



An
Bord
Pleanála

Inspector's Report ABP-308191-20

Development	Mixed use building comprising 51 apartment units, 1 retail unit and children's playground.
Location	Adjacent to Blackthorn Drive, Beacon South Quarter, Sandyford Industrial Estates and part of the Beacon South Quarter Plaza, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20A/0440
Applicant(s)	Irish Residential Properties REIT Plc.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Refusal
Appellant(s)	Irish Residential Properties REIT Plc.
Observer(s)	Nola Kinnear and others
Date of Site Inspection	7 th April and 8 th August 2021
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The site comprises two separate parcels of land with a total area of 0.1628 hectares located in part of a mixed use multi storey block development known as Sandyford Business Park. More specifically it is part of the Beacon South Quarter scheme on over 5 hectares which has been substantially completed and is occupied by both residential and commercial uses including retail. The site relates substantially to a single Block (B3) of a previously permitted scheme which has been partially developed to basement level within the site and the ground level remains undeveloped with the exception of a fenced off hardstanding and stairwell. This first parcel (0.108 ha) is a triangular strip over this basement level and extends alongside Blackthorn Drive frontage on its western side and along a c. 6.3m wide pedestrian pathway/'boulevard' on its eastern side. This pathway separates the site from a multi storey apartment block. The retailer, Dunnes Stores occupies a large unit at the plaza/ pedestrian path level and has windows fronting the pedestrian route but these are substantially obscured by advertising displays. The four storeys of apartments over have glazed decks/balconies facing the pathway and are moderately stepped back from the retail unit parapet. The apartment steps up to six storeys over Dunnes at the corner of the boulevard and plaza. This is closest to the site. The pathway provides access between the public road and the inner courtyard plaza where the 2nd parcel of land is located.
- 1.2. The Luas is located at a distance (walking distance) of c.450m from the site. The area is also served by bus routes.

2.0 Proposed Development

- 2.1. The proposed development seeks to complete development that commenced on the site as part of Building Block B3 permitted under PA ref. D04A/0618.
- 2.2. The development comprises a 5335sq.m. nine-storey block with 1 retail/café unit (197.4sq.m.) with mezzanine floor at street level and plaza level, 51 apartments (14 x 1 bed, 22 x 2 bed and 15 x 3 bed) with ancillary residential amenities - lounge/library, gymnasium, rooftop amenity. A children's playground of 520sq.m. is proposed within the existing public plaza of the scheme as constructed on the site at large.

2.3. Other elements of the proposal include:

- 31 Car parking spaces and 2 motor bike spaces in the basement (in lieu of previously permitted storage).
- 104 bicycle parking spaces at plaza 00 level within Block B3.
- 12 bicycle parking spaces at street level (-01) adjacent to Blackthorn Drive
- Replacement of 2 on-street car park spaces with loading area and 2 accessible car park spaces.
- Vehicular access is proposed to Basement level from an existing ramp to the east of the site via Blackthorn Drive.
- Pedestrian access is proposed via Blackthorn Drive and the existing Plaza Level 00.
- Refuse storage is at basement level of -01 of Block B2.
- Other elements include green roofs, photovoltaic panels at roof level, lift access and landscaping and associated works.

2.4. Supplementary documents submitted includes:

- Design Rationale reports – as appended in grounds of appeal in response to Architects Department of DLRCC
- Photomontage booklets
- Sunlight and Daylight and overshadowing reports – as amended in addendum with grounds of appeal.
- Inward Noise Assessments
- Waste Assessments
- Landscape Masterplan – as amended in grounds of appeal.
- A wind Microclimate Desk Based Study
- Transport Statement – as appended in grounds of appeal in response to issues raised by the Transportation Division of DLRCC.
- Energy/Sustainability Report
- Outline Construction Management Plan
- Engineering Planning report- as appended in the grounds of appeal in relation to drainage issues in response to the drainage division of DLCC.
- Site Specific Flood Risk Assessment

- Letters of consent from Beacon South Quarter management company for the making of the application.
- Modifications to fenestration and associated plans and elevations submitted with grounds of appeal,

2.5. Decision

2.5.1. To **refuse permission** for the stated reasons :

- The proposed development represents a poor form of development by reason of overlooking between the proposed development and units to the east, insufficient open space, and street level residential units offering poor residential amenity. Cumulatively, the proposed development would not provide a high quality living environment for future and existing residents of the neighbouring blocks. The proposed development would seriously injure the amenities and depreciate the value of residential units to the east by way of excessive additional overshadowing and visual intrusion. 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 . In this regard it is noted that the uses permitted under the extant permission allow for these issues to be successfully addressed.
- The proposed development is located within the Mixed Inner Core, that is subject to Objective MC4 that seeks to limit the number of additional residential units within Zone 1 (MIC) and Zone 2 (MOC) to circa 1,300 residential units. The proposed development would increase the permitted unit numbers [for] Zones 1 and 2 to over 1400 residential units. The proposal is therefore inconsistent with Objective MC4 of the Sandymount Urban Framework Plan therefore materially contravenes the County Development Plan 2016-2022 Appendix 15, SUFP and would be inconsistent with a balanced plan-led approach to the development of the SUFP area.
- The proposed car parking provision of 31 spaces to serve a development of 51 units falls short of the requirements of Table 8.2.3: Residential Land Use – Car Parking Standards of the 2016-2022 County Development Plan and inconsistent

with the relevant standards as set out in the Apartment Guidelines 2018. The proposed development would give rise to unacceptable levels of on-street parking and overspill in the surrounding area. The proposed development may thereby give rise to a traffic hazard and is contrary to the proposed planning and sustainable development of the area.

2.6. Planning Authority Reports

2.6.1. Planning Report (19/06/20)

- The development which addresses an unfinished part of the wider Beacon South Quarter is welcomed however there are concerns regarding excessive units in context of SUFP
- Serious concerns on impact on properties in Block C direct to the rear at distance of 8-12m between directly opposing windows of habitable rooms
- There are concerns about amenities of ground floor and proximity to the street and loading bays whereas the MIC zoning seeks mixed use.
- The units at level 01(unit 1-1) faces a blank wall (rear of Dunnes) 6.5m from bedroom 3
- Issues of overlooking between bedrooms of block c and those proposed are noted.
- The proposal is higher than block c and there could be overlooking from level 7 and roof terrace.
- The roof terrace amenity is questioned in regard to poor shape and wind.
- The proposed playground is removed from the units and in an area where there is already open space.
- Access to refuse is awkward. capacity issues are noted but overall the proposal generally meets with the guidelines.
- The internal areas comply with the development standards.

2.6.2. Other Technical Reports

Transportation Planning (17/8/20): Car parking is deficient. The report refers to precedence of application of 1.1 spaces per unit in a number of cases in the vicinity

and which have been permitted on appeal. In the absence of sufficient justification for a lesser amount, further information is sought.

Parks Department: no report.

Architects Department (22 /7/20): The site is located at an important site and any building should be of landmark quality. The proposal is not considered of landmark quality due to the design and finishes. The stepping down in height is also considered to erode the urban block and does not take advantage of the corner location.

The communal open space of 242sq.m. is inadequate in terms of size (358sq.m. is stated to be required) and is largely inaccessible.

Concerns about the residential amenity of a number of residences.

Concern due to views and proximity of windows to opposing wall. Further details of screening required to understand management of screen for opposing Block C windows.

Engineering 22/6/20: Notes the response to the FI regarding Construction Management Plan and details regarding dust and noise control measures and refuse storage. Conditions recommended.

Housing Department : The proposals for Part V are noted and while more details are required there is no objection subject to condition providing for an agreement in accordance with part V.

EHO: (14 /7/20) No objection subject to conditions.

Municipal Services – (Drainage Planning): Further information was recommended in report of **31/7/20** in relation to attenuation tank details, green roof and clarification of flood levels for Blackthorn Drive.

2.7. Prescribed Bodies

TII 31st July 2020: No objection subject to conditions.

2.8. Third Party Observations

- 3.4.1 A total of 43 objections were received by the planning authority. Detailed issues have been raised in respect of density, height, planning history, impact on residential amenity , design, traffic and parking among other issues.

