



An
Bord
Pleanála

Inspector's Report ABP-309638-21

Development

A two-storey extension to the existing clubhouse building and a five-storey building containing twelve apartments consisting of nine one bedroom units and three duplex two bedroom units.

Location

3 Eblana Avenue, Dun Laoghaire, Co. Dublin

Planning Authority

Dun Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.

D20A/0919

Applicant(s)

Eblana Club CLG

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Observers

William Byrne

Crofton Building Management CLG

Paul Tyrrell

Date of Site Inspection

19th May 2021

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The site comprises of a stated area of 0.085 hectares located to the north eastern side of Eblana Avenue, located to the north west of Marine Road and which is located centrally in Dun Laoghaire town centre. The site is located to the north of the junction of Eblana Avenue and Sussex Street.
- 1.2. To the south east of the subject site, there is a large development under construction with the site cleared and basement/ foundation works underway on the day of the site visit. To the north west is a no. 4 Eblana Avenue, a two storey over basement unit in residential use and which is attached to a terrace of three houses of three storey over basement design and which are listed on the record of protected structures. The Harbour lodge, which is also on the record of protected structures, is located to the north east of the site. Other uses in the area include the former Dun Laoghaire Senior College, located on the opposite side of the street to the south, St Michael's Hospital at the end of the street and a mix of residential and commercial use buildings.
- 1.3. On site is a single-storey over basement building which addresses the public street and which extends to a two-storey unit to the rear. A garden/ amenity space is located to the rear but is currently in use for the storage of materials/ equipment associated with the development of the adjacent site. The building is in community use and operates under the name of Dun Laoghaire or Eblana Club. The site falls on a south west to north east axis.
- 1.4. As reported, the site is located within the centre of Dun Laoghaire and within 320 m walking distance of Dun Laoghaire DART/ Train station, which is also a significant bus interchange, with services by Dublin Bus and Go-Ahead Ireland serving a wide area of south/ south east Dublin, the City Centre, north Wicklow and beyond. Bus services are also available to Dublin Airport from Marine Road by Aircoach route 703.

2.0 Proposed Development

The proposed development of this site consists of the following:

- The demolition of an existing sanitary unit with a stated floor area of 7 sq m located to the rear of the existing building.
- The construction of a two-storey extension to the existing Eblana Club, providing for a games room, lecture room, kitchen and fully accessible sanitary facilities.
- The construction of a five storey over basement apartment building. This will provide for a total of twelve apartments consisting of:
 - 3 x two-bedroom duplex units on the ground/ first floor levels.
 - 9 x one-bedroom apartment units, three per floor on the second, third and fourth floor levels.
 - A roof garden is to be provided at fifth floor level.
- New pedestrian accesses on the south eastern boundary.
- Bicycle parking to be located in the north eastern section of the site.
- All associated site works.

On a stated site area of 0.085 hectares, the proposed density is 141 units per hectare.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to refuse permission for two reasons as follows:

‘1. The proposed development, by reason of the massing, design and proximity to subject site boundaries, would adversely impact on the residential amenity of adjacent properties by reason of overlooking, overshadowing and overbearing appearance. Furthermore, by reason also of the lack of adequate communal open space, the proposed development would represent overdevelopment of the subject site. The proposed development would detract from the existing visual and residential amenities of the area, and would depreciate the value of property in the vicinity. Furthermore, having regard to the proximity of the proposed apartment block to Harbour Lodge, a protected structure, the proposed development is considered to be contrary to Section 8.2.11.2 Architectural Heritage (iii) Development in Proximity to a Protected Structure, and would also, if permitted, set an undesirable precedent for similar development in the area. The proposed development would, therefore be

contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, and to the proper planning and sustainable development of the area.

2. Policy UD1: 'Urban Design Principles' of the Dun Laoghaire Rathdown County Development Plan 2016-2022 states inter alia that it is policy to ensure that all development is of high quality design that assists in promoting a 'sense of place', and seeks to ensure that development proposals are cognisant of the need for the proper consideration of inter alia context, variety, layout, public realm, amenity and detailed design. The proposed development, by reason of massing, circulation layout, and boundary treatment detail, would result in a poor interface with the adjoining Sussex Street to Crofton Road pedestrian link identified in the Dun Laoghaire Urban Framework Plan. Furthermore, the overall design and detailing of the front elevation of the proposed apartment block would adversely impact on the visual amenities of the Eblana Avenue streetscape. The proposed development would, if permitted, be contrary to Policy UD1 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and to the proper planning and sustainable development of the area'.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report reflects the decision to refuse permission. The Planning Authority Case Officer reported that the upgrading and enhancing of the existing Eblana Club building was generally acceptable, though some further details would be required in relation to this.

