



An  
Bord  
Pleanála

## Inspector's Report ABP-309819-21

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<b>Development</b>	The demolition of the existing Coach House public house and the construction of a mixed-use development of 54 residential units and a café/ wine bar.
<b>Location</b>	The Coach House, Public House, Ballinteer Avenue, Dublin 16.
<b>Planning Authority</b>	Dun Laoghaire-Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D21A/0014
<b>Applicant(s)</b>	Thornhart Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Observers</b>	Mark Radburn Geraldine O'Dubhghaill Thomas & Kathleen Manning

Ed & Michele Jackson  
Colm Corcoran  
Ciaran & Louise Moore  
Richard Doyle  
Tracey Ferry  
Shay Hogan – submitted by Conor Sheehan  
Daniel O'Donoghue  
Lynette Wall  
Emma Reid – submitted by Dr Diarmuid Ó Gráda  
Dorothy Clements – submitted by Dr Diarmuid Ó Gráda  
Miriam Walshe  
Brian Ingoldsby  
Antoinette Traynor  
Martina Byrne  
Berina & Diarmuid O'Neill  
Desmond Moran  
Noel & Carol Milton  
Glen & Karen Keddy – submitted by Hendrik van der Kamp  
Patrick Harrington  
Denise & Michael Boland – submitted by Conor Sheehan

**Date of Site Inspection**

19<sup>th</sup> May 2021 and 1<sup>st</sup> September  
2021

**Inspector**

Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject site as indicated within the red line boundary of the site, comprises of 'The Coach House' public house and extends to include an adjoining parade of shops and car parking areas to the front and rear of these shops. The subject site area is stated as 0.69 hectares and is located to the south eastern side of Ballinteer Avenue, Ballinteer. This public house consists of a single storey building with a stated area of 1211.5 sq m and includes an off-licence attached to the side. The irregular shaped building is finished in stone and appears to have been extended over time. A temporary wooden building is located to the front of the Coach House and was in use for the sale of take-away drinks, ice creams and milk shakes.
- 1.2. To the south west of the site is a two-storey parade of shops at ground floor and offices/ medical rooms over. This is a large block of a building and is flat roofed with a number of prominent telecommunication aerials/ dishes/ antennae at roof level. Surface car parking is located to the front of this parade of shops and to the rear there is a larger parking area. This rear parking area is accessed from Ballinteer Court which extends southwards to a short cul-de-sac of detached/ semi-detached houses. To the north east of the subject site are semi-detached houses and to the east and south east is open space associated with St. Anne's, a two/ three storey apartment block for elderly residents. On the opposite side of the road to the subject site are semi-detached two storey houses and Ballinteer Park, a looped road of mostly semi-detached houses.
- 1.3. The area is therefore characterised by mostly residential development but there is also commercial development such as the adjoining site and a small shopping centre anchored by a SuperValu to the south west of the site.
- 1.4. Ballinteer Avenue is served by Dublin Bus route 14 which operates between Dundrum Luas stop and Beaumont via the City Centre every 12 minutes off peak. Go-Ahead route 75 operates every 30 minutes off peak between Dun Laoghaire and Tallaght and route 175 operates every 30 minutes between UCD and Citywest. Dublin Bus route 116 operates once a day each direction between the City Centre and Whitechurch. Balally Luas stop is approximately 1.4 km to the north east of the subject site. The 14, 75 and 175 all connect the site to the Luas at Dundrum.

## 2.0 Proposed Development

2.1. The proposed development consists of:

- The demolition of the Coach House building with a stated area of 1211.5 sq m.
- The construction of a mixed-use development in two blocks (A and B) which are joined at ground level. The buildings will range from one to five storeys in height. Block A is located on the site of the Coach House and addressed the public road. Block B is located to the rear of Block A and partially behind the existing Ballinteer Business Centre building, on a north south axis.
- The residential element will provide for 21 x one-bedroom units and 33 x two bedroom units – a total of 54 residential units.
- A café/ wine bar will be provided with a stated area of 287 sq m.
- Pedestrian access to the development will be from Ballinteer Avenue and vehicular access will be through Ballinteer Court. Basement car parking is to be provided in addition to bicycle parking, open space and refuse storage.
- All associated site works including landscaping and services provision.

