



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309497-21

#### Development

Demolition of Floraville Cottage, construction of a three storey apartment block with 10 apartments, with pedestrian/vehicular access to the apartment building to be provided via the residential scheme approved under Reg. Ref. SD17A/0291.

#### Location

Floraville Cottage, Monastery Road, Clondalkin, Dublin 22

#### Planning Authority

South Dublin County Council

#### Planning Authority Reg. Ref.

SD20A/0233

#### Applicant(s)

Chimway Limited.

#### Type of Application

Permission.

#### Planning Authority Decision

Refuse

#### Type of Appeal

First Party

#### Appellant(s)

Chimway Limited.

#### Observer(s)

Monastery Estate Residents Association.

Cllr. Eoin O Broin.

Monastery Height Residents  
Monastery Rise Residents

**Date of Site Inspection**

13<sup>th</sup> May 2021.

**Inspector**

Paul Caprani

## Contents

1.0 Site Location and Description .....	5
2.0 Proposed Development .....	6
3.0 Planning Authority Decision .....	6
3.1. Decision .....	6
3.2. Documentation submitted with the Application:.....	8
3.3. Planning Authority Reports .....	8
3.4. Further Information Submission .....	10
3.5. Further Assessment Planning Authority .....	11
3.6. Prescribed Bodies .....	11
3.7. Third Party Observations .....	12
4.0 Planning History.....	12
5.0 Policy Context.....	12
5.4. Natural Heritage Designations .....	18
5.5. EIA Screening .....	18
6.0 The Appeal .....	18
6.1. Grounds of Appeal .....	18
6.2. Planning Authority Response .....	20
6.3. Observations.....	20
7.0 Assessment.....	22
7.2. Lack of Open Space Provision .....	25
7.3. Addressing the Site Context / Urban Design Statement.....	26
7.4. Ecology of the Site .....	28
7.5. Additional Issues Raised By Observers .....	28

8.0 Appropriate Assessment..... 30

9.0 Recommendation..... 30

10.0 Reasons and Considerations ..... 31

11.0 Conditions ..... 31

## 1.0 Site Location and Description

- 1.1. The appeal site is located on the eastern outskirts of Clondalkin Village County Dublin, approximately 8km south west of the city centre. Monastery Road is a mature suburban area which runs eastward from Clondalkin Village towards the M7/M50 interchange. The area is predominantly residential comprising detached and semi-detached houses. A number of residential estates are located off Monastery Road. There has been some infill apartment development along the Road in more recent times including a scheme which has recently been completed for 21 apartment units granted by An Bord Pleanála on the adjacent site to the immediate east (ABP ref. 301369-18).
- 1.2. The site is rectangular in shape and covers a site area of 0.0682 ha. It has frontage of c. 40 metres onto Monastery Road. Monastery is an important distributor route linking Clondalkin village to the M7/M50. Lands to the immediately east of the site accommodate the four-storey apartment block (21 units) which has recently been completed. Lands to the immediate west of the site and rear of the site accommodate an area of open space associated with the Monastery Rise residential estate to the south-west. The main entrance to the estate is located adjacent to the area of open space.
- 1.3. The site itself is occupied by a single-storey cottage – Floraville Cottage or Floraville Lodge, which has been the subject of extensive renovation in recent years. It is currently been used for the storage of builder’s material associated with the adjoining apartment development. A stone wall runs along the front of the site with mature hedging running inside the perimeter wall. The rear of the site accommodates mature and semi-mature landscaping including a mature chesnut tree at the north eastern corner of the site and also provides off-street parking for two vehicles to the west/side of the cottage. Two-storey semi-detached dwellings are located directly opposite the site on the northern site of Monastery Road. A pedestrian crossing is located at the north-western corner of the site.

## 2.0 Proposed Development

2.1. Planning permission is sought for the demolition of the existing cottage on site and the construction of a 4 storey block of apartments including a top floor penthouse.

The schedule of accommodation to be provided is set out below:

Ground Floor	1 No. 1 Bed Apt (57.6sqm)	1 No.2 Bed Apt (83.3 sqm)
1 <sup>st</sup> Floor	1 No. 1 Bed Apt (57.6sqm)	2 No.2 Bed Apt (83.3 sqm)
2nd Floor	1 No. 1 Bed Apt (57.6sqm)	2 No.2 Bed Apt (83.3 sqm)
3 <sup>rd</sup> Floor	1 No. 1 Bed Apt (57.6sqm)	1 No.2 Bed Apt (83.3 sqm)

The building incorporates a flat roof and a large 77.7 sq.m east facing roof terrace is located at penthouse level<sup>1</sup>. The building rises to a height of just below 13m. Each of the apartments incorporate a south facing balcony overlooking the area of open space to the rear. The external elevations are to incorporate selection of self-coloured render. Access to the site is to be provided via an extension of the private access serving the apartment block to the east. A total of 6 car parking spaces are to be provided within the curtilage of the site. Bin storage and bicycle storage is also to be provided on the site grounds. Small areas of incidental open space are to be provided around the building.

## 3.0 Planning Authority Decision

### 3.1. Decision

South Dublin County Council issued notification to refuse planning permission for 4 separate reasons each of which is set out in full below.