The second part of the development is the provision of the apartment block to the rear of the existing building. Concern was raised about the scale/ design of this block and also concern was raised about the impact on the residential amenity of the area through overlooking/ loss of daylight and overbearing nature. The proposal would result in overdevelopment of the site and would set an undesirable precedent for similar development in the area. Access to the apartments was also raised as a

concern as this was not sufficiently detailed. The development was not in accordance with Policy UD1 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022. The visual impact on Harbour Lodge was also raised as a concern.

3.2.2. **Other Technical Reports**

Transportation Planning: Further information was sought in relation to the nature of the development (Build to rent scheme or otherwise), details on cycle parking, access to the site is via third party lands with no indication of consent having been provided, need for a travel plan and a construction management plan.

Environmental Health Officer: Further information requested in relation to the provision of a construction management plan and to demonstrate compliance with the apartment guidelines in relation to refuse bin storage/ provision.

Drainage Planning – Municipal Services Department: Further information requested in relation to surface water drainage, attenuation details/ storage capacity, further details on the proposed green roofs and to provide ‘utilities clash check’ which ensures that all services can demonstrate adequate separation distances etc.

Parks Department: No landscape proposal/ rationale has been provided. Concern about the use of steps for a development for elderly citizens. Refusal recommended due to the lack of detail.

A/ Conservation Officer: Welcome the continued use and improvement of the existing building, however no schedule of works or method statements have been provided. Request that views of the development from Crofton Road be provided so as to enable an assessment of the impact of the development on Harbour Lodge, a protected structure.

3.2.3. **Prescribed Bodies Report**

Irish Water: Further information requested in relation to the provision of an alternative foul drainage outfall that is not reliant on third parties. Also, request details on the provision of an independent water supply and to submit a pre-connection enquiry to Irish Water.

3.2.4. **Objections/ Observations**

A significant number of letters of objection were received to the original application including from HWBC, the Owner Management Companies of the Harbour Square and Harbour View developments and from individual members of the public.

Issues raised include:

- Loss of light to existing apartments in Harbour View.
- Loss of privacy through overlooking from the proposed development.
- No consent has been given to connect to third party foul and surface water drainage systems.
- No contiguous elevations have been included indicating the Harbour View and Harbour Square developments.
- The height of the development is a concern.
- Proximity to site boundaries is raised as a concern.
- There is a potential negative impact on the Harbour Lodge protected structure.
- The density of development as proposed is excessive.
- Concerns about the impact on the area during the construction phase of development. Concerns about construction noise, dirt, and dust.
- Concern about the development on the small garden area to the rear of the club and would prefer a full development of the site.
- Concern about the development in conjunction with the other large-scale developments underway/ permitted in the area.
- There is an over provision of one-bedroom units – 75% are one bedroom and this is made worse with the adjacent Bartra development under construction (Bartra development is the Old Schoolhouse site to the south east of the subject site).
- Concern about increased traffic and car parking shortfall in the area.
- The development is out of character with the area and would dominate private open space.
- Concern about anti-social behaviour with reference to the narrow lane between the site and Harbour View.

- The roof garden would negatively impact on residential amenity through noise and loss of privacy.
- Procedural concerns regarding the site notice.
- No reference to Part V Housing even though the development is in excess of nine units.
- Concern about fire safety – the lack of separation distances could result in a fire spreading to other properties.
- It is not certain how maintenance will be carried out due to the constrained nature of the site.
- The views/ aspect from the proposed apartments is very limited due to the layout and location of the development.
- Communal open space is very limited and whilst Drawing P.06 references a roof garden of 22.5 sq m, the Engineers Report references the provision of 180 sq m of green roof – the full extent of the roof area.

Letters of support for the proposed development were received from M. O’Keefe of Dun Laoghaire Tidy Towns, T. O’Neill & T Fox of the Chess Club, Breasaí Ó Caollaí of Holyhead Dun Laoghaire Link, Dun Laoghaire Ukulele Club, Bartra Property, M. Gibson of Dun Laoghaire Lions Club, F Kelly Dun Laoghaire Central Residents A, M. Kelly of Royal Terrace Residents Association, R. Cole of the Roger Casement Summer School/ Festival and from an individual member of the public.

The following points are made in support:

- The improvement of Eblana Lodge is to be welcomed and there is a need for improvement of this area.
- The existing Eblana Club is a major resource for the area.
- The proposed development will be wheelchair accessible which will further increase the use and inclusion of this facility.
- The development provides for additional residential units which is an objective of Dun Laoghaire-Rathdown County Council.
- The increase in floor area will allow for an expansion of community use such as the chess club.

- The proposed development will provide for housing and will allow the club to continue.
- The club has acted as the 'Festival Hub' for the annual 'Ukulele Hooley Festival' sponsored by Dun Laoghaire-Rathdown County Council and is a great location through its central positioning in Dun Laoghaire Town Centre.
- Bartra Property have no objection to the development and whilst no legal agreement has been made to use the pedestrian walkway through their lands, engagement will continue in relation to this.

