



An  
Bord  
Pleanála

## Inspector's Report ABP-308597-20

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<b>Development</b>	Mixed-use development with 12 residential units and community facility.
<b>Location</b>	Clonsilla Road, Clonsilla Village, Dublin 15
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	FW20A/0046
<b>Applicant(s)</b>	Coastdawn Limited.
<b>Type of Application</b>	Planning permission.
<b>Planning Authority Decision</b>	Grant permission with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Ian & Sinead Reid.
<b>Observer(s)</b>	No observations.
<b>Date of Site Inspection</b>	4 <sup>th</sup> February 2021.
<b>Inspector</b>	Elaine Sullivan

## 1.0 Site Location and Description

- 1.1. The subject site is located on the southern side of the R121 – Clonsilla Road, and to the west of Clonsilla village. It is bounded to the north, south and east by low-rise residential development, with the established estate of Lambourn Avenue directly to the south and south-east. To the west, the site is bounded by an Applegreen convenience shop and petrol filling station. Although the predominant character of the surrounding area is residential, there are some commercial developments to the west. Cunninghams Funeral Home is directly beside the Applegreen site and a Lidl shop c. 100m away and on the north- west corner of the junction with the Clonsilla Link Road.
- 1.2. The site has a stated area of 0.09ha and is currently vacant and overgrown with some large trees along the eastern and western boundaries. There is a low-level wall with a vehicular access facing onto Clonsilla Road. The southern boundary facing onto Lambourn Avenue comprises a blockwork wall of 2m in height. There is another vacant site directly to the east of the site.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for a mixed-use development of 4 storeys in height, which would comprise the following elements;
  - 1 no. ground floor community facility (64sqm)
  - 10 x 1 bed apartments (ranging in size from 51 – 57m<sup>2</sup>)
  - 2x 2 bed apartments (88m<sup>2</sup> and 91m<sup>2</sup>)
  - 9 no. car parking spaces / 28 no. bicycle spaces
- 2.2. Alterations to the front boundary include the widening of the existing vehicular entrance and the provision of a new pedestrian access in the north-western corner of the site. Landscaping would be provided throughout the site.
- 2.3. The building would be positioned to the front of the site and would be set back from the public footpath by 6m. It would extend to almost the full width of the site and would incorporate an undercroft access to the surface car park behind. The upper levels of the building would be constructed over the access.

- 2.4. It is contemporary in style with a 3<sup>rd</sup> floor set back with pressed metal cladding. All balconies are recessed and framed with opaque glazed balustrades. External finishes include a mix of cut limestone cladding, pressed metal cladding and painted render.
- 2.5. At ground floor level the community room would be positioned to the front of the development and facing onto the road. A one-bedroom apartment would be located to the rear with internal bike storage for 20 bikes positioned between both uses and accessed from the residential circulation space. Private open space for this unit would be provided by way of a recessed terrace of 11.8m<sup>2</sup> which would face onto the car parking area. The terrace would be flanked by an opaque glazed screen of 1.8m along its length in order to prevent overlooking from the adjacent car parking spaces.
- 2.6. The first and second floor levels would have the same floor plates with 4 x 1 bedroom units at each level, all with recessed balconies.
- 2.7. At third floor level the front elevation is set back from the main façade below by approximately 2m in order to provide an external terrace for each apartment. At this level, there are 2 x 2 bedroom units and 1 x 1 bedroom unit.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Following the receipt of Further Information the Planning Authority decided to grant planning permission subject to 20 conditions.

- Condition No. 2 requires the submission of a revised elevations for written agreement to demonstrate an accurate finishes legend.
- Condition No. 8 requires that the community room shall be provided prior to the occupation of any units, and the use shall be restricted to Class 7 and Class 10 as set out in Part 4, Schedule 2 of the Planning & Development Regulations.
- Condition No. 10 requires full implementation of the landscaping plan.

- Condition No. 11 lists details including access arrangements, set-back for footpath and re-location of bus stops to be agreed.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The decision of the Planning Authority was informed by the reports of the Planning Officer dated the 14<sup>th</sup> July 2020 and the 8<sup>th</sup> October 2020.