3.0 Planning History

3.1. The Site

- 3.1.1. The subject site relates substantially to Block B3 of a mixed used scheme on a 5.2ha site. This scheme has been substantially built pursuant to permission under reference **D04A/618**. Plans were varied to include partial variations from office to residential and additional floors in Blocks B1, B2 and B3 under **D07/0131**. (The massing of the approved block is illustrated in Fig. 5.10 page 11 of the application planning report dated 23 June 2020). Permission was refused under ref **D07A/1603** for additional floors to B3 for offices to height of 9 stories on grounds of scale and intensity, visual amenity and demands on infrastructure. Permission was refused again for amendments to permission for reconfiguring of retailing uses – motor showroom to B3 – on grounds of visual amenity and loss of animation along Blackthorn Drive and the pedestrian link, large scale retailing and overall diminution of quality in the Beacon Quarter.
- 3.1.2. **PA ref D08A/074** refers to permission for amendments to parent permission D04A/0618 and D07A/0131) for minor variations to the internal layout of B3 as modified at all levels, change of use of motor showroom to retail use in B4 and change of use of retail area to motor showroom at levels -01, 00 and mezzanine of Building B3 . Elevation changes also proposed. (Drawings contain in history ouch in attached file box)
- 3.1.3. **ABP ref. 306414** is the most recent decision on the larger site by the Board and this refers to permission for change of use and amalgamation of vacant unit C02 with the adjoining Dunnes Store supermarket to create an enlarged supermarket as follows: an extended Dunnes Stores supermarket layout to include a reconfiguration of the supermarket and off license sales, including provision for a new butcher, fishmonger and coffee shop; customer seating area; a relocated off-license (of 150sq.m net);

and all associated ancillary, site layout alterations and site service works at neighbouring site at Units C02 – C05, Beacon South Quarter, This overturned a refusal of permission on grounds primarily relating to retail impact within the District. ABP ref 302159 refers to an invalid appeal relating to a similar proposal .

3.2. Adjacent Site to south within same block and same zone 1 of SUUFP:

- 3.2.1. **ABP Ref. 303738:** Permission granted by the Board in June 2019 for a development at Beacon South Quarter (c. 600m west of the application site) comprising a mixed use development ranging in height from 1 to 14 storeys to accommodate 3 no. neighbourhood retail units, crèche and 84 apartments including 12 no. 1 bed units and 59 no. 2 bed units served by 65 car parking spaces. This development is now under construction. (This increased the previously permitted residential element from 64 units to 84 apartments by substantially increasing the height from 8 to 14 storeys

3.3. Adjacent site to east within same urban block (zone 2)

- 3.3.1. **ABP Ref. 308273** refers to contribution appeal for commercial redevelopment.

3.4. Sites to north with same zone 1 (higher plot ratio)

- 3.4.1. **ABP Ref. 304405** (2019) refers to permission (SHD) for for 428 no. apartments, creche, 4 no. local/neighbourhood retail units and associated site works in 2 blocks ranging from 5 to 14 storeys in height. at Rockbrook, Carmanhall Road, Sandyford Business District, Sandyford, Dublin 18. This site is west of the 'former Aldi site' , Note: 303357 refer refers to a SHD consultation re 428 apartments
- 3.4.2. **ABP Ref. 305940** Permission in 2020 for Demolition of existing structures on site and construction of 564 no. build to rent apartments, creche and associated site works. This is beside the luas and at the eastern periphery of zone 1 where it border zone 2. This intensified a previous permitted development on the site in 2018 (301428) which was for 460 apartments in 6 blocks of 5-14 storeys . this followed a previous permission D07A/0619 for a mixed use scheme with 417 apartments. Note: 304965 refers to a SHD consultation re 575 BTR units

- 3.4.3. **ABP ref 310690** refers to a live appeal on Ballymoss Road in Zone 2 against refusal of permission for demolition of warehouse/office premises and construction for a 9 storey aparthotel with 124 suites and ancillary facilities.
- 3.4.4. **D16A/0991** Sentinel Building: Permission granted in October 2017 to complete the partially constructed 14-storey 'Sentinel Building' including 294 office suites and 28 meeting rooms; 2 additional floors (1,490 sq. m.) over existing 6 storey part of the building adjoining Block A; ground floor café / restaurant use; and new entrance to Blackthorn Drive.
- 3.4.5. **D16A/0697/PL06D.248397** Rockbrook Phase 2: Permission refused by the Board in September 2017 for completion of the development permitted under D05A/1159 (Phase 2) on lands immediately to the west of the subject site. The proposed development included 3 no. 14 storey residential blocks with 492 no. apartments, 1 no. retail unit, café and crèche and modifications to and completion of basement. The Board refused permission for 3 no. reasons that related to the impact on a proposed urban plaza and boulevard that formed part of the original scheme and the associated impact on the legibility and permeability of the scheme; the monolithic design of the blocks and their massing, scale and bulk, in addition to the quality of the living environment for future residents due to a lack of supporting community facilities and limited range of apartment sizes and types; and an undue diminution in the availability of light to the existing apartments.
- 3.5. **Site further west** - zoned residential and with 175unit/ha density provision
- 3.5.1. **ABP Ref. 303467** SHD Permission granted (30th April 2019) for 817-bedspace Student Accommodation development with ancillary student facilities, 2 no. commercial units, 57 no. car parking spaces, 586 no. bicycle parking spaces and 5 no. motorcycle parking spaces. The development has a height of 7-9 stories (max. height c. 29m) and an overall gross floor area of 25,459m².
- 3.5.2. **ABP ref 310104** refers to refusal of permission for 428 BTR apartments childcare facility and associate works for the stated reasons:
1. Having regard to the proposed quantum and resulting form of development, in particular the enclosed nature of the scheme layout and height on this restricted site, it is considered that the proposed development would result in a substandard quality

of communal open space and an inadequate range and extent of resident support facilities and amenities serving the entire development. Furthermore substandard bicycle parking facilities have been provided, in particular with regard to accessibility for all residents and the quantum provided for visitors, and the residential amenity of some individual apartments is deficient in relation to private amenity space and daylight availability. In the absence of suitable alternative proposals to compensate for design deficiencies in the proposed units and the scheme as a whole, the Board considers that the proposed development would result in a substandard level of residential amenity for the future occupants of the proposed development. In addition the Board is not satisfied that the proposed development would provide a satisfactory interface with the adjoining site to the north west in terms of proximity to the site boundary and sunlight and daylight impact and this it would not prejudice the development potential of that site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would materially contravene the height and density provisions of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, including the Sandyford Urban Framework Plan. The Board is not satisfied that a material contravention of the Development Plan is justified in this instance, in that the proposed development fails to meet the criteria set out in Section 3.2 and Specific Planning Policy Requirement 3 of the Urban Development and Building Height Guidelines for Planning Authorities issued by the Department of Housing Planning and Local Government in December 2018. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.0 Policy Context

4.1. The Dún Laoghaire-Rathdown Development Plan 2016-2022 / Sandyford Urban Framework Plan

- 4.1.1. In this governing plan, Sandyford is identified as a 'Secondary Centre' in its Core Strategy and is below the 'Major Centre' settlements of Dun Laoghaire and Dundrum. Sandyford Business District is identified as a 'primary growth node' from which a significant portion of the supply of residential units will derive up to 2022 and beyond.

- 4.1.2. The site is zoned MIC with an objective “to consolidate and complete the development of the mixed-use inner core to enhance and reinforce sustainable development”. Residential, childcare and convenience (inc. supermarket) and comparison shops are ‘permitted’ uses, subject to residential and retail development according with the relevant policies of the Sandyford Urban Framework Plan for the MIC area (Table 8.3.16 refers).
- 4.1.3. The site is located in zone 1 : Mixed Core Area -Inner Core and is opposite zone 4 Light Industrial Warehousing. The objective for the site and adjacent sites in the same urban block is “To consolidate and complete the development of the mixed-use inner core to enhance and reinforce sustainable development.’ (MIC) In this area residential uses are permitted in principle subject to meeting with the objectives of Sandyford Urban Framework Plan
- 4.1.4. Height is controlled by the SUPFP wherein the aim is that a building makes a positive contribution to the built form of the area. Factors include how: it responds to its context, is informed by its location, function of the building, the streetscape, impact on the open space and public realm (in particular shadow impact) and impact on adjoining properties views into the area and long-distance vistas.
- 4.1.5. 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.
- 4.1.6. Chapter 2 Sustainable Communities Strategy, includes policies which seek to increase housing supply, ensure an appropriate mix, type and range of housing and promoting the development of balanced sustainable communities. Relevant policies include RES3 promoting higher residential densities in line with national policy whilst ensuring a balance between density and the reasonable protection of residential amenities and established character. Section 2.1.3.3 states that densities of greater than 50 units per hectare will be encouraged within c. 1 km of public transport nodes. RES7 encourages the provision of a wide variety of housing and apartment types and RES8 seeks to provision of social housing. RES14 seeks to ensure that community and neighbourhood facilities are provided in conjunction with, and as an integral component of, major new residential development. RES15 promotes an

‘urban village’ design approach in new development growth nodes. Section 2.2 sets out policies in relation to sustainable land use and travel. ST2 and ST11 relate to the integration of land use and transportation, ST19/20 relate to travel demand management and travel plans and ST27 relates to traffic and transport assessment and road safety audits.