4.0 Planning History

P.A. Ref. D12A/0247 refers to an October 2012 decision to grant permission for the construction of an external deck area at first floor level of 37 sq m floor area with external stair access to rear garden and the provision of an enclosed external accessible lift at the rear of the Dun Laoghaire Club building and all associated works above and below ground.

P.A. Ref. D06A/1914 / ABP Ref. PL06D.225933 refers to a June 2008 decision to grant permission for the demolition of the Old School House and the rear of No. 3 Eblana Avenue (subject site) and the construction of a mixed-use development of retail and office accommodation with 71 residential units. The Board, by way of condition, omitted the fifth and sixth floors from the development.

P.A. Ref D05A/0335/ ABP Ref. PL06D.214019 refers to an April 2006 decision to refuse permission, at a site including the Old School House and the rear of No. 3 Eblana Avenue, for a mixed-use development including 77 no. apartments, offices, retail/ offices, private club, committee room, private function room/ bar, car parking and associated works. Refused by the Board for 2 no. reasons as follows:

1. 'Number 3 Eblana Avenue is a building of architectural merit in the streetscape, located beside Protected Structures where it is the policy of the current Dun Laoghaire-Rathdown Development Plan "to encourage the rehabilitation, renovation

and re-use of existing older buildings where appropriate”. It is considered that the demolition of number 3 Eblana Avenue would result in the loss of a distinctive building of architectural significance on this streetscape and would seriously injure the visual amenities of Eblana Avenue. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development, by reason of its excessive height, massing and bulk on this sloping site, would seriously detract from the visual setting of nearby protected structures, particularly the Harbourmaster’s Lodge and would conflict with the provisions of the Dun Laoghaire-Rathdown County Development Plan 2004-2010 which supports higher densities provided that new development would respect and would not injure the existing built form, scale and character of an area. It is considered that the proposed development, while allowing for existing and permitted development in the vicinity, would represent a discordant feature when viewed from the harbour and would, therefore, be contrary to the proper planning and sustainable development of the area’.

The following refers to the adjacent site to the southeast and which is under construction:

P.A. Ref. D16A/0548/ ABP Ref. PL06D.248770 refers to an October 2017 decision to grant permission for the demolition of existing buildings and for the construction of 59 apartments, café, kiosk all in a 5 - 6 storey block above basement level scheme, with 59 car parking spaces and all ancillary site works.

5.0 Policy and Context

5.1. Development Plan

Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the site is zoned ‘MTC’ – Major Town Centre, with the objective ‘To protect, provide for and/or improve major town centre facilities’. Uses permitted in principle within this

zone include community facility, cultural use, and residential uses. Harbour Lodge to the north east of the site is a protected structure.

- 5.1.1. Chapter 2 – ‘Sustainable Communities Strategy’ of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, includes section 2.1 ‘Residential Development’. The Introduction (2.1.1) refers specifically to how future population growth will be accommodated, with one model – ‘Through the continuing promotion of additional infill accommodation in existing town and district centres at public transport nodes, brownfield sites and established residential areas’.
- 5.1.2. Under 2.1.3.3 ‘Policy RES3: Residential Density’ it is policy to: ‘... to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development’. I also note the following:

‘As a general rule the minimum default density for new residential developments in the County (excluding lands on zoning Objectives GB, G’ and B’) shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to ‘greenfield’ sites or larger ‘A’ zoned areas. Consideration in relation to densities and layout may be given where proposals involve existing older structures that have inherent vernacular and/or streetscape value and where retention would be in the interests of visual and residential amenity and sustaining the overall character of the area’.
- Under 2.1.3.7 ‘Policy RES7: Overall Housing Mix’ ‘It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy’.
- 5.1.3. Section 5.1 refers to ‘Environmental Infrastructure and Management’ and Section 5.2 refers to ‘Climate Change, Energy Efficiency and Flooding’.

5.1.4. Chapter 6 refers to 'Archaeological and Architectural Heritage'.

- Policy AR1: Record of Protected Structures is relevant:

'It is Council policy to:

- i. Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS).
- ii. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- iii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011).
- iv. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure'.

5.1.5. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to 'Principles of Development' and the following are relevant to the subject development:

- Policy UD1

'It is Council policy to ensure that all development is of high quality design that assists in promoting a 'sense of place'. The Council will promote the guidance principles set out in the 'Urban Design Manual – A Best Practice Guide' (2009), and in the 'Design Manual for Urban Roads and Streets' (2013) and will seek to ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design'.

- Policy UD6

'It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County'.

