



An
Bord
Pleanála

Inspector's Report ABP-308440-20

Development	Amendments to previously approved development (reference D19A/0201, ABP-305309-19) to apartment block
Location	Oldmeadow, Priory Avenue/Grove Avenue, Blackrock, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20A/0529
Applicant(s)	Hanobu Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party V Refusal.
Appellant(s)	Hanobu Limited.
Observer(s)	1. Val and Kay Marren 2. Linda and Bill McEnroe
Date of Site Inspection	7 th May 2021.
Inspector	Susan McHugh

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1.0 Site Location and Description

- 1.1. The appeal site is located on a large corner site, at the junction of Priory Avenue, Avoca Avenue and Grove Avenue, Blackrock, Co. Dublin. It is approx. 1.2km from Stillorgan District Centre and 650km from the N11 QBC.
- 1.2. The surrounding area is generally characterised by detached dwellings of varying architectural styles on substantial sites, a number of which are protected structures.
- 1.3. The site is bounded to the north by Priory Avenue, from which access is provided and to the east by Grove Avenue. A small infill development of three no. houses is located to the south along Grove Avenue. 'Forgney Grove', 1 Grove Avenue, adjoins the appeal site and abuts the southern boundary of the appeal site.
- 1.4. The site is bounded to the west by a detached two storey house, Kab-Ri-Yan, Priory Avenue.. A detached two storey house 'Cornerways' is located opposite the northern boundary of the appeal site on Gove Avenue, and a detached two storey house 'Magenta' is located to the east, on the opposite side of Grove Ave.
- 1.5. The appeal site benefits from an approved residential scheme of houses and apartments, including demolition of the original house on site 'Old Meadow'. Site development works have commenced, with the house removed and the foundations in place.
- 1.6. The stated area of the appeal site is 0.2543.

2.0 Proposed Development

- 2.1. Permission is sought for amendments to previously approved development, reference D19A/0201, ABP-305309-19. Proposed alterations comprise of:
 - Inclusion of plant room within the ground floor of the permitted apartment block, and omission of the secondary ground floor entrance into the apartment block
 - Addition of 2 no. 2 bedroom apartments and associated open space and amendment of the apartment block from 4 storeys to 5 storeys and internal modifications to the permitted apartments layouts

- Amended fenestration detail on all elevations with some additional openings, amendments to finishing materials, omission of chimneys, amendments to finished floor levels of the terraced houses, units 1-5
- Revisions to bin store and pedestrian entrance off Grove Avenue
- Relocation of pedestrian entrance off Priory Avenue and amendment of the boundary treatment to Priory Avenue
- Amendment to the southern boundary wall between the subject site and the adjoining neighbour, 'Forgney Grove', 1 Grove Avenue, Blackrock, Co Dublin
- Relocation of the secure cycle parking structure and the addition of 2 no Sheffield bike stands to accommodate 4 no. additional cycle parking spaces
- All associated site works necessary to facilitate the development.

2.1.1. Public notices note the development is otherwise identical to that approved, in terms of site and road layout, car parking, drainage, and the unit areas provided.

2.1.2. The application was accompanied by the following;

- Planning Report Extend Architects
- Shadow Diagrams Extend Architects
- Engineers Report Magahy Broderick Associates

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to **refuse** permission for the above described development for 3 no. reasons:

1. 'The proposed development, by reason of its scale and height is considered to be out of character with the surrounding areas and Section 8.2.3.4(vii) (Infill) of the Dun Laoghaire-Rathdown- County Development Plan 2016-2022. The applicant has failed to demonstrate how the proposal complies with Appendix 9 (Building Height Strategy) of the Dun Laoghaire-Rathdown- County Development Plan 2016-2022 or the Urban Development and Building Heights, Guidelines for Planning Authorities (2018, DoHPLG) and the Planning Authority is not satisfied that the additional height can be readily

absorbed at this prominent location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposal fails to accord with Section 8.2.4.5 (Car Parking Standards) of the Dun Laoghaire-Rathdown- County Development Plan 2016-2022 in terms of resident and visitor off street car parking and is likely to result in on-street car parking pressures within the surrounding network. The lack of sufficient off-street car parking spaces will result in residents and visitors parking on the streets in the surrounding area and would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposal does not comply with Section 8.2.8.2 (Public/Communal Open Space-Quantity) of the Dun Laoghaire-Rathdown- County Development Plan 2016-2022 as it fails to provide adequate quantum of communal open space and play space for the proposed development. The proposed modifications to the permitted landscaping and open space layout results in a degradation of the communal open space provision on site and will result in a poor level of amenity for future residents. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.'