The report from the 17<sup>th</sup> July 2020 contained the following comments;

- The subject site is a vacant and underutilised site with a Town Centre zoning. The development proposal is considered to be acceptable having regard to Objective PM36 of the Fingal Development Plan and the TC zoning objective.
- The proposed community room is acceptable within the TC zoning but a condition to regulate how it is used and managed is recommended.
- The contemporary design is considered to be acceptable and is in accordance with objective PM45 of the CDP.
- The height of the development exceeds the 3 storey height for Clonsilla village as set out in objective Clonsilla 2. However, SPPR 3 of the Urban Development Building Heights Guidelines for Planning Authorities 2018 superceeds specific objectives regarding height and allows for additional height to be considered. The site is capable of accommodating a residential development of the scale proposed.
- A density of 132 units per hectare would be provided by the development which is a significant increase in the prevailing density in the area. National policy contained in the Guidelines on Sustainable Residential Development in Urban Areas 2009, allows for increased densities along public transport corridors.
- The site is located in Clonsilla Village and immediately adjacent to a bus route to the City centre and is c. 500m from Clonsilla Train Station.  
All units meet the requirements of the 2018 guidelines in terms of floor area,

room sizes and quantum of private open space. However, there are concerns regarding the unit mix, orientation and aspect of the apartments.

Further Information be requested with regard to the following;

- The overall mix of units in the scheme and the provision of dual aspect units should be addressed. Of particular concern are units 3, 4, 7, 8 and 10, for which all amenity and living space are north facing.
- A shadow impact analysis was requested.
- Revised proposals for the external finishes are requested as the render proposed may not be suitable for weathering.
- A revised landscaping plan is requested.

The second report from the Planning Officer on the 8<sup>th</sup> October 2020 contained the following comments;

- Amendments to the proposal, include the substitution of high level, secondary windows with full height windows fitted with obscured glazing and clear glazing to the north west corner and alterations to the internal layouts will go some way to increase the residential amenity of the units. The unit mix has not been altered. The revisions to the design address the concerns raised regarding the amenity of units.
- The shadow analysis submitted shows that the proposal will not significantly impact on existing residential amenity.
- Revised external finishes are an improvement.
- The landscaping plan has addressed the concerns of the Planning Authority.

### 3.2.2. Other Technical Reports

- Parks Division – The applicant has failed to meet the minimum 10% requirement for public open space, which relates to 500m<sup>2</sup> open space. The applicant is required to make up this shortfall by way of a financial contribution in lieu of the public open space provision. Additional information requested regarding the landscaping plan. The report of the Parks Division dated May states that the revised landscape plan, (submitted on the 14<sup>th</sup> September

2020 in response to an AI request), by Mitchell & Associates is acceptable and should be implemented in full.

- Water Services Department – No objection subject to conditions.
- Transportation Planning Section – Car parking has been provided at 0.75 spaces per unit, which is below Development Plan standards. The Transportation Planning Section consider one parking space per residential units of 2 bedrooms or less as being the minimum parking provision. Bicycle parking spaces are acceptable. Planning conditions are recommended and include the requirement for a 2m set-back on Clonsilla Road, pedestrian priority at the footpath and details regarding the relocation of the bus stop on Clonsilla Road if required.
- Environmental Health Air & Noise Unit – No objection subject to conditions.

### **3.3. Prescribed Bodies**

- Irish Water – No objection.

### **3.4. Third Party Observations**

A total of 8 third party observations were received by the Planning Authority and included the following comments;

- The ongoing public health crisis has made it difficult for residents to fully engage with the planning system.
- The proposal will overshadow the adjoining dwelling to the east and neighbouring dwellings on Lambourn Avenue. It will result in overlooking and overshadowing of adjoining properties.
- It would negatively impact the visual amenity of the area.
- The height of the proposed development is excessive within the context of the site and the low-rise pattern of existing development,
- There is a deficiency of parking spaces for the development.