- 4.1.7. Chapter 4 refers to green infrastructure , open space and recreational facilities. OSR5 refers to public open space provision and OSR14 to play facilities.
- 4.1.8. Chapter 5 sets out policy in relation to physical infrastructure such as water supply and wastewater, waste management, pollution, climate change, energy efficiency, renewable energy and flood risk.
- 4.1.9. Chapter 7 sets out policy for the delivery of community facilities (Section 7.1.3) and Policy SIC7 refers to New Development Areas and Policy SIC1 to Childcare Facilities.
- 4.1.10. Chapter 8 sets out contains the urban design policies and development management standards relating to public realm design, building heights strategy and car parking. **Section 8.2.3.1** of the Plan set out policy for quality residential development. One of the consideration includes Levels of privacy and amenity, the relationship of buildings to one another, including consideration of overlooking, sunlight/daylight standards and the appropriate use of screening devices. Appendix 9 (Building Height Strategy) also refers to more detailed criteria for landmark buildings. Development Plan Policy UD6 in Chapter 8 states that: “It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the county.”
- 4.1.11. An advisory note acknowledges the precedence of the ‘Specific Planning Policy Requirements’ set out in Ministerial Guidelines ‘Sustainable Urban Housing – Design Standards for New Apartments’ published by the Department of Environment, Community and Local Government on 21st December 2015. Apartment Guidelines the standards and specifications in respect of Apartment Development- as set out in Section 8.2.3.3. (i), (ii), (v), (vii) and (viii) of the Development Plan Written Statement are accordingly superseded these guidelines.
- 4.1.12. Appendix 9: Building Height Strategy. Section 3.1 refers to Sandyford Business District and building height limits are set by the SUFP: “The stated building height

limits in the SUFP do not represent a ‘target’ height for each site – it is essential that any building makes a positive contribution to the built form of the area. It is intended that building height shall therefore be determined by how it responds to its surrounding environment and be informed by: location; the function of the building in informing the streetscape; impact on open space...”

4.1.13. Appendix 9 gives guidance on **Landmark Buildings**: It is defined as a single outstanding building which is either taller or of a more notable design than its neighbours. Generally, landmark buildings are higher than their surroundings but they may be created through other means than height, such as quality building or public space design. The identification of sites for landmark buildings will **only** be conducted through the Local Area Plan/Strategic Development Zone/Urban Framework Plan/Development Plan Variation process. The main determining factor in setting heights will not be the heights established in recent and proposed developments. Rather it will be the need to create a good piece of urban development with attractive streets that knits successfully with the surrounding area. The important factors which determine height will be the impact on adjacent residential amenities, the proportions of the building in relation to the street space, the creation of a good sense of enclosure, the provision of active ground floor street frontages and a legible, permeable and sustainable layout. In the best European examples, good street scale and enclosure in central locations is achieved with buildings of four to seven storeys in height. There may be scope for landmark buildings to mark the main centre or centres within the area. The issue of landmark buildings must be a secondary consideration to getting the streets, spaces, frontages, buildings and overall functioning of the place right. wind funnelling, overshadowing and sun-reflection. This should be done through the testing of accurate physical and three-dimensional computer models, conducting wind tunnel studies, sun-path studies, as well as using other suitable impact simulation methods. Impacts on privacy and overlooking of existing properties should be tested with the help of section analysis and three-dimensional computer models.

4.1.14. **Sandyford Urban Framework Plan 2016-2022** . The Sandyford Urban Framework Plan (SUFP) forms part of the County Development Plan and is contained in Appendix 15. Section 1.6 describes the 6 areas within the District and the site is on

the western perimeter of 'Sandyford Business Estate' opposite the 'Stillorgan Business Estate' (light industry/warehousing.) In terms of planning issues it describes the area as follows: "Sandyford Business Estate is at a pivotal stage of development in terms of type of business. Parts of Sandyford Business Estate are in the process of transforming from an area of low-density freestanding buildings formed around a road network, to higher density development within a tighter urban grain. This transition in form and land use has been driven primarily by landownership rather than by a master plan for the overall area. Recent high density developments have little spatial relationship with their neighbours and as a consequence the area has become fragmented. The current mix of uses lack co-ordination and rationale."

- **Building heights** within Sandyford Business Estate range between 1 and 2 storey developments in the established part of the estate to permitted development up to 14 storeys. The plan envisages the ongoing development of a coherent and defined district – Sandyford Business District (SBD). It is primarily focused on a plan led employment area but with complementary mixed uses including residential development and the underpinning rationale is set out in section 1.5.1.
- **Residential use** is permitted in principle under the **MIC** zoning objective subject to SUFP policy on residential development in core areas. Section 2.3.2.2 states in relation to residential development in the Mixed Use Core Areas: "**It is considered that the number of apartments permitted to date in the Mixed Use Core Areas is sufficient to provide vitality to these areas. Future residential development should primarily be focused within the residential zoned land (Map 1, Zone 5). This will enable the creation of sustainable residential neighbourhoods with environments more conducive to protecting residential amenity and able to provide a mix of home types.**"
- **Objective MC4:** "**It is an objective of the Council to limit the number of additional residential units within Zone 1 (MIC) and Zone 2 (MOC) to circa 1,300 residential units. Of these 1,300 residential units, 835 have planning permission as of October 2014. This scale of residential development accords with the SUFP 2011.**"

- Objective MC5: “It is an objective of the Council to require all residential development within the Plan boundary to benefit from the public open space requirements set down in the Dún Laoghaire-Rathdown County Development Plan. The applicant shall set out clearly in any proposed development, how this requirement is being addressed. Where the Planning Authority agrees it is not possible to provide meaningful and useable public open space or where a specific local objective requires, the applicant shall provide indoor community facilities (e.g. community rooms, indoor active recreational uses for residents) or a financial contribution in lieu of open space, the nature of which should be agreed with the Planning Authority at pre planning stage.”
- Objective MC6: “It is an objective of the Council to require all residential developments to provide private open space in accordance with the requirements set down in the Dún Laoghaire-Rathdown County Development Plan.”
- **Retail:** It is appropriate that future convenience and comparison retail, and the associated services, be clustered within Sandyford Business District, thereby providing the critical mass to provide the vitality that attracts customers to avail of the services. Locating retailing close to transport nodes facilitates employees as they come and go from work. Limited retail shall be permitted beyond these core areas.
- The site is identified as a suitable location for retail development close to the Luas stop and the existing Beacon Shopping Centre. Section 2.3.2.1 states: “Retail and retail services should be used to enliven street frontages, particularly on main pedestrian corridors leading to Luas stops, and in particular along Ballymoss Road.”

Other objectives specific standards / requirements for the development site:

- Map 2 Plot Ratios / Residential Densities. Plot ratio 1:2.5
- Map 3 Building Height. Permitted / developed height of 5-14 storeys.
- Drawing No. 6 Walking & Cycling. Sli na Slainte/ Cycling route along Blackthorn Drive

- Drawing No. 10 Civic Space and Green Routes Network relates to site
- MC8 seeks animated street corners.
- MC9 : seeks to locate uses that enliven, and attract customers fronting the routes leading to the Luas, particularly along Ballymoss Road.
- TAM1 requires all future development in the Sandyford Business District to achieve a peak hour transport mode split of 45% trips by car drivers (maximum) and 55% trips by walking, cycling and public transport and other sustainable modes (minimum targets) as per Government policy stated in the document published by the Department of Transport entitled, 'Smarter Travel, A Sustainable Transport Future 2009-2020'.
- TAM2 provides for the creation of a new Luas / Bus interchange at the Stillorgan Luas stop, located across from the junction of Blackthorn Drive and Ballymoss Road, nearby to the east of the development site.
- TAM3 is to implement complementary Bus Priority Schemes including a QBC along Blackthorn Drive at the northern end of the development site.
- Section 3.5 Design Principles and Character Areas states in relation to Zones 1 (the site location) and 2:

4.2. National Planning Framework (2018)

4.2.1. This document sets out the overall policy framework for development in a national context. A key focus is the consolidation of population and employment centres in sustainable manners. To this end a range of National Policy Objectives set specific targets such as:

- NPO 2a - that a target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs. - NPO 3a is that 40% of new homes would be within the footprint of existing settlements. NPO 3b is to deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints. - NPO 6 is to regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment

activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

- NPO 11 In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth
- NPO 13 - that in urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- NPO 27 - to ensure the integration of safe and convenient alternatives to the car into the design of communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- NPO 33 - to prioritise the provision of new homes where they can support sustainable development at an appropriate scale.
- NPO 35 - to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

4.3. Statutory Guidance:

- Sustainable Urban Housing: Design Standards for New Apartments (2018 and 2020)
- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009). While acknowledging the need for infill residential development it is stated that ‘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.’