3.2. Planning Authority Reports

3.2.1. Planning Report (dated 18/09/2020)

Basis for planning authority decision.

- It was concluded that the Planning Authority has significant concerns regarding the visual impact of the proposal, that the additional height is at odds with the character of area, and applicant has not been demonstrated that the additional height can be absorbed at this location. The applicant has not presented an evaluation of the proposal against the Building Height Strategy (Appendix 9) of the current CDP or the National Building Guidelines.

- Proposed apartments are ideally suited to families but with no uplift in communal open space represents a degradation of the communal open space previously permitted under Reg.Ref.D19A/0201. This would result in a substandard and sub-optimal open space for future occupants. It was also considered that there was insufficient car parking provided which may result in on street car parking.

3.2.2. **Other Technical Reports**

- **Transportation:** Report recommends refusal.
- **Drainage:** Report recommends no objection subject to conditions.
- **Parks and Landscape Services:** Report recommends refusal.
- **Housing:** Report recommends no objection subject to conditions.

3.3. **Prescribed Bodies**

- **Irish Water:** Report recommends no objection.

3.4. **Third Party Observations**

A number of third party observations were received by the planning authority from the following parties;

- Grove Lawn Residents Association C/o Frank Guilfoyle
- Niall and Karen Anderton Kinara, 3, Priory Avenue, Blackrock
- Martin and Irene Browne Magenta, Avoca Avenue, Blackrock
- Derek Humphreys and Tom Callan No. 8 Grove Lawn, Blackrock

Issues raised can be summarised as follows;

- Traffic safety/car parking
- Scale, height, form and impact on the character of the area
- Impact on residential amenity
- Justification for demolition of existing building on site

- Open space provision

4.0 Planning History

P.A.Reg.Ref. D20A/0322 ABP-307722-20: Permission **granted** January 2021 for minor amendments to previously approved development (D19A/0201, ABP-305309-19) for apartment block.

P.A.Reg.Ref. D19A/0201 ABP-305309-19: Permission **granted** December 2019 for demolition of dwelling and associated outbuildings and construction of 5 houses and 9 apartments to Hanobu Limited. The apartment building is part 3 storey/part 4 storey. Conditions of relevance to the current appeal include;

Condition No. 4 Requirement to submit a tree protection plan and supporting arboricultural report.

Condition No. 8 Requirement to submit a revised landscaping plan which provides for additional native canopy tree planting to the east of car parking space no. 18 and to the east of apartment no. 6.

5.0 Policy Context

5.1. Section 28 Ministerial Guidelines

The following guidelines are considered of relevance to the proposed development.

- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' issued by Department of Housing, Planning and Local Government, March 2018.
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018, DoHPLG)

5.2. Development Plan

- 5.2.1. The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016 – 2022. The subject site is zoned A: "To protect and/or improve residential amenity."

Relevant policies and objectives include:

Policy RES 3: It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.

Section 8.2.3 refers to Residential Development

Section 8.2.3.2 refers to quantitative standards for residential development.

Section 8.2.3.4 (vii) Infill: New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

Section 8.2.4.5 refers to Car Parking Standards

Table 8.2.3 refers to Residential car parking standards

Section 8.2.8.2 refers to Public/Communal Open Space - Quantity

Section 8.2.8.3 sets out standards for Private Open Space - Quality

Appendix 9 Building Height Strategy

Section 4.8 of the Building Height Strategy (Policy for Residual Suburban Areas not included within Cumulative Areas of Control). Policy highlights that apartment or town-house type developments to a maximum of 3-4 storeys may be permitted in appropriate locations – for example on prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes – providing they have no detrimental effect on existing character and residential amenity. Policy also highlights that the maximum height of 3-4 storeys for certain developments within ‘Residual Suburban Areas clearly cannot apply in every circumstance and there will be situations where minor modifications up or down in height could be considered. These are known as Upward or Downward modifiers.