2.2. The appeal was supported with a number of revisions to the advertised development, for the Board's consideration, as follows in summary:

- The top floor of block A has been removed and is now proposed to be a maximum of four storeys in height.
- The overall number of units has been reduced from 54 to 51.
- A basement car park is now proposed which provides for a total of 62 spaces – 50 for residential use and 12 for commercial use.
- 14 bicycle parking spaces and two motorcycles parking spaces are provided in the basement area.
- Undercroft car parking in Block B is to be replaced with three new ground floor apartment units.
- Additional open space is now proposed.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The Planning Authority decided to refuse permission for the development for three reasons as follows:

‘1. The proposed development represents overdevelopment of the site, by way of its overall scale, bulk and massing and by its poor transition within the existing streetscape. It is considered that the proposed development would appear overbearing and visually dominant at this location and would be seriously injurious to the visual amenity of the area and harmful to the residential amenity of neighbouring properties. The proposed development would, therefore, be contrary to the policy provisions of the Dún Laoghaire Rathdown County Development Plan 2016 - 2022 and would be contrary to the proper planning and development of the area.

2. The open space proposed to serve the development is piecemeal and poorly located and would, result in a scheme deficient in quality open space representing overdevelopment of a limited site; materially contravening Section 8.2.8.2 of the Dun Laoghaire Rathdown County Development Plan 2016-2022. The proposed development would therefore be contrary to the area’s zoning objective ‘A’ which is, ‘to protect and/or improve residential amenity’ and would therefore be contrary to the proper planning and sustainable development of the area.

3. Given the relative absence of available high-quality public transport, such as Luas or DART services, which might mitigate the lack of car parking provision within the scheme, the proposed development provides for an insufficient number of car parking spaces to serve the proposed residential development and would greatly reduce parking for the existing Ballinteer Business Centre and as a result would create on street parking demand in the surrounding area. The proposed development, in itself and in the precedent, it would set would adversely affect the use of Ballinteer Avenue and / or the surrounding local road network by road users and would endanger public safety by reason of traffic hazard or obstruction of road users. Note: there are outstanding issues relating to surface water drainage that will need to be addressed in any future planning application’.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planning Report reflects the decision to refuse permission. Concern was expressed about the quantum of development proposed and its overall design, scale and bulk and massing were raised as issues. The development was considered to have a poor relationship with the existing streetscape. Insufficient car parking was proposed and overall, it was considered that the development would give rise to overdevelopment of this site. Insufficient public and communal open space was proposed and that provided was of a poor quality. The development was not of a suitable quality for this location.

### 3.2.2. Other Technical Reports

**Municipal Services Department – Drainage Planning:** Further information was requested in relation to providing for an alternative development that did not encroach within the wayleave of public sewers, that no part of the attenuation system was within 3 m of adjoining properties, 5 m of foundations, to revise the surface water drainage system such that an existing system is utilised, to provide revised calculation details, to ensure that landscaping does not negatively impact on attenuation systems and to ensure that surface water from car parking areas (existing/ proposed) does not enter the public carriageway.

**Housing Department:** Condition recommended in the event that permission is granted for the proposed development.

**Environmental Health Officer:** Further information requested in relation to the provision of a Demolition Management Plan, a Construction Environmental Management Plan, a Waste Management Plan, details of the proposed wine bar/ café in terms of noise, fumes and air ventilation and details of how refuse from the apartments is to be managed.

**Transportation Planning:** Further information requested in relation to delivery parking areas, need for an increased number of car parking spaces as the proposed provision may give rise to overspill parking onto neighbouring streets, need for EV and visitor parking to be clearly indicated, insufficient details on the proposed car sharing club, additional details on bicycle parking provision, need for a Construction

Management Plan and a need for a Quality Audit which should include a Road Safety Audit, Access Audit, Cycle Audit and Walking Audit.