- Urban Development and Building Heights – Guidelines for Planning Authorities 2018.
- Design Manual for Urban Roads and Streets (2013).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (2009).
- The Planning System and Flood Risk Management (including associated Technical Appendices) (2009). •
- Childcare Facilities – Guidelines for Planning Authorities (2001).

4.4. Planning and Development Act 2000 as amended – material contravention

Section 37(2) (a) Subject to paragraph (b) the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—

- (i) the proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

(c) Where the Board grants a permission in accordance with paragraph (b), the Board shall, in addition to the requirements of section 34(10), indicate in its decision

the main reasons and considerations for contravening materially the development plan.

5.3.1

4.5. Natural Heritage Designations

4.5.1. Not applicable.

4.6. EIAR Screening

4.6.1. An Environmental Impact Assessment Screening report was not submitted with the application.

Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

It is proposed to construct a predominantly residential scheme of 5335sqm over a constructed basement to complete a block of 129391 sq.m. in the built up environs of Sandford Business Estate. It is a vertical extension and a form of infill development on serviced land. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of 0.1628ha and is located in a business district. The site area is therefore well below the applicable threshold of 2 ha. The introduction of a residential scheme will involve construction of an 9 storey high building over a basement and alteration to the plaza by way of provision of a play area. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site (as discussed below).

The proposed development has a feasible connection to a public water supply and public sewers. The submitted documentation includes a comprehensive assessment of the capacity of engineering infrastructure, the road network servicing the development, waste management details and micro impacts on noise, daylight and sunlight and overshadowing in addition to climatic analysis of the proposed roof space. The proposed development is not of a scale that would warrant a full environmental impact report in addition to the information that has already been provided.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site within the existing urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development is not necessary in this case (See Preliminary Examination EIAR Screening Form).

5.0 The Appeal

5.1. Grounds of Appeal

- The provision of housing accords with national policy and the policy for mixed uses in the area. In this context the cap on residential units for the locality in the SUFP should be lifted to ensure consistency with national policy.
- The site is highly suitable for much needed housing having regard to its accessibility and infrastructure.
- The detailed issues required in the departmental reports could have been addressed in further information and do not constitute grounds for refusal.
- In assessing impact due consideration was not given to the precedent set in previous permissions for development in terms of scale and design.
- No adverse overlooking – the potential for such has been further mitigated by modification to fenestration and screening – the amendments for which have been indicated in revised detailed designs as appended. It is pointed out that the units remain wholly compliant with internal space standards 9 and BRE guidance for natural light.
- Overshadowing – no different to that previously approved and this approach to accepting precedence was adopted by the Board in the case of 304405. (ref section 11.6.3-11.6.5 of inspector's report)
- It is pointed out that the existing development was already below BRE guidance. The planning authority has not explained how the proposed development further depletes amenities. . The concerns regarding units 1-7 to 1-6-7 and proximity to C1 are addressed in the addendum . (Arc Architectural consultant's report is referred to in this regard.). The apartments exceed minimum levels in terms of access to levels of daylight.
- Loss of retail – The reality is that there is very light footfall along this peripheral location at Blackthorn drive due to alternative routes. The residential use and design with access arrangements provides an alternative animation to the street.

- Ground floor residential units is an urban reality . In this case the units are 2.9m from the edge of the carriageway for cars due to intervening cycle and pedestrian paths.
- Open Space: The 241 sq.m of open space (for future B3 residents) at roof level which is acknowledged as below developemtn plan standards is considered to accord with statutory guidance which allows for a relaxation in infill sites (section 3.14 Apartment Guidelines, 2018). In terms of quality, the design has been modified with provision for more seating and decking. It is pointed out that the interconnection and layout provide access to other open space within the wider complex. The Board is referred to a revised Landscape Master plan Block 3 Drawing 1797-PL-P-02 by Murray and associates.
- The residential use offers an opportunity to introduce a play on solid to void space with associated balconies/terraces. This is an improvement on the previous monolithic glazed curtain walled office building of a similar massing.
- The proposed massing height and profile respects the stepped skyline. The floor levels reflect the topography as well as surrounding apartments.
- It is confirmed that the Wind Microclimate Desk Based Study includes a full assessment contrary to the opinion of the planning authority. The design takes account of annual safety exceedances due to strong winds by incorporating mitigation in the form of trees, planters and glass balustrading giving protection at an overall height of 1.9m. This is reinforced with dense shrubbery at seating areas. Views are directed north away from the adjacent apartments.
- The ground levels would provide active frontage as approved in the cases of ABP refs. 301428. and 304405 and minor design revisions address privacy concerns raised by the planning authority. (appended to appeal). Drawing 18016AP0101 shows relationship of loading area. It is pointed out that the 7.9m setback from the carriageway is provided and includes a planted verge. Triple glazing with an excellent acoustic rating addresses noise concern.
- The case for other uses such as retail is weakened by the vacancy levels and this fact was acknowledged in the neighbouring site when permitting the amalgamation of retail warehousing into Dunnes Stores. It was acknowledged that uses such as retail warehousing uses tend to be located in more

standalone sites. Accordingly the provision of 5 residential units and 1 retail unit provides the active ground level frontage while taking account of the vacancies and the pattern of commercial development.

- Car Parking: It is clarified that the 31 proposed additional car parking spaces are in lieu of permitted storage space in the basement. The amount of car parking is consistent with both national and, regional and local planning policy which prioritise the use of more sustainable forms of transport. It is further explained that no works are proposed and so it was not included in the site as delineated.

5.2. Planning Authority Response

- 5.2.1. It is considered that the grounds raise no new issues and accordingly no further comments are made.

5.3. Observations

- 5.3.1. Observations have been made by a number of residents in the surrounding apartments. The submissions are from nine individual residents/home owners, two residents groups and one public representative as listed below:

- Beacon South Quarter Residents Association
- BSQ Apartment Owners Association
- Ultan Mc Carthy 407 The Edges 2, BSQ,
- Michael Kelly 432 The Cubes 8 BSQ
- Maurice Haugh 310 The Edges 2 BSQ
- Dermot Mannion 409 The Edges, BSC – this submission contains a number of comparative images with previously permitted development and the as constructed development and also identifies the existing apartment.
- Jilly Harvey 403 the Edges 2 (photo images appended)
- Cliona Maxwell, 304 The Edges 2, BSQ
- Killian Maxwell, 401 The Edges 2, BSQ
- Aoife Culleton 632 The Cubes 8, BSQ
- Niall Sweeney 305 The Edges 2, BSQ
- Nola Kinnear, 409 The Edges 2, BSQ

- Cllr. Deirdre Ni Fhlionn, Green Party

5.3.2. I have read all the submissions from the above parties and the points made can be summarised accordingly:

Principle:

- Breaches land use policy and development standards in terms of residential use, density, open space and plot ratio which is estimated to be already over the 1:2.5 limit for the block. There is an optimal mix of uses at present, whereas, the breaching of the residential cap would be detrimental to the quality of life. The scale is unwarranted and the precedent on the site would be undesirable having regard to the constraints by facilities such as the Luas and the unbuilt residential units yet to be occupied. There is a shortage of creche and school facilities in the area. There is no need for more units at this location as it is already saturated with approved residential schemes – many of which are likely to be rental.
- Unwelcome and inappropriate intrusion in context of original dome feature which was part of the overall scheme into which the residents bought.

Impact on community fabric.

- It will introduce a reduced standard of development that is more suited to transient rental occupancy which will in turn push existing residents out and fragment the existing community. This is contrary to policies for sustaining community and providing sustainable development.

Impact on residential amenity and depreciation of property value

- The separation distance between Block C and proposed Block B3 is inadequate and details are misleading as they do not take account of balconies. The proposal will have a devastating consequence on natural light, ambient noise and overall privacy. The narrow passage is impractical; it compromises access (e.g.cherry picker for high level or emergency access) and may create a wind tunnel. The requirement for working at home has put into focus the need to maintain and provide natural light and good residential amenity.
- The proposal is substandard by way of provision of car parking, open space and convenience for bikes and waste. Apartments at ground level will be particularly substandard by reason of noise and disturbance from street level. Reliance on closed windows is evidence of an unsuitable location.

Visual impact,

- The development will be oppressive to the east and obstruct of views over Dublin Bay. The facade and design are inappropriate for the streetscape.

Open space

- The cordoning off of the plaza for a playground will result in a loss of already limited plaza space for residents. This plaza is an important amenity and was highly used during lockdown.
- Object to play area – This plaza is an area greatly enjoyed by the residents, not only will it reduce amenity area for adults but it will be an increased burden of cost for existing apartment owners. There is also concern about anti-social use and noise associated with the play area. Residents may be uncomfortable using adjacent space in plaza. There is a nearby properly constructed play area provided by DLRCC.
- Roof level is not public open space.