*1. Having regard to the site size and layout of the proposed apartment block with no usable open space at ground level for this development and having regard to the proposal to surround the apartment block with car and bicycle parking, bin storage and an access roadway to link to the adjoining site would not comply with*

---

<sup>1</sup> Drawings have been submitted with the appeal moving the roof terrace to the western side building for the Board's consideration.

*development plan policy H12 - Public Open Space and Section 11. 3.1 (iii) of the South Dublin County Council Development Plan 2016- 2022, would seriously injure the residential amenity of the proposed residents and amenities of property in the vicinity and would be contrary to the residential zoning objective of the site which seeks to protect and/or improve residential amenity and would be contrary to the proper planning and sustainable development of the area.*

*2. Having regard to the design of the proposal at a prominent location on an elevated corner site, the proposed development in its current form doesn't adequately address its surrounding context and gives rise to a substandard design response which would adversely impact on the visual amenity of the application site and character of the wider area, which would seriously injure amenities of property in the vicinity of the site. The proposal would therefore fail to comply with policies H7 Urban Design in Residential Developments and Policy H9 Residential Building Heights as well as sections 11.2.0, 11.2.1 and 11.2.7 of the South Dublin County Council Development Plan (2016-2022) and would be contrary to the proper planning and sustainable development of the area.*

*3. The applicant has failed to provide an adequate design statement in accordance with section 11.2.0 of the County Development Plan and has not demonstrated how the site context, including levels, have been taken into account, through the development of a concept plan, and delivered in the overall final design. Situated at a prominent location, close to Clondalkin Village and surrounding residential properties; taking into account the location, as well as the information submitted, the applicant has failed to adequately demonstrate how the proposal responds to the surrounding context. In the absence of a fully detailed design statement, the proposed development would detract from the visual amenity and character of the area and would be contrary to the proper planning and sustainable development of the area.*

*4. The proposed development of an ecologically mature site in an established setting would result in the removal of mature trees/ vegetation and disturbance of habitat, to provide for the apartment development and will have a significant impact on the short- medium term of the immediate environment. The applicant has failed to demonstrate as any mitigation of the impact of the development on the existing site*

*and how climate action and adaptation has been addressed within the overall scheme proposals and the proposed development will be contrary to policies G2 Green Infrastructure Network and G6 Green Infrastructure New Development in Urban Areas and Policies of the South Dublin County Development Plan (2016-2022) and would therefore be contrary to the proper planning and sustainable development of the area.*

### 3.2. **Documentation submitted with the Application:**

The application was lodged on the 11<sup>th</sup> of September 2020. It was accompanied by the following:

- A **Planning Report** which sets out details of the proposed development and the planning policy context as it relates to the site. The proposal is also assessed in the in terms of its compliance with the Urban Design Manual – A Best Practice Guide.
- Also submitted was a **Civil and Structural Engineering Report** which details Water Supply, Foul Drainage and Surface Water Drainage Arrangements for the Site.
- Separately a set of **Photomontage Images** were submitted.

### 3.3. **Planning Authority Reports**

#### 3.3.1. Planning Reports

- A report from the **Roads Department** requested additional information,
  - in relation to any legal rights of way agreement with regard to access from the adjoining development
  - Further details on improved pedestrian connectivity.
  - Further details and vehicular and bicycle parking including a sweep-path analysis.
  - Further details on public lighting

If permission is to be granted a number of conditions are set out.

- **Water Services Planning Report** states that there is no objection subject to conditions.
- A report from the **Housing Department** states that the provisions of Part V are applicable, and the preference is to acquire units on site.
- The Initial **Planner's Report** notes that pre-planning consultations were undertaken and goes on to outline the planning history associated with sites in the vicinity. Details of relevant policies set out in the development plan and other national guidance are also set out. It notes that the proposal is located on residentially zoned land and the uses is acceptable in principle, the unit mix is also considered to be acceptable. The overall density at 146.6 units per ha is considered to be excessive. Proposals for buildings in excess of 3 storeys should be accompanied by a site analysis and design statement. The proposal does not respect the existing building line and the elevational treatment should be simplified. No assessments are provided for overlooking and overshadowing. Inter other departmental reports requiring additional information are noted in the planner's report. The planners report recommends that further information be sought in relation to the following:
  - A Detailed Design Statement including a Concept Plan and or Master Plan.
  - Details of cross-sectional drawings through the site.
  - Further details on private open space provision.
  - Further details on overlooking and shadow casting.
  - A Tree Survey Report.
  - A Bat Survey Report
  - Further details in relation to sustainable urban drainage proposals.
  - Further details in relation to issues raised by the Roads Department.

### 3.3.2. Other Technical Reports

- A report from **Irish Water** stated that there was no objection subject to conditions.