### 3.2.3. **Prescribed Bodies Reports**

**Irish Water:** Further information requested as the development may impact on existing waste water infrastructure in the immediate area.

### 3.2.4. **Objections/ observations**

A number of letters of observation were received. These were submitted by Councillor L. McCarthy, Kevin O'Connor – Chairperson of the Woodpark Residents Association, from businesses within the adjacent Ballinteer Business Centre and by individual members of the public. Conor Sheehan submitted observations on behalf of Shay Hogan, a separate one on behalf of Richard Doyle and another on behalf of Denise & Michael Boland. Hendrik van der Kamp submitted an observation on behalf of Glen & Karen Keddy. BMA submitted an observation on behalf of Ballinteer Medical. Dr Diarmuid Ó Gráda submitted observations on behalf of Dorothy Clements and Emma Reid.

Issues raised, in summary, include:

- The development contravenes the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 in terms of integration with its surroundings and would be contrary to the County Building Height Strategy.
- The development would not be in accordance with the NC – Neighbourhood zoning of the site as the scheme is primarily for residential use and insufficient mixed uses are proposed.
- The proposed development will erode the character and viability of the local centre.
- The proposal would result in overdevelopment of this site and is of a scale that would be more appropriate on lands zoned for town centre rather than in a suburban neighbourhood centre.
- Although this may be described as an infill development, it has insufficient regard for the adjacent area.
- Open space provision is of a poor quality.



- Insufficient provision of loading bays to serve the existing retail uses on site. Delivery trucks may experience difficulties in going about their business.
- Insufficient car parking has been proposed to serve the development. This may give rise to on-street parking in the area which is already a problem for residents. Existing car parking spaces are well used, despite what is suggested in the planning report in support of the application.
- The lack of parking may impact on refuse collection, parcel deliveries and on the ability of the fire/ ambulance services to function properly.
- Potential for traffic congestion arising from this development.
- Potential for traffic safety issues as children play in the residential streets in the area and additional traffic/ cars parking may negatively impact on them.
- Lack of car parking may negatively impact on the businesses operating in the area whose customers may visit the retail units by car.
- It is unclear how car parking is to be allocated on the site.
- Insufficient information has been provided in relation to the proposed car club. This is provided as a justification for the reduction in car parking spaces.
- The proposed car parking layout is of a poor design and does not receive adequate passive surveillance – this may give rise to anti-social behaviour in Ballinteer Park.
- The car parking may be controlled by a barrier, insufficient detail has been provided on this.
- There has been a lack of consultation with the existing businesses in the area and particularly in relation to the loss of car parking.
- Welcome for the proposed bicycle parking but cycle track provision in the area is considered to be poor.
- There are no cycle tracks along Ballinteer Avenue and the proposed development does not support the future provision of these.
- The applicant has overstated the public transport provision in the area. Route 16 does not serve Ballinteer Avenue, it is over 10 minutes walk from the site.
- Under bus connects, route 14 will be relocated from the area. The Luas stop in Dundrum is about 20 minutes' walk from the site.

- Potential for overlooking from the proposed development.
- Potential nuisance from noise from the proposed balconies and the outdoor seating associated with the proposed café/ wine bar.
- Potential for overshadowing and a loss of light as a result of this development and its excessive height.
- Loss of views of the Dublin Mountains.
- Concern about impact on drainage and water supply in the area.
- Flooding is an issue in the area and the development may make this issue worse.
- Bin storage on site has been badly provided for/ considered.
- The proposed development appears to be proposed for construction over/ very near to public water mains, which is a public health issue.
- The proposed development provides for too many one-bedroom units.
- The design of the proposed buildings is not in keeping with the character of the area. The buildings are too large, monolithic and too tall. They will have a negative impact on the visual amenity of the area.
- The narrow gap between the two blocks may create a wind tunnel effect.
- Overstating the precedence of St Annes Court adjacent to the site – this is three storeys in height at maximum point.
- Do not accept that the development complies with the ‘Urban Development and Building Heights: Guidelines for Planning Authorities’.
- If permission is to be granted, it is recommended that the top floor be removed, the floor area be reduced, a greater variety of used be provided, issues of overlooking be addressed, open space be provided for the benefit of the area and that the separation between the proposed development and adjoining houses be increased. Additional tree planting and improved public realm should be provided for.
- Appropriate development is supported subject to it providing for visual and other improvements to the area and which integrates with the existing established character.