5.3. Natural Heritage Designations

There are no designated areas in the general vicinity.

5.4. EIA Screening

Having regard to the nature of the development comprising modifications to a permitted residential scheme and the urban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal against the decision to refuse permission by the planning authority has been lodged by Kiaran O'Malley & Co. Ltd., Town Planning Consultants, on behalf of the applicant. The appeal was accompanied by photomontages/verified images and a revised site layout plan. In summary, the appeal states:

Reason for Refusal No.1

- Proposal is in compliance with the development management criteria in Section 3.1 of the Urban Development and Building Height Guidelines.
- Proposal is at a scale of the relevant city/town, and the site is very well served by high quality, high frequency public transport.
- Proposal will not have a visual impact beyond its immediate site environs as it is not of a scale to impact at city or town level, so a landscape and visual impact assessment is not required. Verified images demonstrate the localised visual impact of the additional height which would be neutral to positive in the context of the approved scheme of 3 and 4 storeys.
- Proposal is consistent with the approved scheme and would make a positive contribution to the streetscape.
- The apartment building would be a modest, articulated structure cognisant of its urban location at the junction of Priory Avenue and Grove Avenue.

- Additional height will enhance the legibility of the site and adjoining crossroads junctions without creating a detrimental visual impact. Approved site layout integrates with adjoining development at Forgneys Grove and respects the amenity and privacy of adjoining residential properties, while enhancing a sustainable mixed typology.
- Two bed unit plus study responds to need for dedicated home office.
- 2 no. apartments would be dual aspect and triple aspect units at third floor level with no restrictions to sunlight and daylight.
- Submit that that proposal complies with Building Height Guidelines development management criteria. Disagree with PA assessment, proposal will not affect the residential amenities of adjoining properties, and consistent with the emerging character of sustainable infill development in the area. Refer to 3 to 5 storey apartment building approved at 45 Woodlands Park (PL06D.302926).

Reason for Refusal No.2

- *Car Parking* - Provision of 20 no car parking spaces for 16 no. units would not result in overspill car parking onto adjoining public roads and or create a traffic hazard. Contends that the site is within an acceptable walking distance and notes the Transportation Dept. takes a different view to the PA. Submit that the proposed study is more likely to be used as a study rather than an additional bedroom thereby reducing car parking requirement.
- Note Board decision on referral PL06.RL 3557 that held the change of use of a study to a bedroom in an apartment scheme constitutes development and is not exempt development. Submit that planning permission would be required to change the use of the study in one of the two additional apartments to use as a bedroom. Argue Transportation Dept. concern about increased parking demand is without foundation.
- Appeal site is within walking distance of the N11 QBC served by a no. of Dublin Bus routes and one of the most successful QBC's in the city. Blackrock Dart Station is within 20 mins walk, and also served by Dublin Bus No. 17. The Board accepted provision of 26 no. car parking spaces for a

scheme of 26 no. apartment units, with no visitor parking in assessment of PL 06.302926.

- Proposal provides an average of 1.25 spaces per unit or 1 space per unit and 4 additional spaces for residents or visitors. Invite the Board to reject the second reason for refusal.

Reason for Refusal No.3

- *Communal Open Space* - Propose to relocate the bicycle store back to its approved location close to the western boundary of the site Extend Drg. No.XT-D-474 PA-003 and reinstates the landscape plan approved under D19A/0201. Quantum of communal open space would be 475 sqm exceeding the PA requirement of 379 sqm. No justification to insist on compliance with standard per section 8.2.8.2 when not sought previously under PA Reg.Ref.D19A/0201.
- *Trees along Eastern Boundary* – Landscape plan (Drg. No. 254-PD-01) prepared by Murphy + Sheanon included 11 no. native trees (Ornamental Cherry, Birch and Lime), consistent with compliance documents submitted to the PA for condition no. 8 of D19A/0201.
- *Footpath* – Submit that the addition of a footpath that provides for greater circulation and integration of the communal open space within the overall scheme and in particular the 5 no. dwellings, will not materially compromise planting along this boundary. No objection to the Board restating condition no. 8 as part of decision to grant permission.
- Reestablishment of the open space layout per the previous approved scheme that includes both sufficient quantum and usable open space and also provides for a play area, addresses reason for refusal.