- There is an excessive amount of 1 bed units and the density of the development is excessive.
- There are a number of trees on the site that provide privacy for existing residents. It is requested that these trees be retained to prevent overlooking of Lambourn Avenue.
- The nature and scale of the proposal is not in keeping with the Clonsilla Village Plan and would set a precedent for future development in the village.

5 observations were received following the receipt of the Further Information and included the following;

- The shadow study submitted does not examine the impact on adjoining properties past 6pm. A development of this size will affect the natural evening light.
- The additional information was not uploaded to the website until the 18<sup>th</sup> September, which, along with the public health restrictions limited the time for response.

#### 4.0 Planning History

**301087/20, (PA Ref. FW17A/0120)** – Planning permission granted by An Bord Pleanála on the 21<sup>st</sup> November 2018 for the construction of a three storey, mixed use development comprising a restaurant/fast food take-away, 4 apartments, (3 x 3 bed and 1 x 2 bed), and parking for 9 cars.

On the adjoining site to the west;

**F08A/0226** – Planning permission granted by the Planning Authority on the 18<sup>th</sup> April 2008 for the redevelopment of the existing service station to include the demolition of existing building and car washes and the construction of a new two storey shop with new forecourt and pump islands and car wash facilities.

On the adjoining site to the east;

**FW09A/0007** – Planning permission granted by the Planning Authority on the 16<sup>th</sup> June 2009 for the development of 3, 2-storey, 2 bedroom terraced houses with access from Clonsilla Road and parking spaces for 6 cars.

## 5.0 Policy Context

### 5.1. Fingal County Development Plan 2017-2023

#### **Zoning:**

The appeal site is located within an area covered by the TC zoning objective which seeks to “Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.” Residential, restaurant and hot food takeaways are acceptable in principle.

#### **Policies and Objectives:**

**Objective PM38:** seeks to achieve an appropriate dwelling mix, size, type and tenure in all new residential developments.

**Objective PM40:** seeks to ensure a mix and range of housing types are provided in all residential areas to meet the diverse needs of residents.

**Objective PM41:** seeks to encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.

**Objective DMS39:** states that 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.

**CLONSILLA 1:** seeks to prepare an Urban Framework Plan to guide and inform future development; and to include measures to improve and promote the public realm of the village, in addition to traffic calming measures along the main street from St Mary’s Church of Ireland to St Mochta’s National School.

**CLONSILLA 2:** seeks to develop key sites within the village for mixed use including a residential component to enhance the viability and vitality of the village while ensuring new developments do not exceed three storeys.

#### **Chapter 12 - Development management Standards**

Mix of Dwelling Types – On smaller infill sites, the mix of dwellings should contribute to the overall dwelling mix in the locality.



Density - As a general principle and to promote sustainable forms of development, higher residential densities will be promoted within walking distance of town and district centres and high capacity public transport facilities.

### **Apartment Developments:**

Table 12.2 – Sets out the standards for Minimum GFA, Aggregate Living and Bedroom areas and storage area per unit type.

Table 12.3 – Sets out the minimum room sizes and widths for houses and apartments.

Table 12.6 – Sets out the private and amenity space requirements for Apartment and Duplex units.

Objective DMS30 - Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.

### **Public Open Space:**

Objective DMS57B - Require a minimum 10% of a proposed development site area be designated for use as public open space.... Where the Council accepts financial contributions in lieu of open space, the contribution shall be calculated on the basis of 25% Class 2 and 75% Class 1 in addition to the development costs of the open space.

### **The Clonsilla Urban Centre Strategy 2008 –**

This non-statutory document set out the development strategy for Clonsilla Village in 2008 and beyond. The subject site formed part of a development site identified as 'Opportunity Area No. 2'. It was recommended that the future development of the site could accommodate 3 storeys to the front and facing onto Clonsilla Road.

### **National Policy**

#### **National Planning Framework**

The National Planning Framework 2040 was adopted on the 29th May 2018 and seeks compact urban growth, with the associated objective that at least half of the future housing growth of the main cities will be delivered within their existing built-up areas through infill and brownfield development and 40% in other key towns. The National Planning Framework has a number of policy objectives that articulate delivering on a compact urban growth programme. These include:

- NPO 2(a) relating to growth in our cities;
- NPO 3(a)/(b)/(c) relating to brownfield redevelopment targets;
- NPO 5 relating to sufficient scale and quality of urban development; and
- NPO 6 relating to increased residential population and employment in urban areas;
- NPO13 relating to a move away from blanket standards for building height and car parking etc. and instead basing it on performance criteria.