- The proposed development would result in the loss of an important leisure/ entertainment facility that serves the local area. The local pub is important to this area.
- The existing building is an attractive granite finished building and is of local and historical importance. The Dun Laoghaire-Rathdown Heritage Officer should be informed of the proposed development – demolition of this building.
- The provision of a five-storey apartment block in an established urban area is indicative of overdevelopment and an inappropriate form of development. A significant number of similar apartment blocks have been built in the area in recent years but generally on greenfield sites.
- Two storey houses would be appropriate here, not five storey apartment blocks.
- There is a need for small scale retail/ commercial uses to serve the area and a scaled down version of what is proposed would not be acceptable.
- Inadequate provision is made for open space and play areas for children.
- There is no provision made for additional school spaces and children may have to travel significant distances to get to schools.
- Potential for mental health issues as a result of the development creating oppressive conditions.
- Potential negative impacts from noise and dust during the construction phase of the development.
- Potential impact on the communications structures/ equipment on the adjacent two storey mixed use building – parade of shops.
- Loss of individual amenity such as overshadowing of sunrooms.
- There was no communication between the applicant and the local community on what was proposed.
- Legal issues over the development outlined in red encroaching on third party lands – 1A Ballinteer Court.
- The proposed development would result in a devaluation of existing property in the area.
- No information is provided on traffic management, construction traffic and parking.

- The developer has already had a negative impact on the area through the removal of trees and the construction of inappropriate development. A house to the rear of the site is currently boarded up as it was built on disputed lands.
- Procedural concerns such as the inability to access plans for two weeks after they were lodged.
- There is a need for additional CGIs to be submitted.
- There is a need for an energy efficiency statement.
- No consideration has been given to the need for a dynamic load test of the granite rock in the area; piling on this may impact on existing houses in the area.

Photographic details have been submitted in support of the observations/ objections to the development.

#### 4.0 Planning History

**P.A. Ref. D03A/1250** refers to an April 2004 decision to grant permission for an information panel to the front of the premises.

**P.A. Ref. D03A/0474** refers to a July 2003 decision to grant permission for a 27 sq m extension to the back yard area and changes to the car parking of Ballinteer Shopping Centre.

**P.A. Ref. D97A/0908** refers to an April 1998 decision to grant permission for:

- a) General alteration/refurbishment of existing lounge and public bar areas including provision of dining/restaurant area,
- b) Extension to rear to provide new sanitary accommodation,
- c) New mezzanine floor level above main lounge
- d) Retention of existing off licence including alterations to provide for new corner entrance and window positions;
- e) Elevational alterations including new shop fronts, signage and new entrance to lounge.

## 5.0 Policy and Context

### 5.1. Development Plan

- 5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned NC – Neighbourhood Centre, ‘To protect, provide for and-or improve mixed-use neighbourhood centre facilities’. Public House, Residential and Shop are all forms of development listed within the ‘Permitted in Principle’ category of this zoning objective.
- 5.1.2. A ‘Proposed Quality Bus/ Bus Priority Route’ is indicated to the front of the site along Ballinteer Avenue.
- 5.1.3. 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’.
- 5.1.4. 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’.

5.1.5. Section 5.1 refers to ‘Environmental Infrastructure and Management’ and Section 5.2 refers to ‘Climate Change, Energy Efficiency and Flooding’.

5.1.6. 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'.

Appendix 1 provides 'Minimum Floor Areas and Standards'.