- 8.2 'Development Management' – with particular reference to section 8.2.3 'Residential Development' and 8.2.3.4 'Additional Accommodation in Existing Built up Areas'.
- Section 8.2.8.2 refers to Public/ Communal Open Space – Quantity and Section (i) refers specifically to Residential/ Housing Developments. The following is noted/ is relevant:

'Open Space: For all developments with a residential component - 5+ units - the requirement of 15 sq.m- 20 sq.m. of Open Space per person shall apply based on the number of residential/housing units. For calculation purposes, open space requirements shall be based on a presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. A lower quantity of open space (below 20 sq.m per person) will only be considered acceptable in instances where exceptionally high-quality open space is provided on site and such schemes may be subject to financial contributions as set out under Section 8.2.8.2

The Planning Authority shall require an absolute default minimum of 10% of the overall site area for all residential developments to be reserved for use as Public Open and/or Communal Space irrespective of the occupancy parameters set out in the previous paragraph'.

- Section 8.2.8.3 refers to 'Public/ Communal Open Space-Quality' and the following is particularly relevant to this development:

'Where any open space is to be provided on foot of a planning permission, the space in question should be well overlooked and designed and located to sympathetically complement the layout of the development and should be visible from, and accessible to, the maximum number of dwellings/ units within the

proposed scheme. Inaccessible, hidden or otherwise backland open space, and narrow linear strips of open space will not be acceptable. Fragmented open spaces within a development layout, which result specifically from the necessity to protect existing site features (for example a stand of mature trees) may not be included in the calculation open space requirements, as they are necessary to ensure the protection of existing amenities.

Public and/or communal open spaces should be overlooked and designed to ensure that potential for anti-social behaviour is minimised through passive surveillance. 'Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities' (2009) provides detailed guidance on the provision of open space for new residential developments while the 'Retail Design Manual' (2012) provides guiding principles on how landscaping and open spaces can assist improved public realm and promote attractive retailing centres'.

- Section 8.2.8.4 refers to 'Private Open Space – Quantity' and section (iv) Private Open Space for Apartment Developments is relevant.

5.2. National Guidance

- The National Planning Framework includes a specific Chapter, No. 6 – '*People Homes and Communities*' which is relevant to this development. This chapter includes 12 objectives (National Policy Objectives 26 to 37) and the following are key to this development:
 - National Policy Objective 27 seeks to 'Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages'.
 - National Policy Objective 33 seeks to 'Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location'.

- National Policy Objective 35 seeks to ‘Increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (DoEHLG, 2009) and its companion, the Urban Design Manual – A Best Practice Guide (DoEHLG, 2009).
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DoHLGH, 2020).

These guidelines provide for a range of information for apartment developments including detailing minimum room and floor areas. The following sections, summarised, are of particular relevance to this development:

- Specific Planning Policy Requirement 1: Developments may include up to 50% one bed/ studio units. Studio units to not exceed 20-25% of the total. No minimum requirements for three or more units. Mix to be in accordance with evidence-based Housing Need and Demand Assessment.
- Specific Planning Policy Requirement 3: Minimum apartment standards are provided.
- Specific Planning Policy Requirement 4: Standards for minimum number of dual aspect units. 50% in the case of suburban or intermediate locations.
- Specific Planning Policy Requirement 5: Minimum floor to ceiling heights.
- Specific Planning Policy Requirement 6: Maximum of 12 apartments per core.

Section 5 refers to ‘Build-To-Rent and Shared Accommodation/ Co-living Sectors’.

- Specific Planning Policy Requirement 7: Requirements for BTR accommodation/ developments.

- Specific Planning Policy Requirement 8: In the case of BTR development, no restrictions on housing mix and all other requirements apply unless stated otherwise. Flexibility regarding storage, reduced car parking having regard to location, need to exceed standards need not apply and core of 12 units does not apply, subject to compliance with building regulations.

Appendix 1 provides 'Minimum Floor Areas and Standards'.

- Urban Development and Building Heights Guidelines for Planning Authorities (DoHPLG, 2020).
- Permeability Best Practice Guide (NTA).

5.3. **Natural Heritage Designations**

None.

5.4. **EIA Screening**

Having regard to the nature of the proposed development comprising the provision of an apartment development in an established urban area and where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The applicant has engaged the services of Brock McClure to prepare an appeal against the decision of Dun Laoghaire-Rathdown County Council to refuse permission for this development.

Main grounds of appeal include:

- The site location, planning history and area context are provided. The site is located within the centre of Dun Laoghaire and within an area that is very well

served by public transport. There is a wide range of services within walking distance of the site.

- Comment is made on the development to the south east on the Bartra site.
- The proposed development will provide for the upgrade of the Eblana Club and will also provide for twelve apartments (nine one bedroom, three duplexes, two-bedroom units). The applicant's preference is that these units be sold to the Council for use as housing for the elderly.
- Details are provided on the communal open space and bicycle parking. No car parking is proposed due to the location of the site within the town centre.
- The Planning Authority report refers to a number of positive aspects to this development including the development of the club, the MTC zoning allows for such development and reference is made to County/ National guidance on the promotion of densification of suitable sites. In general apartment standards are met, in accordance with the guidelines and height is also considered.