Management/quality issues:

- Principle of a lower order scheme that may displace established residents: They feel disenfranchised in shaping the direction of residential development within their shared environs. The scheme is a profit maximisation exercise at the expense of increasingly disenfranchised residents who may directly bear the social and economic costs of additional demands on existing infrastructure.
- The car parking is inconvenient and substandard. There is insufficient information regarding overall parking and management for the block.
- Open space: The existing courtyard (intended for intensification by the subject development) is not maintained to a high standard and the delivery and maintenance of high quality additional space, that is already below standard in terms of area, is doubted.
- There are likely to be Building Regulation compliance and safety implications for residents of C2 and knock-on impacts for insurance and costs without consultation of existing residents. E.g, Fire safety impact on Block C2 due to bridge and proximity is not addressed

- Encroachment of original site boundaries e.g. by overhanging balconies. Note: Page 9 of D. Mannion's submission shows comparative footprints of previous permission.

6.0 **Assessment**

6.1. **Introduction**

- 6.1.1. This proposal is seeking to vary part of a substantially completed mixed use development in the Beacon Quarter in the defined Sandyford Business Estate sub-area within Sandyford Business District. This District is a second-tier centre in the county settlement strategy. Specifically, permission is sought to construct a 9-storey high residential block in lieu of a previously permitted office block – for which permission has expired but the basement of which has been constructed. While the planning authority welcomes the completion of the overall scheme, there are fundamental concerns about the strategic mix of uses and quality of development in terms of achieving balanced sustainable development. There are also concerns about the impact on existing residential units, quality of the design and amenities for future occupants.
- 6.1.2. The issues can be dealt with under the following headings:
- Change of use, Material contravention.
 - Impact on neighbouring Residential Amenity: Loss of privacy, Overshadowing,
 - Visual impact.
 - Private Open Space.
 - Standard of accommodation.
 - Car parking.
 - Other matters: management, procedural, engineering.
 - Appropriate Assessment.

6.2. **Principle of use**

- 6.2.1. The proposal for predominantly residential use is contrary to the very specific policies of the SUFP which I consider is unambiguous in its land use objectives and in setting a cap on residential units in this mixed-use core as envisaged for the

Sandyford Business Estate. I refer to objective MIC 'It is an objective of the Council to consolidate and complete the development of the Mixed Use Inner Core to enhance and reinforce its sustainable development' and to this end objective MC4 states, 'It is an objective of the Council to limit the number of additional residential units within Zone 1 (MIC) and Zone 2 (MOC) to circa 1,300 residential units. Of these 1,300 residential units, 835 have planning permission as of October 2014. This scale of residential development accords with the SUFP 2011.'

6.2.2. The applicant makes the case that national policy favours the provision of housing on the subject site by reason of its characteristics in terms of accessibility, infill nature, and the infrastructure serving the area. It is further argued that the objectives of the SUFP conflict with national housing policy which promotes densification in such areas and that the Mixed Inner Core provides for residential uses. The SUPF is I consider reasonable in its aims and policies in regulating the extent of dense housing in this development block in order to consolidate an employment core while also protecting the amenities of existing residents. I accept that the policies and objectives of the NPF broadly support a case for densification, however, in this case it will result in a loss of employment space such as provided in the previously permitted office proposal, now lapsed. The development plan provides for residential development and densification in other locations within the District and the wider area and in this way provides for compliance with national housing policy. I also note that this policy is maintained in the Draft Plan 2022-2028 where it is provisionally stated that 'Having regard to the strategic employment status of the SUFP area as set out in the RSES and the provision of sustainable neighbourhood infrastructure in the overall plan area, it is considered that sufficient residential development has been permitted in the MIC and MOC zoning objective areas so as to allow for a sustainable mix of uses. Any additional residential to be permitted over the lifetime of the 2022 – 2028 Plan should take place on the A2 land use zoning objective.'

6.2.3. I also note in the applicant's submission that the proposal will result in increasing the plot ratio for the entire complex from 1:2.473 to 1:2.57 which marginally exceeds the guidance in the SUPF. By way of comparison the Board has previously permitted denser residential schemes in the vicinity. In the case of the Beacon Quarter site to the south, 20 additional units were permitted in a vertical extension of an approved apartment block (and at a site where a higher plot ratio is permitted for a corner site

as compared to the subject site) . In the BTR residential housing scheme to the north east of the subject site which is also governed by the Zone 1 objective, the site was subject of a previously approved residential scheme and took account of lapsed permission and the residential capacity, as estimated by the inspector, of 477 units which rendered the total amount of units to be within the cap. The site is located adjacent to the zone 2 and is closer to established residential areas and the Luas stop. In the subject case however I note the perimeter location in the Business Estate and proximity to the more industrial /warehousing type uses (as exist and as designated for in the SUPF) and I consider there is a strong case to support a non-residential buffer at this location in order to provide for appropriate transitioning of uses in this emerging pattern of more mixed and finely grained land uses. There is also the issue of capacity of community facilities and open space which have been provided for in a plan-led approach in the area and which will be under increased pressure.

- 6.2.4. Accordingly I concur with the planning authority in its redeposition against a predominantly residential apartment block on this site.
- 6.2.5. In terms of the proposed retail café, I am satisfied that this accords with the strategic aims and objectives of the framework plan having regard to its ancillary role in this mixed use area, its accessible location within the locality and contribution to enlivenment of the street frontages. It has the potential to serving both the residents and workers and passers-by along a designated multi-modal route within the environs, to the civic plaza and to the Luas Stop.
- 6.2.6. With respect to the principle of replacing interactive premises with private residences at ground level there is concern about impact on the streetscape by way of loss of such uses. I consider in the context of vacant units in the vicinity and the strategic siting of the proposed café that the loss of part of a frontage to non-retail type uses is not in itself wholly objectionable – the issue however is the substantially wholesale replacement of employment uses with residential units.
- 6.2.7. Notwithstanding the reservations about the principle of residential uses at this location, permission is also predicated on meeting residential development criteria as set out in the statutory plans and section 28 ministerial guidance documents.

6.3. Impact on residential amenity

Proximity Issues

- 6.3.1. It is proposed to construct the multi-storey block up to and alongside the eastern boundary where it fronts a c.6.3m wide boulevard passageway through the urban block and which is fronted by the eastern facades of residential blocks C2 and C1 (which is 5 storeys over ground level retail premises - Dunnes) . This passage connects the public road with the inner civic plaza space and also provides access to the basement car park. The existing block C2 is designed with a recessed profile which is not replicated in the proposed opposing elevation other than the use of void space primarily in the form of access decks and balconies.
- 6.3.2. With respect to overlooking of the existing apartments to the east, the proposal has been modified by way of remodelling the façade with the aim of minimising potential for adverse overlooking. While I note that the design incorporates innovative design techniques to avoid overlooking between directly opposing windows of habitable rooms and that the dual aspect allows for obscuring and secondary uses on one side , the fact remains that the individual unit entrances are via access decks which at the nearest point are 7.065 m from the existing opposing bedroom windows - At best the decks are 10-12m from opposing decks/balconies at levels 01- 06. I note some proposed bedroom windows are revised with a further 2m recess and a consequent 9m separation between opposing existing corridor windows and these bedroom windows. However, the recessed window is only marginally obliquely angled away at a 9.4m separation from an existing bedroom window. While this may be acceptable in a comprehensive new build, I consider the imposition of habitable rooms and active areas in this proximity would give rise to an unacceptable diminution of amenities for existing residents. The proximity of the individual apartment entrances in such close proximity is likely to be a source of considerable nuisance by way of noise, disturbance and lighting in addition to overlooking for the existing residents of Block C. The introduction of this residential occupancy constitutes a considerable change in the living environment as compared to the previously permitted offices which had the potential to be less intrusive due to nature and hours of activities.

Overshadowing/Access to Daylight and Sunlight:

- 6.3.3. The planning authority and the neighbouring residents have expressed concern about the loss of daylight and sunlight as a consequence of the height and proximity of the proposed development block. The applicant has submitted a detailed Sunlight and Daylight Analysis (prepared by Arc Consultants) and this is further appended in the grounds of appeal.
- 6.3.4. The DLR County Development Plan refers in section 8.2.3.1 to the importance of levels of privacy and amenity, the relationship of buildings to one another including consideration of overlooking, sunlight/daylight standards and appropriate use of screening devices in achieving quality residential design. The Ministerial Guidelines 'Sustainable Urban Housing – Design Standards for New Apartments' published by the Department of Environment, Community and Local Government (DoECLG) as amended, support these requirements and more specifically state in section 6.6 that planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision. While I note the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced.
- 6.3.5. The submitted Sunlight and Daylight Analysis provides quantitative analysis of the likely impact of shadows cast by the proposed development on existing buildings outside the site, I am satisfied, in accordance with the BRE guidance in terms of dates and hours. A 3D digital model of proposed, existing and previously permitted (but not constructed) was constructed and various assumptions were made based on aerial photography and planning register. For example I note there are no complete floor plans provided of the Block C apartments facing the site. Notwithstanding, in identifying receptors particularly sensitive to changes in shadow environment, ARC consultants considered (i) the use of receptors e.g residential use and particularly living rooms and (ii) the location of receptors relative the

application site. The BRE Guide Site Layout Planning for Daylight and Sunlight' (2011, 2nd edition) is cited as a reference in the Technical Appendix as a source of for the methodological assessment approach in determining sensitive receptors and quantifying loss of sunlight and daylight. The impact of this quantification is applied in the context of EPA guidelines, The Information to be Contained in Environmental Impact Assessment Reports, (Environmental Protection Agency, draft 2017) and Directive 2011/92/EU as amended by Directive 2014/52/EU.