- **'Urban Development and Building Heights - Guidelines for Planning Authorities'** – (DoHPLG, 2018)
- **'Design Manual for Urban Roads and Streets'** (2013)
- **'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas'** (including the associated 'Urban Design Manual') (DoEHLG, 2009)

### 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 McGill Planning to appeal the decision of Dun Laoghaire-Rathdown County Council to refuse permission for this development. Mains grounds of appeal include:

- The Planning Authority support the principle of the redevelopment of the site for higher residential density and for café/ wine bar uses. The development is in accordance with the NC zoning that applies to this site. There is no residential development on site at present, but there are a range of commercial uses in the adjacent Ballinteer Business Centre.
- The existing buildings are not listed on the Record of Protected Structures and the Planning Authority do not consider them to be worth of protection.
- The proposed density at 78 units per hectares is considered to be acceptable to the Planning Authority and the development complies with the apartment guidelines (2018 version). The development is generally in accordance with SPPR1, SPPR3, SPPR4 and SPPR7.
- Considering the positive comments made by the Planning Authority Case Officer, it is disappointing that permission was refused without the opportunity to resolve issues by way of further information. Consider that the reasons for refusal are unreasonable, however amended details have been submitted in support of the appeal.
- The amendments to the proposed development consist of the following:
  - The top floor of block A has been removed and is now proposed to be four storeys in height. The number of units has been reduced from 54 to 51.
  - A basement car park is now proposed which provides for a total of 62 spaces – 50 for residential use and 12 for commercial use.

- 14 bicycle parking spaces and two motorcycles parking spaces are provided in the basement area.
- Undercroft car parking in Block B is to be replaced with three new ground floor apartment units
- Additional open space is now proposed.
- **Response to refusal reason no.1:** Site is located within a neighbourhood centre zoned area and is adjacent to a two-storey building (Ballinteer Business Centre) that due to its design appears as a three-storey building. The design of the proposed development has regard to this existing building. The development of the car parking area to the rear of the site will improve an underutilised site.
- The proposed apartment blocks are designed to have regard to the adjoining sites/ the existing development in the area. The buildings are of a suitably high quality and ensure that existing residential amenity is retained through appropriate set-backs ensuring no undue overlooking, and no undue loss of light or overshadowing. Details are provided in support of this.
- The site is considered to be suitable for an increase in height and is suitable for an 'upward modifier' in accordance with the Dun Laoghaire-Rathdown County Development Plan. This is also considered in the context of the Building Heights Guidelines and SPPR1, 2 and 3.
- In conclusion the development will replace an underutilised site in the form of a surface car park and a single storey public house with a more suitable form of mixed-use development. Residential amenity is protected, and the development provides for public open space. The proposed development is reduced in height from five to four storeys along Ballinteer Avenue.
- **Response to refusal reason no. 2:** A total of 719 sq m of public open space and 430 sq m of communal open space is proposed, which represents 16.65% of the total site area. This exceeds the requirements of the county development plan and the Sustainable Residential Guidelines (2009). The site is within 200 m of existing open space in Woodpark and 1 km from Marley Park.
- The proposed amendments to this development will increase the provision of open space to 1,200 sq m and 694 sq m of communal open space, meeting all local and national guidance/ requirements.

- **Response to refusal reason no. 3:** The site is located within an established suburban centre and which is served by a range of social, commercial, amenity, and educational facilities. Public transport provision is good, and cyclists are also provided for.
- Considers that the site description comes under the category 'Intermediate Urban Location' and that a reduced car parking standard would apply here. 48 car parking spaces are proposed which works out at 0.88 spaces per apartment unit. Three car sharing space are also proposed and a total of 37 spaces for commercial use. Notes that the existing car park is rarely full and that it is informally used for park and ride in conjunction with the bus services/ nearby Luas stop at Dundrum.
- The proposed amendments include an underground parking area for bicycles and motorcycles. The amendment now proposes 58 residential parking spaces (50 in the basement and 8 at ground level) which provides for 1.14 spaces per residential unit. This exceeds the 1.1 spaces stated in the Dun Laoghaire-Rathdown County Council Transportation report. Car parking for commercial and staff use will also be provided. 6 residential parking spaces and 5 commercial parking spaced will be provided with fully functional Electric Vehicle charging points.
- 118 bicycle parking spaces will be provided – these will be facilitated with Sheffield stands. Four motorcycle parking spaces will also be provided.
- Full details in relation to surface water drainage can be addressed in full by the applicant.
- In conclusion, amendments to the proposed development have been made in response to the decision of the Planning Authority and it is requested that permission for the development be approved.