6.2. Planning Authority Response

None received.

6.3. Observations

A number of third party observations to the appeal were received from the following parties;

- Val and Kay Marren Kab-Ri-Yan, Priory Avenue
- Linda and Bill McEnroe Cornerways, Grove Avenue

Issues raised can be summarised as follows;

- Contrary to the zoning objective
- Increase in density inappropriate
- Negative impact on residential amenity – Overlooking, loss of light and privacy
- Increase in height does not tie in with the site context
- Deficient in communal open space
- Inadequate provision of car parking, resulting in on-street parking causing danger for vehicles, cyclists and pedestrians
- Welcome the provision of the footpath but is of minimal value to the residents
- Increase in traffic
- Lack of detail on type of heating system proposed and whether external units are proposed.
- Omission of chimney on neighbouring house

6.4. Further Responses

None.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings:

- Density

- Height and impact on residential amenity
- Traffic Safety and Car Parking
- Public/Communal Open Space
- Other Matters
- Appropriate Assessment

I draw the Boards attention to the recent planning history and Board decisions for residential development on this site, which comprises 5 no. houses and 9 no. apartments, as outlined in section 4 of this report above.

The current proposal for 2 no. additional apartments was refused for three no. reasons. The first party appeal seeks to address each reason for refusal.

7.2. Density

- 7.2.1. The lands in question are zoned 'Objective A' – to protect and/or improve residential amenity. This proposal seeks to increase the number of apartment units by 2 (from 9 to 11), with only minor changes to the permitted 5 no. dwellings.
- 7.2.2. The site has an area of 0.2543 hectares and the amendments proposed to the permitted residential scheme equates to a residential density of 63 units per hectare. This compares to 55 units per hectare under the permitted scheme.
- 7.2.3. The site is located c. 650m from the N11 QBC. The proposal seeks to widen the housing mix in the area and would improve the extent to which it meets the various housing needs of the community. The density is considered to be appropriate for the site and in compliance with the relevant section 28 ministerial guidelines.

7.3. Height and impact on residential amenity

- 7.3.1. Reason for refusal no. 1 refers to the increase in building height which it is considered would be out of character with the surrounding area.
- 7.3.2. The proposal seeks to provide an additional floor above the approved part 3 part 4 storey apartment block. At third floor level the permitted penthouse apartment unit no. 14 is to be replaced with unit no.14 (2 bed) and unit no.15 (2 bed plus study). At fourth floor level unit no. 16 (3 bed penthouse) is proposed.

- 7.3.3. The PA were not satisfied that the additional height can be readily absorbed at this prominent location, noting that the applicant had failed to demonstrate compliance with CDP policy in relation to Infill Development, the Building Height Strategy, or the Urban Development and Building Heights, Guidelines for Planning Authorities (2018, DoHPLG).
- 7.3.4. The applicant in the grounds of appeal submit that the scale of the proposed development is in compliance with the development management criteria set out in Section 3.1 of the Urban Development and Building Heights Guidelines.
- 7.3.5. Regarding the matters of building height and adherence to existing pattern of residential development in the area as raised in the appeal, Ministerial policy as set out in 'Urban Development and Building Heights' Guidelines for Planning Authorities advises that the constant expansion of low-density suburban development around our cities and towns cannot continue.
- 7.3.6. Section 3.4 of the Guidelines refers to Building height in suburban/edge locations (City and Town) and it advises that for newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, should now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards).
- 7.3.7. The Guidelines advise that such developments also address the need for more 1 and 2 bedroom units in line with wider demographic and household formation trends, while at the same time providing for the larger 3, 4 or more bedroom homes across a variety of building typology and tenure options, enabling households to meet changing accommodation requirements over longer periods of time without necessitating relocation. Accordingly, having regard to the provisions of the Ministerial Guidelines in relation to Building Heights, I would accept that the principle of an apartment building of five storeys can be considered subject to all other relevant planning considerations being satisfactorily addressed.
- 7.3.8. The PA and third party observations raise concern regarding the visual impact of the modified proposal, including amended fenestration detail and finishes, and in particular to the western elevation of the proposed building which would, projecting forward significantly above the existing dwelling 'Kab-Ri-Yan' to the west. As noted

earlier the immediate area is characterised by two storey detached houses on large plots.