- 6.3.6. The Analysis also has had regard to the parameters set by the BRE Guide in section 2.2 in what constitutes an adverse impact on access to daylight for existing building. ('If any part of a new building or extension measured in a vertical section perpendicular to a main window wall of an existing building from the centre of the lowest window subtends an angle of more than 25 degrees to the horizontal then the diffuse daylighting of the existing building may be adversely affected. This will be the case is the VSC measured at the centre of the existing main window is less than 27% and less than 0.8 times its former value.') A similar 3D digital model of proposed , existing and previously permitted was used as in the case of the shadow analysis.
- 6.3.7. The analysis does not quantify the overshadowing of the balcony/terraces of Block C or the adjoining block to the south. The shadow study diagrams however illustrate the existing and proposed shadowing in a range of typical scenarios.
- 6.3.8. On balance, I am satisfied that there is adequate information in the analysis to assess the impact of the proposed development.

Access to Sunlight

- 6.3.9. It is explained in the first instance that there are no residential buildings to the north east or west. Accordingly, the BRE guide does not identify a need to undertake detailed quantitative analysis for potential impact of shadows cast on windows which do not face within 90 degrees due south. Nevertheless , ARC undertook an analysis of a sample range of existing windows to the south and south-east and mostly within Block C which has up to 6 storeys of apartments over the elevated ground floor retail premises. I consider this reasonable.
- 6.3.10. The results of this analysis on sunlight access are quantitatively set out in Table 2.1, Impact of the proposed development on sunlight access to sample windows in

existing buildings in proximity to the application site. This table illustrates how existing annual sunlight access is quite low for the nearest building (Block C) and will be further reduced. For example Window 01 Floor 01 receives an existing 16% of Annual Probable Sunlight Hours and this will be reduced to 1%. Window 2 - Floor 01 receives 4% of Annual Probable Sunlight hours which will be reduced to 0%. Windows 07- Floor 01 receives 18% and this will be reduced to 0%. There is no change to windows 03, 04 and 05 - Floor 1. While I accept that the sunlight access is low due to the orientation and also partly due to the overhanging details in Block C, a number of windows will experience significant losses as a consequence of the proposed development, for example from 16% to 1% from 18% to 5%, from 20% to 7% and from 43% to 31% of Annual Probable Sunlight Hours.

Access to Daylight

- 6.3.11. The potential impact of the proposed development on daylight access (Vertical Sky Component) to windows within neighbouring existing buildings is quantitatively summarised in Table 3.1. Results of ARC's analysis of the potential impact of the proposed development on daylight access (Vertical Sky Component) to windows within neighbouring buildings. In this analysis a sample range of windows from levels 01 to 03 are similarly used as in the case of quantifying sunlight access.
- 6.3.12. Section 2.2 BRE Report provides a stepped approach in determining impact on existing buildings as follows:
- (i) Is the separation distance greater than three times the height of the new building above the centre of the main window? In such cases the loss of light will be small. If a lesser separation distance is proposed further assessment is required.
 - (ii) Does the new development subtend an angle greater than 25° to the horizontal measured from the centre line of the lowest window to a main living room? If it does further assessment is required.
 - (iii) Is the Vertical Sky Component (VSC) >27% for any main window? If VSC is >27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum.
 - (iv) Is the VSC <0.8 of the value before? The BRE guidance states that if VSC with new development in place is both, 27% and, 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.

(v) In the room impacted, is area of working plan which can see the sky less than 0.8 the value of before? (i.e., of 'yes' daylighting is likely to be significantly affected). Where room layouts are known, the impact on daylight distribution in the existing buildings can be assessed.

- 6.3.13. Having regard to the multiplicity of units and associated window heights, the proposed separation distances at 7.5m to 10m and the overall height of the proposed building there is potential for reduced skylight in existing residences. This is borne out in the data provided. The existing VSC is below 27% in all existing windows as illustrated and this is set to be reduced to below 0.8 of these levels in a number of incidences. On the basis of the available VSC alone, as a consequence of the development, the impact would be adverse. Details have not been provided to calculate the working plane of the receptor rooms but on the basis of the VSC such detail is not necessarily required.

Assessment of Impact

- 6.3.14. While the access to sunlight and daylight is considerably reduced as a consequence of the proposed development in the neighbouring residents in Block C, the magnitude of this reduction is qualitatively assessed as being 'moderate' in the final analysis of ARC's report. I do not agree with this conclusion having regard primarily to the baseline for assessment by ARC. ARC's report, relies on the fact that the impact on rooms on the western side of the existing apartments will be less than that permitted in the cases of PA ref D04A/0681, D07A/0131 and D08A/0874. It is also pointed out that the existing level of sunlight to the neighbouring building is already considerably below the levels recommended in the BRE Guidance with some windows receiving as little as 4% of annual probable sunlight.
- 6.3.15. The conclusion of the analysis relies principally on the previous office development in Block B3, for which permission has expired, as a benchmark and this approach is based on Appendix F of the BRE guidance which is cited in respect of guidance for allowing for extant permissions. This however is not the case as, notwithstanding the completion of works at basement level as part of the wider scheme, permission has expired and the case in fact is that there are established residences. Even with an extant permission, Appendix F states 'However since the permitted scheme only exists on paper it would be inappropriate for it to be treated in the same way as an

existing building and for the development to set 0.8 times the values for the permitted scheme as benchmarks.'

- 6.3.16. The planning authority assessment is critiqued in its absence of reference to the standards previously permitted. While I accept that apartments were constructed and likely purchased in the context of a larger composite development including the subject site (which was, for example, initially the location of a landmark dome building) and perhaps some latitude should be given to, that context, the prominent location and constraints of the site such as its narrowness and need to complete block edge, the proposal must also be assessed on its merits and by reference to current guidance. I refer in this regard to the Sustainable Urban Housing Design Standards for New Apartments Guidelines (updated 2020) which require that developments are assessed by reference to the BRE standards as cited.
- 6.3.17. By reference to these current standards, in my judgement, the residents in the opposing block C will notice a significant loss of light. Having regard to the established residential units I consider the proposed development would result in an unwarranted significant degradation of quality of natural light for the existing residents and would therefore seriously injure residential amenity.
- 6.3.18. Even if the Board was to have regard to the previous permission, I do not consider it reasonable to further intensify development to what would amount to any retrograde step in protection of amenities. In this context there is a moderate impact consequent marginally improvement in its impact on most of the sample windows as compared to the previously approved offices block. There are however other considerations as highlighted in respect of the nature of the use, relationship between existing and proposed blocks and potential for nuisances and loss of amenity.
- 6.3.19. In view of the guidance for lighting of buildings, I consider there is a case to be made, at the very least, to reduce the bulk of the proposed building to permit significantly improved levels of access to natural light.

6.4. **Visual**

- 6.4.1. The architects' department of the planning authority dispute the landmark quality of the proposed development advocating a more innovative structure that defines the prominent edge location and wider context. The planner's report acknowledges the

acceptable quality of materials and finishes but similarly echoes the concerns about height, floor levels and assimilative streetscape issues. Aside from the streetscape issues, there is I consider the aspect presented to the existing residents.

6.4.2. The applicant makes the case that the façade treatment and solid to void relationship permitted by balconies associated with a residential use, provide visual interest and that the contemporary design is of a high quality in both form and finish and I note the design rationale in this regard. I agree that visually the composition has a rhythm and tapestry quality which creates visually interest in the otherwise assimilative form relative to the existing pattern of development in both mid and distant views from the surrounding environs. This could be read to improve the existing incomplete streetscape. The tapered toothed profile relates well to the tapered sentinel building to the north east in the adjacent block and in this way creates a continuity in the wider realm. I would however concur with the assessment that the overall treatment lacks a landmark quality. In this regard I note the definition of such in Appendix 9 of the CDP and as cited in this report.