### 3.4. Further Information Submission

Further information was submitted on behalf of the applicant by Hughes Planning and Development Consultants. It is summarised below:

- The applicants submitted a Design Statement prepared by Taylor Owen Architects. It presents a justification for the siting, scale and relationship of the building to the subject site and its surroundings.
- Revised elevational drawings were submitted which simplify the elevational treatments.
- Drawings are submitted (Drawing No. 2019-36-P-103) which present sectional drawing of the site (AA & BB). The Drawings indicate that a minimal amount of cut and fill would be necessary to accommodate the building.
- The drawings have been revised to indicate that all apartments are compliant with the Design Standards for New Apartments. (See drawing No. 2019 -36- P-101).
- A Shadow Casting Analysis was undertaken by Heffernan 3D, it indicates that any shadows cast will be confined to the dwellings to the north of the site during the winter period only. No undue overlooking will arise due to the orientation and configuration of fenestration on the apartment block.
- The response includes a bat survey and a tree survey. 14 trees have the potential to accommodate bat roosts. All of which are to be retained. The analysis was undertaken outside the appropriate season to undertake bat activity.
- Revised surface water drainage drawings were submitted which incorporate additional SuDS features including retention tree pits, permeable paving and a green roof. (Drawings ENG-C002 and ENG-C003).
- A revised layout was submitted showing greater connectivity with a new pedestrian entrance off Monastery Road. The parking arrangements have also been redesigned to include 1 electrical-charging car parking space and covered bicycle parking. Drawing NRB-ATR-001 contains an auto-track analysis, indicating how vehicles will move in and out of the parking spaces.
- Finally, the applicant submitted a Preliminary Construction and Waste Management Plan.

### **3.5. Further Assessment Planning Authority**

A report from Irish Water stated that there was no objection subject to conditions.

A report from Parks and Landscape Services notes, that a full bat survey has not been submitted. It also comments the SuDS strategy submitted. It is stated that for landscape proposals have not been submitted and details of the hard boundary treatment have likewise not been detailed. In the case that planning permission is forthcoming a number of recommended conditions are attached to the report.

A Water Services Report states that there is no objection subject to conditions.

A report from the Roads Department stated that there is no objection subject to conditions.

A report from the Environmental Health Department expresses concerns in relation to noise, as the subject site is surrounded by residential properties and therefore has the potential for noise disturbance. It recommends that a noise condition be attached.

The Planner Report notes the additional information provided. It considers that the applicant has not adequately responded to the additional information. The additional requirements and changes necessary to justify a granted of planning permission are considered too substantial to achieve by way of clarification of additional information. Concerns are expressed in relation to open space provision car and bicycle parking. It is also considered that the proposal is not incorporated unacceptable design response to the surrounding context. The Design Statement is also considered to be inadequate. the planning authority are in favour of the principle of higher density development on the subject site. However, the proposal does not achieve an appropriate design response and will have an adverse impact on residential and public amenity. For these reasons it is recommended that planning permission be refused for the reasons set out above.

### **3.6. Prescribed Bodies**

Reports from Irish Water state that there is no objection subject to conditions.

### 3.7. **Third Party Observations**

- A number of letters of objection have been submitted. The contents of which have been read and noted. Details of the concerns raised in the objections are summarised on the local authority planners report.

## 4.0 **Planning History**

- 4.1. The planners report indicates that there is no planning history associated with the appeal site. However, two appeal files are attached both relate to the site to the immediate east.
- 4.2. Under Reg Ref ABP 301369-18 the Board, upheld the decision of South Dublin Co. Council and granted planning permission for the demolition of a former petrol filling station and the construction of a flat roofed four-storey contemporary style apartment block containing 22 apartments. The decision was dated October 2018.
- 4.3. Under Reg Ref ABP 307113-20 An Bord Pleanála overturned the decision of South Dublin Co Council to refuse planning permissions to minor alterations to the layout of the apartment block granted under the parent permission ABP 301369-18. The decision was dated August 2020.

## 5.0 **Policy Context**

### **South Dublin County Council Development Plan 2016-2022**

#### 5.1. Land Use Zoning

The site is subject to land use zoning “RES” (Existing Residential) which has the objective “to protect and/or improve residential amenity”. Residential land uses are permitted in principle under this zoning objective.

#### Settlement Strategy

The subject site is located approx. 780 m south-east of the settlement of Clondalkin, which is a Metropolitan Consolidation Town within the settlement hierarchy of South Dublin County.

Core Strategy Policy 2 Metropolitan Consolidation Towns: It is the policy of the Council to support the sustainable long-term growth of Metropolitan Consolidation Towns through consolidation and urban expansion.

## 5.2. Housing

Housing Policy 7: It is the policy of the Council to ensure that all new residential development within the County is of high-quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).

Housing Policy 8: It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.

Housing Policy 9: It is the policy of the Council to support varied building heights across residential and mixed-use areas in South Dublin County.

Housing Policy 10: It is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022.

Housing Policy 11: It is the policy of the Council to promote a high quality of design and layout in new residential development and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

Housing Policy 12: It is the policy of the Council to ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provides for active and passive recreation and enhances the visual character, identity and amenity of the area.

Housing Policy 13: It is the policy of the Council to ensure that all dwellings have access to high quality private open space (inc. semi-private open space for duplex and apartment units) and that private open space is carefully integrated into the design of new residential developments.

Housing Policy 17: It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability

of social and physical infrastructure and services and meet the future housing needs of the County.

### 5.3. Development Management Standards

Section 11.2.1 relates to Design Statements. All medium to large scale proposals (10 dwellings or more) shall be accompanied by a Design Statement which shall consist of: (1) a site analysis; (2) a concept plan and/or masterplan; (3) a statement based on the design criteria set out in relevant national planning guidance documents; and (4) a statement or quality audit addressing street design as outlined in the Design Manual for Urban Roads and Streets.