- 7.3.9. I refer the Board to the north and west elevations as permitted and proposed modifications Dwg.No.XT-D-474PA-010, and Dwg.No.XT-D-474PA-011 respectively. In my opinion, the elevational treatment of the additional units/floor, appears excessive in terms of massing, scale and height and fails to provide an appropriate graduation in height and therefore fails to integrate successfully, with the scale and height of existing adjoining development within the Priory Avenue and Grove Road streetscapes. I would also concur with the PA in that the parent permission was a carefully considered architectural response and provided an appropriate transition in scale on this prominent corner site'.
- 7.3.10. I refer the Board to the photomontages prepared by JQ design submitted as part of the first party appeal. View C is taken from Priory Avenue looking east towards the appeal site which in my opinion fails to illustrate the relationship between the proposed development and the existing dwelling to the west. Having reviewed the photomontages submitted, and from my site inspections, I can only reasonably conclude that the proposed amendments to the permitted apartments would be overbearing on the permitted houses within the scheme and adjoining residential properties.
- 7.3.11. In my opinion, the proposed amendments including additional fenestration and finishes to the permitted scheme would seriously detract from the visual and residential amenity of the overall scheme and adjoining residential properties, and would, therefore, detract from the character of the area.
- 7.3.12. The third party observations to the appeal raise concerns regarding overshadowing and overlooking of adjoining properties. In relation to the matter of overshadowing, a shadow study as prepared by Extend Architects with the application. Having reviewed the shadowing diagrams for December 21st and June 21st I note that the proposed development would not result in any additional shadowing compared to the permitted scheme.
- 7.3.13. On the Spring Equinox, 21st of March, I note that there would be some marginal additional overshadowing of the front garden of the dwelling to the west 'Kab-Ri-Yan' on Priory Avenue and to the north 'Cornerways' on Grove Avenue at 9am however, I

note that the front and side elevation of the dwellings would not receive additional shadowing. Accordingly, given that the additional shadowing would be very limited and there would be no direct additional shadowing onto the houses, I am satisfied that the proposed development would not unduly impact the amenities of neighbouring property in terms of overshadowing.

7.3.14. In relation to overlooking, I note the separation distances provided between the permitted apartment block and proposed apartments and rear garden of the existing dwelling to the west. In this regard I do not consider that the proposed amendments will result in significant overlooking of adjoining properties.

7.3.15. Having reviewed the proposed layout of the additional units relative to the existing surrounding properties, I consider having regard to the proposed siting of the apartment building and relative separation distances to the existing dwellings that the proposed scheme would not result in any undue overlooking or overshadowing of neighbouring residential properties.

7.3.16. I am not satisfied, that the applicant has demonstrated in the application or grounds of appeal that the increase in massing and height, and consequent modifications to the elevational treatment at third and fourth floor level of the apartment block can be readily absorbed at this prominent location, and would therefore detract from the visual amenity of the area.

7.3.17. I am satisfied, therefore, that first reason for refusal should be upheld on this basis.

7.4. Traffic Safety and Car Parking

7.4.1. Reason for refusal no. 2 refers to the lack of sufficient off-street car parking for residents and visitors, which would result in on street parking, and endanger public safety by reason of traffic hazard.

7.4.2. As noted above permitted development on site provides for 5 no. three bedroom houses and 9 no. apartments (2 no. 1 bed, 6 no. 2 bed and 1 no. 3 bed). The current proposal is for the addition of 2 no. 2 bedroom apartments, resulting in a total of 16 no. residential units (5 no. houses and 11 no. apartments).

7.4.3. The appellant submits that the provision of 20 no. car parking spaces to serve 16 no. units would not result in overspill car parking onto adjoining public roads and or

create a traffic hazard. It is asserted that an average of 1.25 car spaces per unit or 1 space per unit and 4 additional spaces for residents or visitors are provided.