The following points are considered in support of the appeal:

- The development is in accordance with National/ Regional/ county Development Plan Policy. The site is located in an established urban area adjacent to high quality public transport.
- The site at 0.085 hectares is relatively small as is the scale of development proposed here. Reference is made to a number of large developments in the area including on the adjacent site and elsewhere in Dun Laoghaire.
- The issue of height is considered in some depth. The contradiction between the restrictions on height for development in the 'Coastal Fringe Zone' and a town centre location is commented on.
- Measures are proposed to address concerns regarding overlooking such as the provision of obscured glazing on the western perimeter of the upper floor balconies on the north-western elevation of the apartment block. Similar measures can be taken on other parts of this building.
- The proposed development does not give rise to any new issues of overlooking, that issue has been established by the Harbour View development. There are no

directly opposing windows between the proposed development and Harbour Lodge.

- Accept that the separation distances between the subject site and the Old School House site (site to the south east) are sub-optimal. This is to be expected in such an established urban location.
- Dismiss the assertion made by the Planning Authority Case Officer that the development would be overbearing on the properties to the west of the subject site.
- The proposed development will suffer overshadowing from the School House development and any overshadowing from the development itself will be limited.
- Reject the concern about the proposed access to the development being from the landscaped link corridor to the side. Good relations are had with the developer/owner of the landscaped link access.
- Reject the issue of precedent, regarding impact on the visual amenity of the area, as this has already been set in the area with permitted developments adjacent to the subject site.
- Note the concerns regarding the potential impact on Harbour Lodge, a protected structure, however the information required to demonstrate the impact or not, was never sought.
- Drainage, parking, and landscaping issues can be addressed by way of condition.
- In support of the appeal, an Outline Construction Management Plan and an updated Drainage Statement have been prepared and are included with the appeal submission.
- It is intended that the development be used for the benefit of elderly residents, and it is acknowledged that this was not stated in the public notices.

An alternative proposal is included that removes one floor of one-bedroom units, thereby providing for a four storey over basement development and reducing unit numbers by three to nine. A number of photovoltaic panels to be removed from the roof so as to increase the amount of communal open space. The front elevation to

be revised through alternative materials, detailing and increase the number of windows. Other alterations include the relocation of plant to the basement, revisions to the circulation areas and revised bin storage areas. Letters in support of the development have been provided from the Eblana Club President and from Bartra.

Request that the decision of the Planning Authority be overturned, and that permission be granted for the development.

6.2. Observations

A number of observations have been received with issues similar to those raised in objection to the original application. These observations have been received from RW Nolan & Associates on behalf of Crofton Building Management CLG and from individual members of the public.

The following comments are made in summary:

- The application does not include sufficient drawings and refers to site/ layout plan and elevations which have not been submitted.
- No permission has been given to connect to third party foul and surface water drainage systems.
- The proposed development will be visually obtrusive, and no details have been submitted that indicate otherwise.
- The development will have a negative impact on the protected structure to the north – Harbour Lodge.
- The development will give rise to overlooking and overshadowing of adjoining properties.
- The proposal will result in overdevelopment of this site.
- No details have been provided in relation to Part V housing provision – development is in excess of nine units.
- Insufficient setbacks from the boundaries have been provided and there is a concern regarding fire safety.
- Unclear how the building will be maintained due to the constraints of the site layout.

- The proposed units will provide for poor residential amenity – poor outlook from the units and insufficient communal open space.
- The site is not an infill development as it does not meet the requirements for such a development.
- There is an oversaturation of similar residential development in the immediate area/ Dun Laoghaire town centre.

6.3. **Planning Authority Response**

The Planning Authority have no further comments to make on the planning aspect of the development. The assessment that was carried out was on the basis of the information submitted on the 9th of December 2020. The Drainage Planning Section have included some additional comments as follows:

- No indication that that the requirements of the drainage report dated 18th of January 2021 have been considered with particular reference to the green roof and the requirements of same.
- There is a lack of supporting documentation in relation to the allowable surface water discharge rate.
- There is no certainty provided in relation to the drainage connections that are required for this development.

In the absence of certainty regarding the above issues, it is considered that the proposed development is premature.