Section 11.2.7 states that Varied building heights are supported across residential areas, urban centres and regeneration zones in South Dublin County, subject to appropriate safeguards to protect the amenity of the area.

The appropriate maximum or minimum height of any building will be determined by:

The prevailing building height in the surrounding area.

The proximity of existing housing - new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved.

The formation of a cohesive streetscape pattern – including height and scale of the proposed development in relation to width of the street, or area of open space.

The proximity of any Protected Structures, Architectural Conservation Areas and/or other sensitive development.

The development plan requires that car parking for residential developments shall be provided at a rate of 0.75 space per 1-bedroom unit and 1 space per 2-bedroom unit in Zone 2, which includes sites within 400m of a high-quality public transport service. No parking requirement is identified for visitors.

Bicycle parking is required at a rate of 1 space per 5 apartment units, with 1 space per 10 units required for visitors.

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

. The key development standards for apartment units in the context of this appeal case are summarised below:

- Overall floor area: 1-bedroom unit - 45 m<sup>2</sup>; 2-bedroom/3-person unit – 63 m<sup>2</sup> (not to comprise more than 10% of the total units). The majority of the units shall exceed the minimum floor area standards by 10%;
- Unit Mix: Max. 50% 1-bedroom units, with no requirement for 3-bedroom units;
- Storage space: 1-bedroom unit - 3 m<sup>2</sup>; 2-bedroom/3-person unit – 5 m<sup>2</sup>; Storage for bulky items should also be provided outside individual apartment units;
- Dual Aspect Ratio: Minimum 50% dual aspect units and where single aspect apartments are provided, the number of south facing units should be maximised, with east and west facing units also acceptable;
- Floor to Ceiling Height: Min. of 2.4 m required, but 2.7 m encouraged;
- Lift and Stair Cores; Max. of 12 apartments per floor per core;
- Private amenity space: 1-bedroom unit – 5 m<sup>2</sup>; 2-bedroom/3-person unit – 6 m<sup>2</sup>;
- Communal amenity space: 1-bedroom unit - 5 m<sup>2</sup>; 2-bedroom/3-person unit – 6 m<sup>2</sup>. The recreational needs of children must be considered as part of communal amenity space;
- Public open space: No requirement identified under the Guidelines. Section 11.3.1 (iii) of the development plan requires that a minimum of 10% of the site area in new residential developments shall be provided as public open space.
- Bicycle parking: 1 cycle storage space per bedroom, with visitor parking required at a rate of 1 space per residential unit;
- Car parking: In suburban/urban locations served by public transport or close to town centres or employment areas (intermediate urban locations), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.

- Communal facilities should not generally be imposed as requirements by the planning authority in the absence of proposals from and/or the agreement of the applicant.
- Provision shall be made for the storage and collection of waste materials in apartment schemes. Refuse facilities shall be accessible to each apartment stair/ lift core and designed for the projected level of waste generation and types and quantities of receptacles required.

### **Urban Development and Building Heights Guidelines for Planning Authorities (2018)**

Planning applications for increased building height, shall demonstrate that the proposal satisfies a number of criteria as set out in Section 3.2 of the Guidelines.

At the scale of the relevant city/town, these include: (a) the site is well-served by public transport; and (b) the proposal successfully integrates into/enhances the character and public realm of the area.

At the scale of the district/neighbourhood/street, these include: (a) the proposal makes a positive contribution to the urban neighbourhood and streetscape; (b) the proposal is not monolithic and avoids long uninterrupted walls of building in the form of slab blocks; (c) the proposal makes a positive contribution to the improvement of legibility through the site; and (d) the proposal contributes positively to the mix of dwelling typologies available in the neighbourhood.

At the scale of the site/building, these include: (a) the form, massing and height of the buildings should be carefully modulated to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light; (b) appropriate and reasonable regard to quantitative approaches to daylight provision; and (c) where a proposal may not be able to fully meet the daylight provisions, this must be clearly identified and an alternative for compensatory design measures should be provided.

The Guidelines confirm that in suburban/edge locations, development should include an effective mix of 2, 3 and 4-storey developments which integrate well with existing

and historical neighbourhoods. Developments of 4-storeys or more in height can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets.

### **National Planning Framework (NPF)**

The NPF sets out objectives which aim to secure more compact and sustainable growth patterns in urban areas in the period to 2040.

National Policy Objective 3b seeks to deliver at least 50% of all new homes targeted in the five cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

### **Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region**

The purpose of the RSES is to support the implementation of the NPF by providing a long-term strategic planning and economic framework for the development of the region to 2031, including the promotion of compact growth and urban regeneration and sustainable settlement patterns. The RSES includes a number of Regional Policy Objectives (RPO), with the following considered most relevant to the assessment of this appeal case:

RPO 3.2: Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO: 3.3: Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites in line with the Guiding Principles set out in the RSES and to provide for increased densities as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing; Design Standards for new Apartments Guidelines' and the 'Urban Development and Building Heights Guidelines for Planning Authorities'.

RPO 4.3: Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

#### **5.4. Natural Heritage Designations**

The site is not located within or contiguous to a Natura 2000 site. The nearest Natura 2000 site is the Glenasmole Valley SAC which is 6.7 km to the south of the site. A number of Natura 2000 sites associated with Dublin Bay are located c. 11.5 km east of the subject site.