- 7.4.4. In my opinion, it is simply untenable, to propose two additional two bedroom apartments without any additional car parking. I would also suggest that the attempt to apply a reduced car parking standard retrospectively to the permitted scheme is not acceptable.
- 7.4.5. The appellant makes reference to a Board decision where provision of 26 no. car parking spaces for a scheme of 26 no. apartment units, with no visitor parking was accepted under PL 06.302926. I have examined this case and note the location at Woodland Park, Blackrock. This development, however, is not directly comparable as it relates to a different mix of significantly smaller units. It refers to 26 no. apartment units (8 no. 1 beds and 18 no. 2 beds) and does not include any houses.
- 7.4.6. Table 8.2.3 of the Dún Laoghaire Rathdown Development Plan 2016 – 2022 sets out the car parking standards for residential schemes. The permitted development of 5 houses and 9 apartments provides 20 No. surface car parking. This represents a shortfall of 3 no. spaces based on the Development Plan standards.
- 7.4.7. ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ advise for accessible urban locations where apartments are proposed and that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. Suitable locations for such a reduction in car parking includes locations which are within 10 minutes walking distance of DART, commuter rail or Luas stops or within 5 minutes walking distance of high frequency (min 10 minute peak hour frequency) bus services.
- 7.4.8. Notwithstanding the shortfall in car parking of 3 spaces in the parent permission, the car parking provision was considered acceptable by the Board, given the location of the site in close proximity to the Stillorgan QBC.
- 7.4.9. The current proposal is for two additional apartments, with a requirement for 3 additional car parking spaces. Based on DLRCC CDP 2016-2022 Table 8.2.3 a total of 26 no. car parking spaces are required. It is proposed to provide 20 no. car spaces.

- 7.4.10. The report from the Transportation Section of the PA refers to Section 4.21 Intermediate Urban Locations of the DoHPLG Design Standards for New Apartments – Guidelines for Planning Authorities and notes that a reduction in the CDP car parking standard for the apartment part of the proposed development is appropriate. It calculated that 23 no. car parking spaces would be required, which is 3 No. car spaces more than proposed.
- 7.4.11. The report of the Transportation Section also had regard to the limited visitor car parking, the size of the apartments which include a study which could be used as an additional bedroom and likelihood of a significant higher car ownership. The Transportation Section noted the surrounding local road network which does not contain any designated parking and road carriageway widths are not wide enough to facilitate on street parking. The Planning Section concur with the assessment of the Transportation Section.
- 7.4.12. I can confirm from my site inspection that the roads in the vicinity of the cross roads are relatively narrow, and do not benefit from on street parking.
- 7.4.13. I am satisfied, therefore, given the shortfall in car parking proposed, the second reason for refusal should be upheld on this basis.

7.5. Public/Communal Open Space

- 7.5.1. Reason for refusal no. 3 refers to the inadequate provision of communal open space and play space which along with modifications proposed to the permitted landscaping and open space layout, would result in a degradation of communal open space provision and poor level of amenity for future residents.
- 7.5.2. Section 8.2.8.2 of 2016-2022 County Development Plan states that 'For all developments with a residential component (5+ units) the requirement of 15 sq. metres to 20 sq. metres of public/ communal open space is required per person based on the number of residential/ housing units. For calculation purposes, open space requirements are based on a presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms'.
- 7.5.3. The PA took the view that 2 apartments (No's 6 and 14) although described as 2 bed units should be classified as 3 bed units, based on their overall size and possibility of

the study in two of the units being used as a bedroom. The Development Plan requirement for the overall scheme was, therefore, calculated as a minimum 800sqm requirement of communal open space.