**Design Standards for New Apartments, (2018).** – Supports the use of infill sites in urban locations to provide higher density apartment developments.

Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), to/from high capacity urban transport stops (such as DART or Luas), can be considered suitable for higher density apartment developments.

SPPR1 - Apartment developments may include up to 50% one-bedroom or studio type units.

SPPR2 – For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha;

Where between 10 to 49 units are proposed there is no restriction on dwelling mix for the first 9 units and the provisions of SPPR1 shall be carried forward from the 10<sup>th</sup> residential unit.

General blanket restrictions on building height or separation distance that may be specified in Development Plans should be replaced by performance criteria, appropriate to location.

SPPR3 – Sets out the standards for minimum apartment floor areas.

SPPR4 – Sets out the minimum number of dual aspect apartments to be provided in any scheme; a minimum of 33% dual aspect units are required in more central and accessible locations, a minimum of 50% in a suburban or intermediate location and on urban infill sites of any size or on sites of up to 0.25ha planning authorities may exercise discretion to allow lower than the 33% minimum.

SPPR5 – Specifies floor to ceiling heights.

SPPR6 – Specified maximum number of apartments per floor core.

Appendix 1 – sets out the minimum requirements for aggregate floor areas, room areas and widths, storage space, private and communal amenity space.

Car Parking – In areas that are well served by public transport, the default position is for car parking provision to be minimised, substantially reduced or wholly eliminated. This is particularly applicable where a confluence of public transport options are located in close proximity.

## **Urban Development and Building Heights; Guidelines for Planning Authorities, 2018.**

The guidelines require that the scope to consider general building heights of three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels.

### Section 3.0 – Building Height and the Development Management Process

#### Development Management Principles

3.1 – It is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility.

3.2 - In the event of making a planning application, the applicant shall demonstrate to the satisfaction of the Planning Authority/ An Bord Pleanála, that the proposed

development satisfies a set of criteria. The criteria relate to the development's impact at the scale of the city/town, the district neighbourhood / street and the site / building.

Some of the criteria relevant to the site are as follows;

At the scale of the relevant city/town;

- The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.
- Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views.

At the scale of the District / Neighbourhood / Street;

- The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.
- The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.
- The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.
- The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.

At the scale of the site / building;

- 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.
- Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

**SPPR 3** - It is a specific planning policy requirement that where;

(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above, (Section 3.2); and 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

## 5.2. **Natural Heritage Designations**

No designations apply to the subject site.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The grounds of appeal are as follows;

- The current proposal is out of character with the topology of the area. There is no other four storey residential development in the section from Coolmine Cross to Clonsilla Station.
- Existing residential development will be overshadowed by the proposal.
- Property will be devalued as a result of the development.
- The proposal will devalue the existing properties in the vicinity.
- The proposal is not in accordance with Government Guidance contained in the 'Urban Developments and Building Heights - Guidelines for Planning Authorities', as the density proposed is too high, there is no mix of building heights and there is no context for the sighting of a taller development'. As the proposal does not meet the criteria of the Guidelines, it must be assessed against the Fingal County Development Plan, which limits the height to 3 storeys and the density to less than 50 units per hectare.

- The provision of spaces for parking bikes, cars and other vehicles is questioned. There seems to be an inference that the proximity to Clonsilla Station would imply that residents won't use cars. However most households have at least one car.