6.4.3. Moreover, the near views from the passageway and particularly as viewed from opposing residences would, I consider, by reason of proximity, be oppressive and create a sense of overcrowding. The block rises from 19.48m above the passageway level to parapet height at the northern end and then steps up to 25.28m above the passageway level on approach to the plaza. While the recessing of the existing apartments allows for a separation of up to 12.9m from the windows (12m from the balcony) and provides for some relief, this is off set by the expansive blank wall. While I note the angled windows, toothed profiling and potentially light reflecting materials, I consider the massing of the block abutting the existing block and extending some 80m in width at the heights proposed along this frontage in such close proximity to the opposing Block C would be considerably overbearing. Maintaining the Dublin Bay views from the apartments is not a basis for refusing the development, however, the overbearing impact of a nine-storey high structure in such close proximity and at this orientation is a significant consideration.

6.4.4. Accordingly, in view of the foregoing, I consider the scale and form of the proposed residential block to be inappropriate for the development site having regard to its interface with established residential apartments. I do not consider it to accord with the Sustainable Residential Development in Urban Areas – Guidelines for Planning

Authorities (2009) which state that, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of an established character and the need to provide residential infill.

- 6.4.5. On balance, while I note the merits of visually completing the Blackthorn Drive streetscape, I consider the proposal to lack sufficient landmark qualities and to constitute a retrograde development for the adjacent residents in the area and for this reason cannot be considered to make a positive contribution to the existing built environs and accordingly, would not enhance and reinforce the sustainable development of area and would be contrary to the SUPF objectives and to the proper planning and sustainable development of the area. Accordingly I consider the reasons, for refusal relating to form and visual impact to be reasonable.

6.5. Open Space

- 6.5.1. Private: The apartments are each provided with adequate private open space in terms of qualitative standards and this is not a significant issue I note in the submissions and does not require further assessment.
- 6.5.2. Public open space/communal open space: This type of space is proposed in the form of a 241.2 sq.m roof garden and indoor residents' amenity room. An upgrade of existing open space in the plaza serving existing development is proposed with the provision of a publicly accessible play area in a 520 sq.m delineated area. The features include a climbing frame as detailed in the landscape section drawings submitted in the appeal. While I note objections in respect of the burden of cost for existing residents and the anti-social behaviour and noise, I consider this a positive addition - it caters for younger families who require more immediate and accessible facilities where adults may more readily avail of the more distant local facilities that are being upgraded. The proposed development also includes a bridged access to the courtyard roof garden space into adjacent block C. The link is anticipated to facilitate mutual sharing of spaces and bring variety to the residents. This courtyard is however excluded from the delineated site area and there are no proposed landscape or amenity upgrade measures which I consider necessary if the area is to be included and assessed for suitability of intensification.

- 6.5.3. The planning authority has not unreasonably in my judgement, concerns about the adequacy of accessible and usable open space.
- 6.5.4. As a baseline, I note the development plan requires in the order of 15-20 sqm per person which, based on 3.5 person for 3 bed units and 1.5 persons for one and two bed units which amounts to 107 persons, would require in the order of 1605- 2140 sq.m of space to serve the proposed development. However the plan also provides for a more flexible approach to the delivery of such space and also delivery of more intensive facilities. There is also the option of in lieu contributions. There is however a default minimum of 10% which in this case should be applied to the entire block organised around the central plaza however a breakdown of accessible open space is not provided as part of the application. The site by itself should provide 162 sq.m. of high-quality space at minimum. However, by reference to Appendix 1 of the Guidelines and applying 6sq.m. for the two bed units I estimate a need for provision of 343 sq.m. of public/communal open space which is not unreasonable for a 9-storey apartment block.
- 6.5.5. The 2018 guidelines I accept allow for a relaxing of standards in sites of less than .25 ha . However, while the range of communal space (including internal) and activities as proposed could be considered acceptable in principle, there are design challenges. The Wind Microclimate Desk Based Assessment maps the outdoor area on the basis of comfort as influenced by the wind conditions due to local climate and natural and manmade topographical features. Of note, the eastern side facing the existing apartments is identified as the more sheltered area – being suitable for standing, whereas the other side fronting the Blackthorn Drive is more exposed. Such conditions would favour a potentially more intrusive location for the residents of Blocks C1 and C2. Mitigation features such as balustrade screening at 1.5m high and planters were initially proposed as wind mitigation measures and would I accept provide some screening. This has been revised to 1.9m (800mm high planter and 1.1m glass screen.) It is however not clear if this increases overshadowing. An alternative would be to recess and obscure the screen and this would improve this privacy and overshadowing although it would reduce the area of the more 'comfortable' zone. The submitted drawings however, which do not include detailed specification, show, what I consider, an already restricted residual space.

- 6.5.6. In terms of amenity for residents, I would have reservations about its capacity for high quality open space to counterbalance a quantum that is significantly below that typically guided for 107 bedspaces and contrary to Objective MC5 of the SUFP . This would also have knock on effects on neighbouring amenities and ultimately would contribute to a substandard form of development.
- 6.5.7. Finally, notwithstanding my reservations, in respect of quality of open space I make the following comments. Section 3.3 of the BRE guidelines state that good layout planning for daylight and sunlight should not limit itself to providing good natural light indoors. Sunlight in the intervening spaces has an important impact on appearance and ambiance. It is recommended that at least half of the amenity areas should receive 2 hours of sunlight on 21st March. The submitted details include a shadow study of the proposed development plotted throughout the year and from sunrise to sunset. This shows that the intervening space between Block C and the site – i.e. the boulevard will be mostly in shade - it is shown to be only partially shaded on June 21st Summer Solstice. The proposed play area in the plaza is in an area where there is optimal sunlight throughout the year and comfortably meets with the minimum requirement . I also note the courtyard roof space over block C has access to sunlight from noon to 3pm in around 50% of the space during the March 21st – equinox. Obviously, the roof terrace will be largely unobstructed. The development therefore in regard to open space meets with the minimum requirements. I consider there is a case to be made for shadowing the passageway on the basis of urban design, its potential active use and potential for illumination by glazed and active frontages.

6.6. Apartment standards

- 6.6.1. By reference to the criteria for a 50+ unit scheme as contained in Sustainable Urban Housing: Design Standards for New Apartments (2018 and 2020) and Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009), the proposed apartments are of good quality in many respects. The mix generously provides for 2 and 3 bedroom units with more spacious than average floor areas ranging from 53sq.m. to 115.9 sq.m. Dual aspect is provided in 70% of the units as compared to the minimum 33% requirement set by SPPR4. The lift core capacity is generous in that it serves up to 7 units which is well within the 12 units

limit. The less favourable elements include the inconvenient locations of the bin store and bicycle parking but this is likely to be addressed by a design modification and is unlikely to be an insurmountable issue.

- 6.6.2. The other elements relate to the street level units and public interface and essentially an absence of defensible space and landscaped buffer. This is addressed in part by the design and inclusion of duplex units at street level and with elevated balconies and by modest design amendments to landscaping as submitted in the grounds of appeal. For example, 923mm deep planters with planting to a height of 900-2200mm are proposed in front of the street level windows and these are stated to be comparable to the railed enclosures of many Victorian urban cottage terraces. I also note the noise assessment indicates that adequate amenity can be provided through appropriate insulation allowing for venting but with closed windows. Notwithstanding these measures and the benefits to the street, I consider the amenity value would be inhibited by the street level presence and interface with a busy road and industrial type area. This could be addressed by changing the ground floor use in a revised design.

Daylight Access within the proposed development

- 6.6.3. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines states that the appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlines in guides like BRE as cited in this report. Failure to meet this criteria for daylight must be clearly identified and a rationale for a comprehensive must be set out.
- 6.6.4. The sunlight and daylight analyses report and as appended in the appeal, illustrates how the proposed apartments for the most part exceed minimum requirements as set out in the BRE guidance as previously cited, in respect of access to daylight. Table 4.1 Predicted Daylight Access to Sample Rooms within the Proposed Development includes an analysis of the most vulnerable rooms such as those at lower levels. Accordingly a worst case scenario is provided for. The sample also

includes bedrooms and the open plan kitchen/living dining room space. In the addendum report by ARC submitted with the grounds of appeal the range of rooms is extended to address the concerns of the planning authority in respect of 6 bedrooms in the internal face – south east elevation in floors 1 and 4. The predicted ADF levels for are set out in Table 1 Predicted Daylight Access to sample rooms within the proposed development. I am satisfied that there is sufficient information to assess access the daylight.