7.0 **Assessment**

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Principle of Development
- Design and Impact on the Character of the Area
- Quality of the Residential Amenity of Future Occupants
- Impact on Existing Residential Amenity

- Drainage and Water Supply
- Traffic and Parking
- Other Issues
- Appropriate Assessment Screening

7.2. Principle of Development

- 7.2.1. The subject site is zoned 'MTC' and considering the location of the site within Dun Laoghaire town centre, the development is acceptable in terms of the zoning objective and the type of development, residential/ community use, being acceptable in principle. The development as submitted provides for an extension to the existing Eblana Club building and also provides for an apartment block of twelve residential units.
- 7.2.2. The Planning Authority reasons for refusal refer to impact on residential amenity, impact on visual impact, impact on a protected structure and would be contrary to Objective UD1 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022. Other issues were referred to in the Planning Authority Case Officer's report and they will be considered here.
- 7.2.3. The proposed density, as submitted is 141 units per hectare. The applicant has submitted a revised development in support of their appeal. The number of units is reduced by 3 (12 down to 9) and the density is therefore 106 units per hectare. I note the revised details submitted in support of the appeal and I will comment on both the original and revised proposals. The reduced/ revised density offered as an alternative proposal in the appeal remains acceptable in the context of promoting increased density in established urban centres.

7.3. Design and Impact on the Character of the Area

- 7.3.1. Guidelines in the form of the 'Sustainable Urban Housing: Design Standards for New Apartments' and 'Urban Development and Building Heights Guidelines for Planning Authorities' allow for greater densities in urban areas and with a presumption that taller buildings be allowed, but not at the expense of existing residential amenity. I will comment later in this report on the potential impact on residential amenity. The Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 also promotes/

encourages an increase in density/ intensity of development, where this can be demonstrated to sufficiently integrate with the existing established character of the area.

- 7.3.2. I note the comments made by the Planning Authority/ internal departments of the Local Authority and those made by third parties in relation to the lack of detail submitted in support of the application. Although the issue of validation of a planning application is not a matter for the Board, I consider that sufficient detail has been submitted to demonstrate the validity of the application in accordance with the Planning Act/ Regulations, but insufficient details have been provided to demonstrate the acceptability of the proposed development. These are two very different issues and even the information submitted in support of the appeal was somewhat limited, for example under the heading 'Other Issues' a wide range of issues such as parking, drainage, landscaping etc. are considered to be addressable by way of condition. This may be so, but these issues were raised by the Planning Authority Case Officer and some attempt at 'closing off' these matters should have been made.
- 7.3.3. As with the Planning Authority, I do not have an issue with the nature of the development and I note the number of letters of support for the development, primarily the upgrade/ improvement of the club buildings, and which I also accept the benefits of this aspect of the development. It is desirable that a range of uses be promoted/ provided within a town centre and the retention/ expansion of a community use building, and the introduction of additional residential accommodation is to be welcomed if the town centre is to retain a vibrancy at all times of the day/ night.
- 7.3.4. **Extension to the Eblana Club building:** The proposed extension of two storeys to the rear of the existing building is considered to be visually acceptable and will integrate well with the existing building. The new extension is attached to the existing building by means of a link that is primarily finished in glass and will provide for an attractive transition between the original/ existing building and the new rooms to the rear.
- 7.3.5. I do not foresee any negative impact on the adjacent area from this element of the proposed development. I note the comments made by the A/ Conservation Officer

in relation to the provision of a schedule of works/ method statement and I agree that this can be addressed by way of condition if permission is to be granted. Agreeing such matters by condition/ in agreement with the Planning Authority would be standard practice.

- 7.3.6. **Apartment Block:** The design/ location of this element of the development is clearly the major cause for concern. A five storey over basement apartment block is proposed, with the ground and first floors providing for three, two-bedroom duplex units and the remaining three floors each provide for three, one-bedroom units per floor. The apartment block will adjoin the extended club house but there is no internal connection between the two. Access to the block is from the south western and north eastern sides. The access from the south western side is dependent on the provision of a pedestrian route that forms part of the development on the adjoining site. A lift/ stairwell to the south western side of the block provides access to the upper floors.
- 7.3.7. I note the comments made regarding the impact of the block on the visual amenity of the area and how it may impact on Harbour Lodge, which is a protected structure. It is considered that a full Visual Impact Assessment should have been undertaken to address this issue. The visual impact that the public will experience will be from Eblana Avenue to the front of the site and from Crofton Road to the rear/ north east. Views from the north west and south east are restricted by existing/ proposed development and are therefore not as necessary as the other views.
- 7.3.8. The front elevation of this block, facing Eblana Avenue, provides for a very blank façade treatment. Although not indicated on the floor plans, the only windows appear to serve the landing area of the upper floors. I am uncertain as to why this design was proposed. There is no particular issue regarding overlooking from the front elevation of this building. The proposed elevational treatments consist of a mix of brick and lime plaster. No specific details are provided. The existing club house is finished in plaster, as are the majority of buildings on Eblana Avenue.
- 7.3.9. In conclusion, the proposed apartment block may be visually acceptable, however in the absence of a Visual Impact Assessment, it cannot be said for certainty if this is the case. Whilst the existing building on site is not a protected structure, the presence of the Harbour Lodge and the other buildings on Eblana Avenue which are

on the record of protected structure does require a consideration of the impact on the greater area and it is considered that the applicant has not adequately demonstrated what the impact would be on the visual amenity of the area. The proposed apartment design requires modification to ensure that its presence on the area is more positive and not be developed as an infill scheme that is based on being hidden from view.