## 6.2. Applicant Response

A response from the applicant was received on the 18<sup>th</sup> December 2020 and included the following comments;

- The ongoing public health crisis is beyond the control of the applicant. The application was lodged on the 27<sup>th</sup> March and in response to restrictions, the statutory 5 week period for observations was extended to a 13 week period ending on the 25<sup>th</sup> June 2020. Therefore, in line with all other applications lodged during this time, third parties had a significantly extended period to review the application and lodge observations.
- The claims in relation to an impact on property rights for existing residents on Lambourn Avenue are made without any basis or substance. The site itself is self-contained and does not access or interfere with any rights associated with adjacent lands or the Lambourn Estate.
- A verified Shadow Analysis was submitted with the Response to Request for Further Information. The building is entirely to the north of the existing adjacent dwellings and gardens, and, as such ensures no adverse overshadowing or overbearing impact on the adjacent properties. The vast majority of the shadows cast on the gardens of the closest adjoining properties are from boundary walls and the existing houses themselves. The existing trees cast a far greater shadow than the proposed development. The proposed shadow situation is demonstrated to be in full compliance with the requirements of the BRE guidance in 'Site Layout Planning for Daylight and Sunlight; A Guide to Good Practice', (BR209).
- With regard to overlooking, the proposed development is in full accordance with the Fingal Development Plan and no overlooking conditions are created. Existing and adjacent residential amenity is fully respected and protected. Direct overlooking is avoided, and the placement of the building is at

considerable distance from directly opposing windows. The building would be in excess of 41.5m from the upper floor windows of the houses to the south on Lambourn Avenue, which is in excess of the recommended 22m separation distance. In order to prevent non-direct lateral views, screening is provided to the south-east elevations of the building and to the upper floor balconies.

- Claims regarding the impact on property values are hypothetical and unsubstantiated. The site is self-contained and does not access, interfere with or rely on adjacent properties or the Lambourn Estate.
- The proposed development is designed to be 3 storeys plus a set-back third floor penthouse level. There is a previous grant of permission for the same site; ABP-301807/18, PA Ref. FW17A/0120, for a similar development of 3 storeys. The design has been updated to allow for changes in planning policy since then; notably the Sustainable Urban Housing; Design Standards for New Apartments, (March 2018), and the Urban Development and Building Heights Guidelines for Planning Authorities, (December 2018).
- The revised proposal is for a building on the exact same footprint and position within the site but with an additional floor level and internal revisions in accordance with the new Guidelines.
- The proposed development is located on TC – Town & District Centre zoned lands at the western end of Clonsilla, and urban village on existing bus routes and in close proximity to the recently upgraded Clonsilla Train Station. The relevant criteria in relation to building heights is outlined in Section 3.2 and SPPR 3 of the Building Heights Guidelines and the proposed development meets these criteria when assessed.

### 6.3. Planning Authority Response

A response from the Planning Authority was received on the 16<sup>th</sup> December 2020 and includes the following;

- The issues raised in the submission were considered in the assessment of the application.
- The development of an infill site in a location such as this, to a higher density is considered to accord with planning policy at national, regional and local level.
- The proposal was considered to give a satisfactory level of amenity to future residents and was not considered to give rise to significant impacts on the amenities of the area.
- In the event that the Planning Authority's decision is upheld, the Planning Authority requests that Conditions 17, 18, 19 and 20 are included in the Board's determination.

#### 6.4. **Observations**

- None received.

### 7.0 **Assessment**

7.1. The most relevant issues are as follows;

- Principle of Development
- Scale and Design
- Residential Amenity for Future Residents
- Impact on Existing Amenity
- Appropriate Assessment

#### 7.2. Principle of Development

The subject site is located within a 'TC' zoning objective, which seeks to "Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities". Both residential use and a community facility are listed as uses that are permitted in principle within this zoning.



Objective 'Clonsilla 2' of the Fingal CDP restricted the height of buildings within Clonsilla village to a height of 3 storeys. However, national guidance contained in the Ministerial guidelines, Urban Development and Building Heights; Guidelines for Planning Authorities, 2018, (the 'Height Guidelines'), and the Design Standards for New Apartments, (2018), (the 'Apartment Guidelines'), superseded the Development Plan guidance and removed blanket height restrictions and replaced them with performance criteria. Both sets of guidelines promote higher density development within urban areas and in proximity to good public transport connections.

Therefore, the principle of the proposed development is acceptable within the zoning objective and within the context of the national guidance.