#### **5.5. EIA Screening**

Having regard to the nature and scale of the proposed development, comprising 10 no. residential units on zoned residential land in an established urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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**

The decision of South Dublin Co Council to refuse planning permission was the subject of a first party appeal on behalf of the applicant by Hughes Planning Consultants. The preamble to the appeal submission sets out details of the decision and the site description. The grounds of appeal are outline below:

- In relation to the first reason for refusal, it is noted that notwithstanding the fact that SDDC requested significant information on the 5<sup>th</sup> of November 2020, the additional information request made no reference open space provision. Hence the applicant was not given an opportunity to address this issue. Furthermore, it is not accepted that the building is surrounded by car parking

bike parking and bin storage. There are a number of areas of incidental open space surrounding the site. In addition the site is modest in size and adjoins an area of public open space to the south. The applicant is willing to accept an appropriate financial contribution levy in lieu of open space. The Board are also asked to note that the site is essential a 2<sup>nd</sup> phase of the adjoining development of 21 apartments. This development has a substantial area of 1,420 sq.m of open space and residents of the proposed development could make practical use of this space. This is practical as both developments are served by the same access road and are owned by the same developer.

- The second and third reasons for refusal, relate to design, building height and the developments relationship with the site and its surroundings. It is argued that notwithstanding the fact the design statement did not exactly adhere to the requirements set out in S.11.2 of the development plan, there was sufficient documentation submitted to allow the planning authority to adequately assess the proposal. A further design statement was submitted with the grounds of appeal, which it is stated, complies fully with the requirements set in the development plan (see appendix B of submission). It is argued that the revised design statement fully indicates that the proposal for consideration fully complies with the objectives set out in Policies H7 and H9. The proposal represents an appropriate balance between providing housing at sustainable densities and protecting residential amenity. The proposal is not overbearing on surrounding residences and is compatible with the adjoining apartment block. There is sufficient separation distances between the apartment block and existing two-storey dwellings to ensure that an appropriate level of amenity is preserved in terms of overlooking and overshadowing. There is precedent for a 4-storey development in the vicinity of the site.
- The applicant has provided a revised design to allay any concerns the Board may have in residential amenity terms. The communal terrace has been relocated to the western side of the building, adjacent to the entrance into Monastery Rise. This it is argued improves the architectural quality of the elevation. It reduces the size and scale of the building at the junction. Photomontages are presented of the revisions on page 9 of the appeal.

- In relation to reason No.4, the Arborists report submitted with the application indicates that one tree group and 2 no. trees are to be removed from the site. All are described in the report as being of either low quality and value (C Category) or poor value (U Quality). The site currently accommodates a dwelling and garden. It cannot be classed as a sensitive habitat. The bat report found no evidence of bat roosts on site<sup>2</sup>. The applicant is willing to adhere to all lighting recommendations as a mitigation measure. Furthermore, it is noted that, in the additional information request issued by the planning authority, under the 9 separate headings, none of the information related to ecological/environmental impact arising from the development. It is further noted that the initial planners report acknowledged that the proposed development has been screened out for the purposes of appropriate assessment. The building will be constructed to a high level of energy efficiency and as such will not pose any challenge in terms of climate change.
- On the above basis it is requested that the Board overturn the decision of the planning authority and grant planning permission for the proposed development.

## 6.2. Planning Authority Response

- A report from South Dublin County Council states that the issues raised in the appeal have been covered by the planners report. SDCC confirms its position.

## 6.3. Observations

A total of four observations were submitted. The pertinent issues are summarised below:

### **Monastery Estate Residents Association:**

- There is a lack of green space to support this development.
- The village cannot accommodate the extra traffic.

---

<sup>2</sup> It is acknowledged that this report was prepared out of season.

- The proposal will result in the removal of mature trees.
- The height of the project is inappropriate.
- Consideration should be given to designating the existing dwelling on site as a protected structure.

#### **Cllr Eoin O Broin**

- The design statement submitted by the applicant in the Additional Information is full of typographical errors.
- It is not accepted that the stone wall along the roadside boundary 'a random rubble stone wall'. This wall came from a local quarry. If the decision to refuse permission is overturned, a condition should be attached that the wall should be retained.
- The retention of the mature chestnut on site is most welcome.

#### **Monastery Height Residents Association**

- It is argued that notwithstanding the fact that under the original permission in relation to ABP 301369-18, where the quantum of development to 19 units, the developer appears to have built the scheme as originally intended.
- Concerns are expressed that if conditions are attached to the current application and appeal, such conditions will be ultimately ignored by the developer.
- The density of the development is too high – almost 2.5 times the density granted on the adjacent site. It does not strike a balance with the character of the existing area as required by the Apartment Guidelines.
- The site is located 1.25km from the LUAS and the Red Cow Roundabout and is 0.56 km from the nearest QBC.
- The proposal, unlike the adjacent application does not adhere to the existing building line and this profoundly impacts on the character of the area.
- Concerns are expressed that the stone wall along the roadside boundary is to be demolished and replaced.
- The parking provision is not adequate.
- There is no meaningful bicycle infrastructure to serve the development.
- The existing Lodge on site contributes to the historical character of the area.