- 7.3.10. I have had full regard to the revisions made, in support of the appeal, as an alternative to the originally submitted development. The concern remains that insufficient supporting detail is provided. The reduction in height through the omission of a floor does not significantly improve the visual appearance of the building. Similarly, the revisions to the front façade are minor and do not improve the appearance to an acceptable level that would be appropriate facing onto Eblana Avenue.

7.4. Quality of the Residential Amenity of Future Occupants

- 7.4.1. Reference is made in the submitted application to the preference that these units be sold to the Local Authority and then to be used for the housing of elderly people who are on the housing list. There is no objection to this proposal, however it is not stated in the public notices that this is the intended use, and the proposed units could be used by any section of society. Subject to compliance with the specified standards of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 and the Apartment Guidelines, there is no objection to any cohort taking up residency here. In the event that permission was granted for this development, a condition would be attached requiring the applicant to comply with the Part V Housing Provision.
- 7.4.2. The proposed development provides for adequate room sizes in accordance with the apartment guidelines and adequate storage provision is available to future occupants. Each of the units is provided with a balcony of 5.2 sq m, which is acceptable. All units are dual aspect facing north west/ south east.
- 7.4.3. Access to the units on the second, third and fourth floors is by way of a shared deck access from the lift/ stair well area. This requires the resident of the north eastern unit to have to pass two other units to access their property. The front door and the bedroom window of these units will be passed by. I am not convinced that this is the

optimum layout of these units. It may have been better to locate the kitchen/ living space on this side of the unit where south easterly sun may be received and the opening/ closing of doors may not be as disruptive to those asleep within their bedroom.

- 7.4.4. Floor to ceiling heights is approximately 2.65 m and are acceptable. It is considered that a daylight assessment should have been carried out/ submitted with the application. The layout of the development and the proximity to the permitted development to the south west, indicates that received daylight may not be acceptable and that the applicant has not provided any 'compensatory design solutions' in accordance with the 'Urban Development and Building Heights – Guidelines for Planning Authorities'. No communal facilities are proposed, though the adjacent club house and location within Dun Laoghaire town centre, will reduce the need for such facilities.
- 7.4.5. No car parking is provided, and the Transportation Section of Dun Laoghaire-Rathdown County Council have raised no objection to this. The location of the site and nature of the units should remove the need for specific car parking to serve this development. A notional location for bicycle parking is indicated towards the north eastern side of the site. Insufficient details have been provided as to the quantum and nature of the proposed bicycle parking. I would query the accessibility of this parking space for residents; bicycle parking should be located where it is convenient to park/ collect your bicycle.
- 7.4.6. No public open space is provided, and communal open space is located at roof level. The submitted plans state 22.5 sq m, which is clearly a typing mistake, but from the available information, it appears that less than 90 sq m is provided. Part of the roof level is taken up with photovoltaic panels and the applicant has proposed a reduction in the number of these so as to increase the amount of communal amenity space. Very little detail has been provided as to the layout of this communal open space and the useability of it is not certain.
- 7.4.7. The details provided in support of the appeal, in the form of revised floor plans and elevations, do not demonstrate what the impact will be on the residential amenity of future residents of this apartment block. No additional sunlight/ daylight information is provided. There is some clarity provided on the floor area of the communal open

space at root level which is stated to be 187.75 sq m. However, there is no detail provided as to the layout and what facility this space will provide for.

7.5. Impact on Existing Residential Amenity

- 7.5.1. The letters of objection/ subsequent observations raise a number of concerns in relation to impact on the existing amenity of residents in the area. Overlooking leading to a loss of privacy was raised in a number of the observations. The applicant in their appeal response has been vague in terms of the impact on the amenity of the area, other than this is an urban location, and some negative impacts are to be foreseen.
- 7.5.2. There will be increased overlooking from this development onto the lands to the north west of the subject site, the rear garden of no. 4 Eblana Terrace. The lands to the rear of the other three units 5 – 7 appear to be in use as car parking or for some light industrial use.
- 7.5.3. Comment was made that the rear garden of the Eblana Club, the site of the apartment block, suffered significant loss of amenity following the commencement of work on the adjoining School House site. On the day of the site visit, it appeared that this space was in use as part of the construction site for the adjoining site. In any case, the loss of this private amenity space does not excuse the impact on the adjoining site to the north west. The garden here will be overlooked and there will be a loss of sunlight/ daylight due to the proposed development.
- 7.5.4. The proposed apartment block will also result in the loss of daylight/ sunlight to the upper floor levels of the permitted development to the south east. Late afternoon and evening sunlight will be significantly reduced with greatest loss during the late spring/ early autumn and summer seasons. The rooms on the north western side of the School House development appear to be primarily bedrooms and storage space, but it does not avoid the fact that there will be a loss of amenity. A shadow analysis would have demonstrated what the impact was on the adjoining sites. This should have been done for March, June, September and December and that for June up to at least 21.00 hours, when evening sunlight can be of a great amenity in such an urban location.
- 7.5.5. Overbearing was also raised as an issue of concern and again there is no doubt that this will occur in this location. Some allowance has to be made for the location within