### 7.3. Scale and Design

Apart from the additional 3<sup>rd</sup> floor, the proposed development is very similar to that previously permitted on the site under ABP 301087/20, (PA Ref. FW17A/0120). The site layout and the building footprint are the same, but the height and number of residential units has increased.

In terms of massing, the building extends to almost the full width of the site with the upper levels on the eastern side constructed over the vehicular access to the rear car park. It is positioned to the front of the site and is set back from the public footpath on Clonsilla Road by 6m. At this location, the northern side of Clonsilla Road is bounded by large trees and hedgerows which gives the road an almost rural feel, particularly on the approach from the east. However, to the west of the site the context is more commercial. In my opinion the four-storey building would be prominent within the existing streetscape, which is largely undeveloped or low-rise.

I note that the proposal is in excess of the 3 storey height recommended for the site in the CDP. Section 3.2 of the 2018 Building Height Guidelines, sets out the criteria under which applications for taller buildings should be assessed. SPPR 3 of the Guidelines states that, should the proposal accord with the criteria then the development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. The criteria relate to the impact of the proposal on the wider area, the district / streetscape and the site itself.

At the scale of the wider urban area, the site is well served by public transport with Clonsilla train station and, a number of high frequency bus routes within close proximity. The proposal is not of such a scale that it would impact on the wider urban area and therefore its impact on the immediate environment warrants most consideration.

As noted above, the immediate context of the site is of low-rise development with a vacant site directly to the east. Within this context the proposed height would be prevalent. However, the design responses to the site such as setting back the building line and the proposed landscaping would help to create a sense of place within the streetscape. The large-scale glazing and open design at ground floor level also responds to the commercial character to the west. In my view the proposal would help to formalise the streetscape within this section of the village, which is zoned for Town Centre development.

The residential mix within the proposal would comprise 10 x 1 bed apartments and 2 x 2 bed apartments. This would vary greatly from the prevailing pattern of residential development within the area but, would also offer an alternative dwelling typology to the traditional housing unit. The overall amenity of the units is assessed in detail below.

In my opinion, whilst the four-storey building would be prominent, it would not be excessive at this location. Within the site itself, the massing of the building would be positioned to the front and away from the low-rise residential development to the rear. The contemporary form and finishes would not be out of context with the commercial nature of the adjoining site to the west. Detailed finishes such as the proposed landscaping plan and external finishes would also create a proper setting for the development and provide a more defined streetscape at this location.

The proposed development would yield a residential density of 132 units per hectare, which is high for the immediate area. National guidance recommends higher densities within Town Centres, Brownfield sites or on public transport corridors, with a minimum net density of 50 units per hectare recommended in areas within close proximity to good public transport facilities. I am satisfied that the subject site is ideally placed to accommodate higher density development as it is an infill site

located within a Town Centre zoning objective and in close proximity to a train station and a number of high frequency bus routes.

Although, the proposed 4 storey height is not supported in the Fingal CDP, it is my view that the proposal is in accordance with the criteria as set out in Section 3.2 of the Building Height Guidelines and as such SPPR3 applies.

#### 7.4. Residential Amenity for Future Residents

In terms of amenity for future residents, all of the proposed apartments have generous floor to ceiling height and either meet or exceed the minimum standards for floor areas, room size, and private open space. The mix of unit types within the development is also in accordance with the Apartment Guidelines and, in my opinion, offers an alternative to the predominant character of traditional housing in the surrounding area.

Dedicated storage areas are provided in all apartments but, as bedroom furniture is included in the calculations only units 5 and 7 meet the minimum standards. Section 3.31 of the Apartment Guidelines states that storage should be additional to kitchen presses and bedroom furniture.

Whilst the GFA of most of the units are in excess of the guidelines, some of the kitchen areas are very small. In particular Units 4, 8 and 10 are very constrained with almost no counter space for food preparation. However, as the floor areas are generous this could allow for a reconfiguration of the layouts subject to detailed design.

Units 5 and 9 are single aspect and Units 2, 4, 6, 8 and 10 would have a window and terrace on each elevation. However, the windows would be fitted with opaque glazing, which in my opinion is not in keeping with the true intent of providing dual aspect units. Therefore only 5 of the 12 units can be considered to be dual aspect. As this would allow for 41% of the units to be dual aspect it is in accordance with the provisions of the Apartment Guidelines.

