion, a critical issue with the proposed development, having particular regard to the applicant's very ambitious intention, to promote modal shift. In the absence of substantial justification, I consider parking proposals are inadequate.
- 7.7.6. I would advise the Board that as the Planning Authority's reasons for refusal did not directly refer to car parking, the Board may consider this to be a new issue.
- 7.7.7. Regarding bicycle parking 60 spaces are proposed in an internal store within Block 5, meeting the minimum requirements of the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities*, for 1 such space per bedroom and additional visitor parking at a rate of 1 space per 2 units. Whilst the number of spaces provided is adequate, the provision of a cycle store within the main ground floor circulation area of Block 5 is inappropriate in my opinion; the Guidelines outline at Section 4.17 that such facilities should be in a dedicated facility.
- 7.7.8. Access to the single parking bay, for emergency vehicles and for setdown purposes would be provided via a dropped kerb arrangement. The Transportation department considered that insufficient information had been provided, with reference to set-down and bin collections and also the adjacent bus-stop, footpath widths and sightlines.
- 7.7.9. In relation to the single parking space, whilst it is not expressly outlined on the application drawings, it appears that cars manoeuvring to exit the site would be required to manoeuvre within the main access space prior to exiting. I also note that as part of the appeal the applicant has clarified that the main site access is also intended to function as a setdown area. The presence of vehicles within the main access to the site is likely to result in conflict between cars and pedestrians.
- 7.7.10. The Transportation report noted plans to extinguish the bus lane outside the site and that the space would become a pedestrian/cycling zone, in the future. Where the site

is of a scale large enough to facilitate safe manoeuvring, I consider it would be important that redevelopment should incorporate an access layout that facilitates safe entry and exit in the forward gear.

- 7.7.11. In the event that the Board decide to grant permission, I recommend that a condition is attached, requiring submission and agreement of details regarding the vehicular access to the site.

7.8. Other Issues

- 7.8.1. Regarding surface water drainage, the Water Services department expressed concerns in relation to the analysis underpinning the proposal to provide attenuation for a volume of 45m³ and requested that calculations should be provided which demonstrate adequacy. The department also outlined reservations relating to the provision of an attenuation tank under an area of open space but, this appeared to be on the basis of that space being taken in charge by the Council at some future date, and a preference was expressed that such infrastructure would remain privately owned. There appears to be additional space under the communal open space to accommodate a larger tank system, should this be required, but given the very limited availability of space on the site, to accommodate an attenuation tank, this may be an issue with the Board would wish to clarify, should they be minded to grant permission.
- 7.8.2. One observer requested that a wall should be provided along that shared boundary with the Wood's End apartment complex and also requested that trees should be provided, to replace trees which were felled on the subject site recently. Taking this issue is isolation, and notwithstanding my conclusion that the layout of the proposed development is unacceptable, I do not agree with the observer that it is necessary to provide a wall along this shared boundary. A proposed closeboard fence along this boundary would be adequate.
- 7.8.3. In relation to the Parks Department's request for a financial contribution in lieu of public open space provision, a special development contribution could be imposed under section 48(2)(c) where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which benefit the proposed development, and where the particular works are specified. Only developments that will benefit from the public

infrastructure or facility in question should be liable to pay the development contribution. In this instance, the Parks Department has outlined that the contribution would be applied towards 'continued upgrade of local class 1 open space facilities in Tolka Valley Park'. Noting that Section 48(2)(c) makes provision for 'specific exceptional costs' I do not consider that continued upgrade of facilities constitutes a specific exceptional cost and, accordingly, a levy is inappropriate in this case.

- 7.8.4. Irish Water advised that the confirmation of feasibility to connect did not extend to fire flow requirements and that an on-site assessment of the network would be required, in order to determine whether the potential flow that could be provided. This may be an issue which the Board would wish to clarify, should they be minded to grant permission.

7.9. Appropriate Assessment

- 7.9.1. The site is not located within or adjacent to any Natura 2000 sites. Having regard to the nature and scale of the proposed development, on urban, zoned and serviced lands, 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

8.0 Recommendation

- 8.1. I recommend that permission for the proposed development be refused, for the following reasons and considerations below.

9.0 Reasons and Considerations

The proposed development constitutes overdevelopment of the subject site, failing to provide an adequate quality of place or level of residential amenity for future occupiers. The development would also, by reason of the siting of Blocks 2-5, result in unacceptable overlooking and overbearing impacts for north and west-adjointing properties, having a significant adverse impact on these established residential properties. The development would therefore be contrary to the 'RS' zoning objective which applies to the lands under the Fingal County Development Plan 2017-2023, would be contrary to development plan objectives PM41 and PM44, would be

seriously injurious to the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

Barry O'Donnell
Planning Inspector

7th December 2020.