an established urban area that is undergoing a development transition from low density/ intensity uses to higher density/ intensity uses.

- 7.5.6. The reduction in height of the development through the loss of a floor as submitted in support of the appeal, is to improve the residential amenity of some of the adjoining properties, but I consider that there is insufficient available evidence to clearly state that.

7.6. Drainage and Water Supply

- 7.6.1. The report of the Municipal Services Drainage Department raises a number of issues, and these are further detailed in the response to the appeal. I agree that the development as submitted appears to be premature. I am not convinced that the required details can be addressed by way of condition. The applicant was aware of the concerns raised by the Drainage Department and yet no real attempt was made to resolve these issues.

- 7.6.2. Irish Water have raised similar concerns in relation to water supply and foul drainage. Although these may be presented as legal issues, such as the need for consent to connect to existing services within third party control, the failure to prove that this can be achieved, results in a development that cannot demonstrate that it is acceptable in terms of public health, and adequate foul/ surface water drainage systems cannot be provided by the applicant. An Engineering Drainage Statement submitted in support of the appeal does not provide the level of clarity required to enable this development to be granted permission subject to conditions as too many uncertainties remain.

7.7. Traffic and Parking

- 7.7.1. I have already commented on the proposal to provide for no car parking on site and this is acceptable considering the location of the site and the nature of the development as described in the public notices.
- 7.7.2. The Transportation Department also requested further information in relation to the nature of the development and to demonstrate that consent has been given to access third party lands – the pedestrian route to the south eastern side of the site. The applicant has not demonstrated to date that they have consent to access these third-party lands.

7.7.3. The applicant has submitted a draft Construction Management Plan (CMP) in support of the appeal. I accept the draft nature of this CMP, and a more detailed report would be required prior to the commencement of development. On the day of the site visit, it was apparent that access to the adjoining site was somewhat difficult for construction vehicles wishing to access these lands and this issue will be even more difficult on the subject site.

7.8. **Other Issues**

7.8.1. I have had full regard to the third-party submissions. The site is suitable for development and whilst I consider that the proposal demonstrates overdevelopment, this is primarily due to the lack of evidence that it will not have a negative impact on the existing residential amenity of the area. If the applicant can demonstrate otherwise, then a development of this nature may be acceptable in this location in the centre of Dun Laoghaire.

7.8.2. I have reported on the general acceptability of the development/ extension to the existing Eblana Club building. I do not consider it appropriate to recommend a split decision, grant the works to the club and refuse the apartment, as there are fundamental issues that need resolving and permitting only the club development may sterilise the lands to the rear or significantly impact on their development potential in the future.

7.9. **Appropriate Assessment Screening**

7.9.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 **Recommendation**

8.1. I recommend that planning permission be refused for the following reasons and considerations as set out below.

9.0 Reasons and Considerations

1. Having regard to the location of the site, to the established built form and character of Eblana Avenue and to the existing buildings on the street which are considered to be of importance to the streetscape, it is considered that the proposed apartment block, consisting of a five storey building attached to an existing/extended two storey building, would be incongruous in terms of its design, would be out of character with the streetscape and would set an undesirable precedent for future development in this area. The proposed development would seriously injure the visual amenities of the area, would be contrary to the stated policy of the Planning Authority, as set out in the current Development Plan, in relation to urban development and urban renewal and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that, by reason of its uncharacteristic design, the proposed development would materially and adversely affect the character and setting of Harbour Lodge, which is listed on the Dun Laoghaire-Rathdown County Record of Protected Structures, and would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

3. It is considered that the proposed development, by reason of its height, scale, massing, and bulk, would constitute overdevelopment of the site and seriously injure the amenities of the area and of property in the vicinity through overlooking and also through the loss of available daylight/ sunlight. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. The proposed development would be premature pending the applicant demonstrating that a suitable and appropriately designed foul and surface water drainage system can be provided to serve this development. The proposed

development would, therefore, be contrary to the proper planning and sustainable development of the area and would be prejudicial to public health.

Paul O'Brien
Planning Inspector

17th December 2021