A total of 9 surface car parking spaces would be provided to the rear of the development; 8 would be for the use of residents with 1 space reserved for the community use. As per the CDP one of the spaces would be a disabled space and

one would be fitted with an electric charging point. A report from the Transportation section of the Planning Authority noted that the car parking provision was below the standards as set out in the CDP, which would require 16 spaces to serve the development.

I note that the subject site is particularly well served by public transport, with Clonsilla train station approximately 450m to the west of the site and a bus stop positioned directly outside the site. Additional bus stops are located along the Ongar Distributor Road which is c.900m away from the site. The Apartment Guidelines recognise that the provision of car parking within residential developments will vary depending on the nature of the scheme, its location and proximity to public transport with a preference to minimising car parking provision where feasible.

Whilst the car parking provision may not meet the requirements of the CDP, a reduction of the overall car parking standard can be considered in this instance, given the proximity of the site to a high capacity commuter train service and high frequency urban bus services and as per Section 4.2.1 of the Apartment Guidelines. I am of the opinion that the car parking provision for the development is in accordance with national guidance and is acceptable.

I note that the bicycle parking provision of 28 spaces is in accordance with the requirements of the CDP and the Apartment Guidelines and is provided in a safe and secure location.

Neither communal space for residents or public open space is provided within the development. The layout and size of the site does not offer a feasible option for providing either in a meaningful manner. All of the units have private balconies that are in excess of the required size, which is acceptable. In lieu of the 10% public open space standard in the CDP, the Planning Authority recommend that a financial contribution be attached to any grant of planning permission. In my opinion, this is reasonable.

#### 7.5. Impact on Existing Amenity

The most sensitive receptors to the proposal are the residential dwellings on Lambourn Avenue which are located directly to the south and south-east of the site.

No. 1a Lambourn Avenue directly adjoins the site to the east and would be the most sensitive in terms of potential impacts.

A separation distance of c. 43m would be provided between the rear elevation of the building and the existing houses on the southern side of Lambourn Avenue. This is in excess of the recommended 22m separation distance between opposing windows at 1<sup>st</sup> floor level and would be sufficient to prevent direct overlooking. In addition, 5 trees would be planted along the southern boundary, (3 x *Gleditsia tricanthos* and 2 x *Sorbus aucuparia*), which would provide visual screening for the existing housing on Lambourn Avenue facing onto the site.

The south-eastern corner of the building would be c. 9.5m from the rear corner of No. 1 Lambourn Avenue. It would be set back from the site boundary by c. 1.5m and would flank the north-western corner of the rear garden boundary for c. 5m. The large trees along the eastern site boundary would be removed and the landscaping plan for the site shows 3 no. *Betula pubescens* (Birch) trees to be provided in their place. These trees can grow up to 12m in height and have a spread of 4-8m.

Although the building would be in close proximity to the existing dwelling and would be clearly visible from the rear of the house, the landscaping plan for the trees along the eastern site boundary would help to soften the visual impact of the building and would provide some coverage.

All of the balconies on the southern elevation are recessed within the building. The balconies on the south-eastern corner would be fitted with a full height opaque glazed panel along the eastern side of the terrace, which would provide a set-back of 2.4m from the south-eastern corner of the building. By positioning the building to the front of the site, providing recessed balconied and opaque glazed panels, direct sightlines into the adjoining site to the east would be restricted. Therefore, the adjoining dwelling to the east would not experience any direct overlooking from the development.

The building would be positioned entirely to the north of the residential development on Lambourn Avenue and as such any overshadowing would be limited. A shadow study was submitted by the applicant under further information. In my opinion this study clearly shows that the adjoining residential development will not experience any undue or significant overshadowing as a result of the proposed development.

I note that third party observations to the Planning Authority raised concerns regarding the scope of the shadow study as the impact on the adjoining properties to the east is not illustrated past 6pm on June 21<sup>st</sup>. I am satisfied that the shadow study has been carried out in accordance with the accepted standards contained within the BRE Guidance document; Site layout planning for daylight and sunlight; a guide to good practice, (BRE209), and the information contained within was comprehensive enough to provide an informed assessment of the impacts of the proposal.