- 6.6.5. The assessment is based on the BRE Guide which in turn cites BS 8206-2 which has been superseded by BS EN 17037:2018 but I am satisfied that this does not materially affect the outcome of the analyses. Accordingly I accept the methodological appropriate.
- 6.6.6. The BRE guide I note states that daylight provision in rooms may be checked using the average daylight factor (ADF). The ADF is a measure of the overall daylight in a space ... BS 8206-2 Code of Practice for Daylighting recommends an ADF of 5% for well daylit space and 2% for partly daylit space. Below 2% the room will look dull and electric lighting is likely to be turned on. In housing BS 8206-2 also gives minimum values of ADF of 2% for kitchens, 1.5% for living and 1% for bedrooms . The BS EN 17037:2018 I note, maintains these values.
- 6.6.7. The predicted ADF which is, I consider, based on acceptable methodology, ranges from 3.36%- 5.03% in the open plan kitchen/living/dining room space in five units at Floors 00 and 01 and these levels well exceed the highest minimum requirement for such uses which is 2% for kitchens. The addendum appended to the grounds of appeal predicts an Average Daylight Factor range of 3.72% to 4.97% for the bedrooms of concern to the planning authority and the levels well exceed the recommended 1% for such rooms. Accordingly, having regard to the BRE Guide and BS 8206-2:2008 I consider it reasonable to concur with ARC's conclusion that all unit types proposed as part of the subject development have the potential to achieve a level of daylight in excess of the minimum levels recommended by the BRE guide.
- 6.6.8. There is no sunlight analysis other than the shadow studies. However in view of the open aspect and orientation of the north west elevation together with the extent of dual aspect, I do not consider this necessary.

6.6.9. The other element relates to overlooking which has already been addressed in this report. In the case of the subject development, the layout which provides for ancillary windows on the narrow passageway side mitigates the impact for future occupants however the juxtaposition of opposing bedroom windows is likely to result in a loss of privacy. It is for this reason primarily the proposed development would result in sub-standard accommodation.

6.7. Car parking

- 6.7.1. The site is highly accessible; it fronts onto Blackthorn Drive close to its junction with Carmanhall Road – both are key distributor roads within the District (50kph limit applies) which include pedestrian and cycle facilities and the site is also close (7-8 minutes walk) to the Stillorgan Luas stop where an interchange is proposed. (SUPF objective TAM2.) A range of objectives also seek to enhance the provision of alternatives to car usage and these measures include traffic calming, cycling and pedestrian facilities and shuttle buses to Luas and Blackrock Dart.
- 6.7.2. In this case it is proposed to provide 31 car park spaces in a storage area in an existing basement within the development complex. This amount however, quantitatively falls considerably below development plan standards of 1 space per 1 bed units, 1.5 spaces per 2-bed unit and 2 spaces per 3 bed unit. It is also significantly below the rate of provision as permitted in the case of ABP ref. 304405 close to the site and closer to the Luas stop. In that case the rate of 508 spaces was approved for a 428 apartment scheme with ancillary uses. (32 of these spaces were allocated to retail and creche uses). I accept that section 8.2.4.5 of the development plan allows for reduced parking in circumstances where the site is well serviced by quality public transport and this is further supported by the Apartment guidelines (2018/2020) in section 2 which allows for reducing car parking subject to adequate provision for drop-off, visitors and those that are mobility impaired. I note the Transport Statement submitted by the applicant, and as elaborated upon in the grounds of appeal, sets out the context and a range of measures which include use of the parking bay to the front and use of the 1850+ space basement car park in the Beacon South Quarter. While further details are needed regarding the cumulative capacity and management, I consider on balance that there is in principle a

reasonable case to be made to permit reduced parking . Accordingly while there are outstanding issues, I do not consider that a refusal is wholly warranted on this basis.

6.7.3. With respect to the site delineation and exclusion of the basement I do not consider this to be an insurmountable issue given the ownership, letters of consent from the Beacon Quarter Management company and that the matter, in the event of a grant of permission, could be addressed within the scope of the application by condition or as a precautionary measure by revised notices.

6.7.4. With respect to construction traffic, I consider such matters can be ordinarily addressed through an agreed construction management plan and does not constitute grounds for refusal of permission.

6.8. Other matters

6.8.1. Management/quality issues: The residents are concerned about the enduring impact of a lower order scheme that may displace established residents. They feel disenfranchised in shaping the direction of residential development within their shared environs. However, critically, they object to directly bearing the social and economic costs of additional demands on existing infrastructure particularly as it is, as they see it, a profit maximisation exercise at their expense. I have addressed the amenity issues and concur that in this instance for example that the provision of open space is deficient and this underlines the need to adhere to the land use objective of this mixed use inner core where residential use is at capacity at this particular location. With respect to the criticism of essentially a more corporate approach to housing, this issue is partly addressed in the case of own door houses by the introduction of restriction on occupancy in the Section 28 Ministerial Planning Guidelines, Regulation of Commercial Institutional Investment in Housing (May2021) but these restrictions are not applicable to apartments. The concerns relate to a wider urban dynamic and socio-economic issue and is in part addressed in the development plan objectives that is shaped in a democratic process within the framework of the Planning Acts.

6.8.2. With respect to the Building Complex Management – a management company is required as part of apartment development, the details of which are ordinarily submitted for agreement with the planning authority, however the detailed provision

of voting rights and such like is more properly guided under more focused legislation and regulations and is not strictly within the remit of the Board. Similarly, the issue in respect of Building Regulation compliance and safety implications for residents of connecting apartment blocks and knock-on impacts for insurance and costs is dealt with under a separate legislative code and in this instance does not require further assessment for compliance.

6.8.3. Drainage Engineering : The addendum report by Punch engineering addresses the engineering issues raised in the appeal and by the planning authority. There are three matters:

- Some remedial measures are identified for the attenuation tank to ensure its safe and continued operation.
- The green roof design is clarified in drawing 1882257 Rev PL2 and the PV cells allow for a green roof underneath.
- Based on the SSFRA, there is no flood impact on buildings. It is explained how the flooding mechanisms work in the area and that flooding is contained within the kerbs. No more topographical surveys of Blackthorn Drive are considered necessary as it will have no bearing on flood risk to existing property.

I do not consider that there are any substantive issues with regard to drainage and flooding and am satisfied the detailed requirements can be addressed by condition.

6.9. Material contravention

6.9.1. The planning authority's reason 2 for refusal is based, in part, on what is described as a material contravention of MC4 which seeks to restrict residential units in the mixed-use core and accordingly, the provisions of section 37 apply in the Board's consideration of this matter. Having regard to these provisions it is my opinion that:

- While the provision of a single housing scheme as a cumulative measure in achieving the objectives in the Government's Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and in achieving higher densities in brownfield sites as advocated in NPO 35 (to increase residential density in settlements through a range of measure including *inter alia* increased building heights) of the national Planning Framework could be construed to be of

strategic or national importance, I consider the shortcomings of the scheme, primarily in terms of its impacts on existing residential amenities, render the development to be inconsistent with NPO 33 (as cited in section 4.2.1 of this report) and in conflict with NPO11 in potentially undermining the consolidation of a plan-led employment centre. The proposal does not therefore comply with national policy. In this context and having regard to the scale of the development I do not consider the development to constitute a project of strategic or national importance.

- The development plan objectives as contained in the Sandyford Urban Framework Plan in Appendix 15 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 for the site are clear in terms of residential land use.
- Having regard to the nature and scale of the proposal which is deficient for reasons outlined in this report, there is insufficient policy basis to support the proposed development nor does the pattern of development and planning history support such development.

Accordingly I consider, in this case, that permission for the proposed development would constitute a material contravention of the development plan and the Board, in such circumstances, is precluded from granting permission.

6.10. Appropriate Assessment

- 6.10.1. Having regard to the nature and scale of the proposed development - an infill residential 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.

7.0 Recommendation

- 7.1. I recommend that permission be refused for the proposed development based on the following reasons and considerations.

8.0 Reasons and Considerations

1. The proposed development is located within a designated Mixed Inner Core (MIC) where it is an objective (MC4) to limit the number of additional residential units. Having regard to the policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Sandyford Urban Framework Plan 2016-2022 as contained in Appendix 15 and to the provisions for a predominance of employment uses in the site and environs, it is considered that the proposal for additional housing at this location would constitute an unacceptable quantum of residential development at this location, would contravene materially objective MC4 and would directly conflict with the provisions of the SUFP for balanced land use and a plan-led approach to sustainable development. In such circumstances, the Board is precluded from granting planning permission.
2. The proposed development represents a poor form of development by reason of proximity and relationship between the proposed development and units to the east, insufficient open space, and street level residential units at this location. Cumulatively, the proposed development would not provide a high quality living environment for future and existing residents of the neighbouring blocks. The proposed development would seriously injure the amenities and depreciate the value of residential units to the east by way of loss of privacy, undue disturbance, overshadowing and visual intrusion. The proposed development would therefore be contrary to the guidance in respect of quality housing and protection of amenities as provided for in Sustainable Urban Housing: Design Standards for New Apartments (2018 and 2020) and Sustainable Residential Development Areas – Guidelines for Planning Authorities (2009) and would therefore be contrary to the proper planning and sustainable development of the area .

Suzanne Kehely
Senior Planning Inspector
7th October 2021