### **Monastery Rise Residents Association**

- This is an opportunistic attempted to squeeze more development on the subject site.
- The height and scale of the proposal is inappropriate for such a small site.
- The proposal would destroy the streetscape and remove the historic lodge.
- The lack of parking will accentuate overspill parking around the estates and will accentuate traffic congestion on Monastery Road.
- The communal roof terrace will result in an unacceptable level of overlooking of adjoining residential properties.
- Concern is expressed that the proposal will result in the removal of mature trees.

## **7.0 Assessment**

I have read the entire contents of the file, visited the subject site and its surroundings, and have had particular regard to the Planning Authority's reasons for refusal. I have also had regard to the grounds of appeal challenging these reasons for refusal together with the proposed alterations to the scheme on foot of the Planning Authority's reasons. I have also had regard to the contents of the observation submitted. I consider the following issues to be critical in determining the current application and appeal before the Board.

- Principle of Development
- Open Space Provision
- Addressing the Site Context/ Urban Design Statement
- Ecology of the site
- Other Issues Raised by observers

Each of these issues are dealt with below.

## **7.1. Principle of Development**

- 7.1.1. A fundamental consideration in adjudicating on the current application is the zoning provisions pertaining to the site, the policies for development in urban areas contained in the National Planning Framework and the Guidelines for Planning Authorities in relation to Building Heights in Urban Areas and guidelines in relation to Apartment Development. Residential use is wholly compatible with the zoning provisions pertaining to the site. The Board will also be fully aware that there is an acute shortage of housing supply nationally and particularly in Dublin.
- 7.1.2. From the outset the Board will note that the apartment sizes comfortably exceed the minimum standards set down in SPPR 3 of the Apartment Guidelines. All apartments are dual aspect and incorporate adequate storage and private open space. The apartment block is in excess of 25 m away from all existing dwellings in the vicinity, including the recently constructed apartment block to the east. In the case of the dwellings on Monastery Rise, the separation distance is considerably greater than 25m. Thus, there will be little or no concerns in relation to overlooking or overshadowing arising from the proposed apartment block.
- 7.1.3. With regard to the density of the proposed development, the Board will be aware that there are numerous national planning guidelines which have been adopted in recent years and which, with the exception of Rebuilding Ireland, were adopted subsequent to the adoption of the SDCC Development Plan. Therefore, many of the policy statements contained in the National Planning Guidelines, the Sustainable Urban Housing Design Standards for New Apartments and the new Guidelines on Urban Development and Building Heights supersede the policy statements contained in the SDCC Development Plan.
- 7.1.4. It is clear from the guidelines referred to above that there is an increased emphasis on maximising the development potential of sites particularly in relation to housing development within existing urban footprints. A major thrust of the National Planning Framework seeks a preferred approach for more compact development that focuses on reusing previously developed brownfield land and building up infill sites within existing built-up areas. The National Planning Framework seeks to encourage more people, jobs and activity to be located within existing urban areas. It seeks to provide well-designed high-quality development that can encourage more people to live and

work in close proximity. The Framework Plan seeks to deliver at least half of all new homes to be located in the five main cities, particularly Dublin. The Strategy concludes that “*it is clear that we need to build inwards and upwards rather than outwards*”. This means that apartments need to become a more prevalent form of housing particularly in Ireland’s cities. National Policy Objective 35 seeks to increase residential densities within settlements by seeking reductions in vacancy, reuse of existing buildings, infill development schemes, and area or site-based regeneration and increased building heights.

- 7.1.5. The Apartment Guidelines also highlight the need to provide higher density development in central or accessible urban locations. The guidelines identify the need to provide more than 30,000 units within Dublin City and its suburbs.
- 7.1.6. The need to provide more housing is also a major component in the Rebuilding Ireland Action Plan and the recently published Urban Development and Building Heights. Both these documents highlight the need for Planning Authorities to become more proactive and more flexible in securing compact urban growth through a combination of both facilitating and increasing densities and building heights while being cognisant of surrounding sensitive environments.
- 7.1.7. It is therefore clear and unequivocal that government policy seeks to support increased building height and density in locations with good public transport accessibility in built-up areas. From a sustainable land use policy point of view, securing compact growth in urban areas as espoused in the various policy documents referred to will provide major advantages by significantly reducing adverse impacts in the environment in terms of:
- Reducing the land take and preserving agricultural lands and habitats outside the urban area and creating a more distinct urban/rural divide.
  - Enabling the utilisation of existing infrastructure which is available to serve these sites in terms of existing foul drainage, water supply, roads, footpaths, lighting etc.
  - Incorporating residential development in close proximity to existing centres of employment which will reduce the need to travel long distances particularly by private car and will reduce energy consumption and carbon emissions.

- The provision of higher density residential within urban areas improves the viability of public transport services and enables them to provide more frequent services.
- Enhancing public health by encouraging and facilitating more active lifestyles by creating a more walkable and cycle friendly urban environment.

7.1.8. Strategically the subject site has many attributes to accommodate the higher density development espoused in the guidelines. The site is located 0.5 km from Clondalkin Village which accommodates high frequency bus services. The subject site can avail of existing services in the vicinity including community, neighbourhood, retail and employment services. It is my considered opinion that the existing house on site contributes little to the urban realm as suggested in some of the observations on site.