I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

#### 7.6. Appropriate Assessment

Having regard to the nature and scale of the proposed development within a serviced urban area and separation 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.

### 8.0 Recommendation

I recommend that planning permission be granted.

### 9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed mixed-use development within a Town Centre zoning objective, it is considered that the proposed development is in accordance with the provisions of the Fingal County Development Plan 2017 to 2023, the Design Standards for New Apartments, (2018) and with SPPR3 of the Urban Development and Building Heights; Guidelines for Planning

Authorities, (2018). It is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the Planning Authority on the 14<sup>th</sup> September 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The ancillary community family located on the ground floor shall be provided and permanently maintained within the scheme prior to the occupation of any residential units on the site.</p> <p>The uses of the space shall be restricted to Class 7 and Class 10 as set out in Part 4 of Schedule 2 of the Planning and Development Regulations, 2001.</p> <p>Prior to the occupation of the space, opening hours shall be agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In order to provide an adequate standard of residential amenity for future residents and to protect the amenities of residential property in the vicinity.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development and any signs shall be submitted to, and agreed</p>

	<p>in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the visual amenities of the area</p>
5.	<p>The landscaping scheme shown on drg no. 100 and 101 and in the supporting Landscape Design Report, as submitted to the planning authority on the 14<sup>th</sup> day of September, 2020 shall be carried within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
6.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
7.	<p>The developer shall comply with the following transportation requirements:</p>



	<ul style="list-style-type: none"> <li>a. The site boundary to Clonsilla Road shall be set back to provide public footpath with a minimum width of 2.0m. Details to be agreed in writing prior to commencement of development.</li> <li>b. The front boundary wall adjacent to the footpath shall have a maximum height of 0.9m.</li> <li>c. The relocation of the bus stop shall be agreed in writing with the planning authority prior to construction and all works shall be carried out at the expense of the developer.</li> <li>d. Design details of the entrance shall be agreed in writing prior to the commencement of development and shall include measures to ensure pedestrian priority and pedestrian and vehicle inter-visibility.</li> <li>e. No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900mm, which would interfere or obstruct the required visibility triangle.</li> <li>f. The residential car parking spaces shall remain in the charge of the relevant management company.</li> <li>g. All parking spaces should have the required infrastructure to provide for future EV charging.</li> <li>h. Footpaths and kerbs shall be dished at the developers expense and in accordance with the requirements of the Planning Authority.</li> <li>i. All the above works shall be carried out at the expense of the developer and to the specifications and conditions of the Planning Authority.</li> </ul> <p><b>Reason:</b> In the interests of orderly development and road safety.</p>
8.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	<p><b>Reason:</b> To ensure the satisfactory completion and maintenance of this development.</p>
9.	<p>The development shall be managed in accordance with a management scheme which shall be submitted to, and agreed in writing with, the planning authority, prior to the occupation of the development. This scheme shall provide adequate measures relating to the future maintenance of the development; including landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services together with management responsibilities and maintenance schedules</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of visual amenity.</p>
10.	<p>(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
11.	<p>Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.</p> <p><b>Reason:</b> In the interest of public health and to ensure a proper standard of development.</p>
12.	<p>The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil</p>

	<p>and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity.</p>
13.	<p>The site works and building works required to implement the development shall only be carried out between 7.00 hours and 18.00 hours, Monday to Friday and between 08.00hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.</p> <p><b>Reason:</b> To safeguard the residential amenities of adjacent dwellings.</p>
14.	<p>The developer shall pay to the planning authority a financial contribution in respect of the Clonsilla/Dunboyne Railway Line in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>
15.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the</p>

	<p>planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
16.	<p>The developer shall pay to the planning authority a financial contribution in lieu of open space provision in accordance with the terms of the Development Contribution Scheme made under section 48,(2),(c) of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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.Elaine Sullivan  
Planning Inspector

24<sup>th</sup> February 2021