- 7.5.4. As set out in Appendix 1 of the Apartment Guidelines, the minimum required area for public communal amenity space is 5sq.m per one bedroom unit and 6-7sq.m per two bedroom unit, and 9sq.m per three bedroom unit. The requirement based on the mix of 5 no. dwellings using the Development Plan requirements is 300 sqm whilst the 11 No. apartments require 79sqm using the Guidelines. The minimal communal open space required for the scheme is 379sqm. The total area of communal open space stated on the drawings submitted is 500sqm.
- 7.5.5. I would concur with the PA that the actual functional and useable area of communal open space is significantly less than stated in the documentation and largely confined to the area to the west of the proposed apartment building.
- 7.5.6. The applicant has proposed a number of modifications to the landscaping layout in the grounds of appeal and submitted a revised drawing Extend Drg. No.XT-D-474 PA-003. The applicant submits that the amended quantum of communal open space would be 475 sqm exceeding the minimum communal open space requirement of 379 sqm.
- 7.5.7. I note that the CDP requirement for the permitted scheme was c.660sqm of communal open space, as compared to a minimum of 361sqm as per the Apartment Guidelines. An area of c.561sq.m was provided and considered acceptable by the Board.
- 7.5.8. In my opinion, however, the addition of two additional apartment units, with no commensurate increase in provision of communal open space, and overall reduction of approx. 86sqm (561sqm-475sqm) within the overall scheme given the mix of family sized units, is not acceptable in this instance.
- 7.5.9. The current proposal includes a number of revisions to the landscaping layout including the provision of a pedestrian path to the north and east of the site, which the PA consider reduces the functional and useable area of communal open space.
- 7.5.10. A number of other revisions to the permitted scheme are proposed including revisions to the bin store, relocation of pedestrian entrance off Priory Avenue and

amendment of the boundary treatment to Priory Avenue, relocation of secure cycle parking and addition of 2 no. Sheffield bike stands to behind the new boundary wall.

- 7.5.11. The PA have expressed concerns regarding the visual impact of the relocated proposed bicycle shelter given its proximity to the Priory Avenue boundary and modifications to the front boundary treatment. The PA note that the applicant has not demonstrated how the 2 mature trees adjacent to the Priory Avenue boundary will be preserved as a consequence of the proposed modifications. Condition no. 4 of the parent permission requires the protection of these existing street trees.
- 7.5.12. The PA raised concern in relation to the revisions to the layout would not allow additional native canopy tree planting along the eastern boundary as required under Condition No. 8 of Reg.Ref.D19A/0201 (ABP-305309-19).
- 7.5.13. The Parks and Landscape Services section of the PA considered that the amended development failed to provide adequate amenity open space for the scale of development as outlined in the CDP where attenuation structures are located are unsuitable for play spaces. I would concur with the assessment of the PA.
- 7.5.14. The applicant proposes a number of modifications to the layout of the communal open space in the grounds of appeal and have indicated a willingness to re-establish the open space layout as per the previous approved scheme.
- 7.5.15. Modifications include the relocation of the bicycle store back to its approved location close to the western boundary of the site Extend Drg. No.XT-D-474 PA-003 and to reinstate the landscape plan approved under D19A/0201.
- 7.5.16. In relation to native tree planting along the eastern boundary, the applicant refers to Landscape plan (Drg. No. 254-PD-01) prepared by Murphy + Sheanon included 11 no. native trees (Ornamental Cherry, Birch and Lime). The applicant has indicated that they have no objection to the Board including condition no. 8 of D19A/0201 as part of a decision to grant permission.
- 7.5.17. I have considered the merits of these modifications and am satisfied that they would indeed provide for an improved layout and provision of communal open space. However, I am not satisfied that there is a sufficient quantum of useable open space to serve the overall increased residential development as proposed.

7.5.18. I am satisfied, therefore, that given the shortfall in quantum and useable communal open space proposed to serve the overall scheme, the third reason for refusal should be upheld on this basis.

7.6. **Appropriate Assessment**

Having regard to the nature and scale of the development which consists of amendments to a residential infill development in a fully serviced urban location, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

8.1. I recommend that permission be **refused** for the following reasons and considerations.

9.0 **Reasons and Considerations**

Having regard to its scale and height of the amended scheme and additional units, to the inadequacy of public open space and car parking, the proposed development would result in an unacceptable overdevelopment and intensification of the site, and would act as an undesirable precedent for further such development, would injure the residential amenities of future residents of the development and of adjoining residential properties, and would therefore be contrary to the proper planning and sustainable development of the area.

Susan McHugh
Senior Planning Inspector

21st May 2021