7.1.9. Therefore, the principle of higher density development over and above that prevailing in the immediate area is in my view appropriate. The site offers a good opportunity to provide a scale of development which is more reflective of the policies, provisions and objectives contained in the various national guidelines referred to above. The wider strategic considerations are in my view of critical importance for the Board in determining the current application, particularly in light of the acute housing supply shortages currently being experienced. However, I acknowledge that any wider strategic considerations must be balanced against the impact of the proposal on surrounding residential amenity and aesthetic considerations associated with the design. A reasonable balance must be struck between the wider strategic objectives in relation to housing in urban areas and the need to protect qualitative safeguards of the surrounding areas and of the occupants of the proposed scheme. The qualitative issues associated with the development are assessed in more detail below.

## 7.2. **Lack of Open Space Provision**

The Planning Authority's first reason for refusal express concerns with regard to be inadequate public open space provision associated with the scheme. Concerns were also expressed that much of the area surrounding the building has been given over the car parking, bicycle parking and bin storage as well as a new access road serving the site.

- 7.2.1. The site is a relatively confined site, c.36 m in length and 20m in depth. It would not in my view be possible to develop a useable functional area of open space within the confines of the site and at the same time provide a residential development as at a more sustainable density.
- 7.2.2. It is clear from the site layout plan incidental areas of open space and the retention of mature planting which will contribute significantly to the aesthetic of the open space provision and will help maintain the mature and sylvan feel that exists in the immediate established residential area. Perhaps more importantly the subject site is surrounded by public open space to the immediate south, and to the west of the entrance into Monastery Rise, where large usable recreational open space is available. An even larger area of public open space is available to the south east of the site, (c.50m from the southern boundary of the site). This area of open space is approximately 0.5 ha in size (100 x 50 m) and offers an excellent level of amenity for all residents in the area.
- 7.2.3. Finally in relation to this matter the applicant has indicated that a financial contribution in lieu of public open space provision could be made payable to the planning authority should An Bord Pleanála consider it appropriate. If the Board are minded to grant planning permission, I would consider this to be appropriate.

### **7.3. Addressing the Site Context / Urban Design Statement**

- 7.3.1. It is not altogether clear from the wording of the planning authority's seconding and third reason for refusal what the exact nature of this concern is? The site is located close to, but not on a corner. Furthermore, I would not consider the corner in question to be particularly prominent or elevated. In my view the development does represent an appropriate design response in that it provides a strong presence on the streetscape near the corner of the junction. The only building adjacent to the site accommodates a similar apartment block of a comparable height. Thus there is precedent for this form of development in the immediate vicinity of the site. There are no two- storey suburban residential developments contiguous to the site. The site therefore has the scope to provide a development that is not required to slavishly conform with the prevailing suburban character of the area. If such infill sites are to be developed at more sustainable densities, this will necessitate a building or

buildings of a larger scale which, by extension, which necessitate a departure from the storey suburban-type lower density which have been most prevalent in urban areas to date.

- 7.3.2. Likewise, the location of the site adjacent to the road edge necessitate a departure from the prevailing building line along the south side of Monastery Road. It should also be borne in mind that the existing building on site breaks the established building line along this section of the roadway.
- 7.3.3. There are a number of established precedents for buildings along Monastery Road which are not reflective of the predominant scale or form of two-storey suburban development in the area, and this point is not referred to in the local authority planner's assessment. Not least of which is the grant of planning permission on the adjoining site under APB 301369-18. Blocks of apartments have also been constructed at Monastery Heath Court (albeit 2-storey) to the east of the site.
- 7.3.4. Concern was expressed in the third reason for refusal that the site that the applicant failed to provide an adequate design statement in accordance with the requirements of Section 11.2.0 of the development plan. It is my considered view that the applicant has addressed this issue in the appeal submission. The proposal is a modest 10 unit development in a suburban area. The Design Statement both submitted to the planning authority and in the grounds of appeal assesses the proposal in terms of
- Site analysis
  - Transport Links
  - Zoning
  - Layout
  - Compliance with NPF
  - Compliance with DMURS

The original Design Statement submitted to the planning authority assess the proposal in accordance with the 12 Urban Design Principles set out in the Urban Design Manual a Best Practice Guide. I consider that the is more than adequate detail, both submitted to the planning authority and submitted as part of the grounds of appeal to allow the Board to fully assess the proposal in the context of the site and its surroundings.

#### 7.4. Ecology of the Site

The final reason for refusal relates to Ecology. It is argued that the proposal of the site would result in the removal of mature trees and vegetation and would be contrary to policies in the development plan regarding climate action and green infrastructure. While the site accommodates mature vegetation. There is no information on file that would suggest that the site is particularly sensitive in environmental or ecological terms. I would concur with the applicant that if the planning authority had concerns in relation to this matter, it would have been more appropriate to raise the issue by way of the additional information request. It is acknowledged that some trees are to be removed, however it appears from the Arboricultural Report that any trees to be removed from site are generally of poor or unsuitable for retention, they therefore offer little in terms of ecological value. The more important mature trees to be retained on site are more important from an ecological or aesthetic point of view.

The subject site is a modest sized site in a suburban area, which currently accommodates a vacant structure. It is afforded no ecological designation whatsoever. To refuse planning permission on the basis of the ecological sensitivity is in my view untenable having regard to the zoning objective of the site and the acute shortage of housing supply currently being experienced in the Capital.

Finally in relation to this matter I do not consider that the proposed development for the site in anyway undermines policy objective in the SDCC Development Plan in relation to Green Infrastructure or climate considerations.

#### 7.5. Additional Issues Raised By Observers

A number of issues, in addition to the planning authority's reasons for refusal were raised in the observations contained on file. The issues raised are briefly commented upon below:

**Additional Traffic Generation:** The proposal involves the provision of six additional car parking spaces to serve the development. It is not considered that the trip generation associated with these spaces would give rise to an unacceptable level of traffic congestion along Monastery Road. It would in my view be inappropriate to refuse planning permission for the proposal on this basis.

**Inadequate car parking provision:** it is proposed to provide 10 units on the subject site and six car parking spaces. While this is less than 1 space per unit, the Apartment Guidelines state S.4.19 *'in larger higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced are wholly eliminated in certain circumstances'*. The subject site is located in proximity to Clondalkin Village, which is well served by frequent bus services. There is also two less frequent bus service along Monastery Road contiguous to the site<sup>3</sup>. The site is also located within walking distance to many services associated with the village. On the basis of the location of the site, and the guidance on parking set out in the Guidelines referred to above, I consider 6 parking spaces to be acceptable. In order to provide a space for each apartment, it would be necessary to provide basement parking, which in my view would be unsuitable for the site in question.

**Inclusion of the Existing Dwelling on the record of Protected Structures:**

Having inspected the structure on site, and the significant alterations to the structure which have taken place, I don't consider that there is any basis for including the said structure on the Record of Protected Structures.

**Retention of the Stone Wall along the Roadside Boundary:** I acknowledge that the wall in question is of some aesthetic value along Monastery Road. Remnants of the wall are apparent along the Monastery Rise residential estate further east. If the Board are minded to grant planning permission for the proposal, it could in my view include a condition to retain the wall with the exception of the proposed pedestrian entrance.

**Non-Compliance with Conditions associated with ABP 301369-18 and ABP 307113-20.** Any issues with regard to non-compliance with conditions are a matter for SDCC, as the enforcement authority and are not a matter for An Bord Pleanála.

**Typographical Errors:** Any Typographical errors in the design statement, cannot be considered fatal to the overall application before the Board.

---

<sup>3</sup> Route 68 and 69, both services run hourly – providing a service every 30 mins along Monastery Road.

**Amendments to Drawing submitted with the Appeal:** The appellant submitted amended drawing which involve the relocation of the roof terrace to the western side of the building and also incorporated some alterations in fenestration arrangements. The documentation submitted with the appeal, is in my view a more appropriate arrangement, in that it reduces the overall bulk and scale of the building when view from vantage points to the west in the vicinity of Clondalkin Village. It also ensures that overlooking from the roof terrace is focused on public areas associated with surrounding open space and roadways as opposed to more private amenity areas associated with the more recently constructed apartment to the east.

**Part V:** It is clear from the information contained on file that if the Board are minded to grant planning permission, the provisions of Part V would apply.

## 8.0 **Appropriate Assessment**

- 8.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity 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.

## 9.0 **Recommendation**

- 9.1. Having regard to the acute issues in relation to housing supply in the Dublin region and having regard to the zoning objective pertaining to the site, preceded decisions on the adjoining site, and the separation distances between the site and existing development in the surrounding area, I consider that the proposed development is acceptable and will not give rise to any significant issues in respect of residential amenity. On this basis I consider that planning permission in this instance should only be refused where there are strong and imperative planning reasons for doing so. I do not consider that the reasons issued by South Dublin County Council constitute such imperative reasons and I therefore recommend and the decision by the planning authority be overturned and that planning permission be granted for the proposed development.

## 10.0 Reasons and Considerations

Having regard to the residential zoning objective pertaining to the site and the policies and provisions contained in the National Planning Framework, the Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities (March 2018) which seek to provide urban development including residential development at more compact and sustainable densities to enable people to live nearer to where jobs and services are located, it is considered that the proposed development, subject to compliance with conditions set out below, would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the plans and particulars received by the planning authority 18<sup>th</sup> Day of December 2020, and the plans and particulars received by An Bord Pleanála on the 22<sup>nd</sup> Day of February 2021, 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed apartment block shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

4. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

**Reason:** In the interest of orderly development.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction

practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

7. Details of the layout and demarcation of car parking and bicycle parking spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development in the interest of sustainable transportation.

8. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interests of amenity and public safety.

9. 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. All existing overground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

10. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional

circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

11. The site development and construction works shall be carried out in such a manner so as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe conditions during construction works in the interest of orderly development.

12. The naming and numbering of the scheme shall be agreed in writing with the planning authority prior to the occupation of the units.

**Reason:** In the interest of orderly street numbering.

13. The existing stone wall running along the northern boundary of the site adjacent to Monastery Road shall be retained as part the development with the exception of the proposed pedestrian entrance along the site frontage.

**Reason:** In the interest of amenity.

14. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may

be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

15. 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 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 for determination.

**Reason:** 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.

16. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in lieu of public open space provision. The amount of the contribution 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 for determination. The contribution shall be paid prior

to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

---

Paul Caprani  
Senior Planning Inspector

May 16th 2021