## 6.2. Observations

A number of observations were received in relation to the appeal. The following points are made in summary:

- The proposed development would remove a building of local importance and replace it with a five-storey development that is out of character with the area.

- The building has historical connections back to the 18<sup>th</sup> century. Details of its importance have been included in a number of the observations.
- The scale of development is considered to be excessive. The proposed five storey building is out of character with the existing form of development in the area and does not demonstrate compliance with the County Building Height Strategy.
- The area is characterised by green spaces and residential development, the proposal will establish a precedent for similar high-density development in the area, which will result in the loss of character of Ballinteer.
- 'Ballinteer is a suburb not an urban area as the developers would want you to believe'.
- Reference to the area being of a 'garden city' layout – gardens to the front and rear of houses.
- The development is not of a suitably high design and does not have regard to the character of the area and will dominate the streetscape. Insufficient improvements have been made to the elevational treatments from what was originally proposed.
- Parking is an issue of concern already in the area and the proposed development will result in a reduction in available car parking – up to 81 spaces will be lost to facilitate this development.
- The car parking area to the rear of the shops is well used despite what is suggested in the application/ appeal and usage continued to be high during Level 5 restrictions.
- The proposed car sharing scheme is completely unrealistic.
- There is already a traffic congestion issue in the area and the proposed development will only add further to this problem.
- No Road Safety Audit or Car Parking Survey have been submitted with the application.
- The proposed underground car park is of a poor design and will not be able to accommodate the stated number of cars.

- Concern is expressed about how delivery vehicles will access the area.
- Existing roads and footpaths are narrow and may not be able to cope with additional use as a result of this development.
- The applicant has overstated the number of bus routes that operate in the immediate area.
- Public transport available in the area was often full and passengers cannot get onboard – particular reference made to the Luas.
- Bus Connects will reduce the number of bus routes serving this area.
- The proposed development will give rise to overlooking of existing properties and would give rise to a consequent loss of privacy.
- Potential noise issues from people seating out on the balconies etc.
- The proposed development will give rise to overshadowing, even if reduced to four storeys.
- Loss of daylight and sunlight to no. 32 Ballinteer Park from early morning to late afternoon.
- The proposed development will give rise to nuisance through increased traffic and noise.
- The proposed development will create a disruptive construction site for a period of time.
- The subject site is on lands that are higher than those on the opposite side of the road – this is a material consideration.
- Concern about how surface water drainage is to be treated on site. There is significant pressure on existing drainage in the area.
- The reduction in unit numbers from an originally projected 60 down to 54 is a ‘tokenistic’ reduction and does not address issues of concern. A development of three storeys in height providing for 30 units would be more acceptable in this location.

- It is recognised that there is a housing crisis in the Dublin region, but the proposed development will do little to alleviate this and will lead to serious repercussions in the local area.
- The revisions to the proposed development are significant and would normally have been advertised as such, however the Planning Authority refused permission and the opportunity to re-advertise did not arise. The nature of the development has changed especially with regard to the provision of a basement car park.
- The proposed open space is of a poor quality and is fragmented on site. Some of the open space will be overshadowed and therefore is of a poor quality.
- There is a lack of passive surveillance throughout the site.
- Concern expressed about the scope/ content of the Outline Construction Management Plan.
- Concern expressed about the potential location for bin storage collection – there is insufficient details in relation to this.
- The reduction in car parking spaces will impact on existing business in the area.

A number of the received observations were supported with photographs, photomontages, maps, and aerial photographs.

### **6.3. Planning Authority Response**

The Planning Authority have no further comment to make at this time.

## **7.0 Assessment**

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

- Principle and Nature of Development
- Design and Impact on the Character of the Area
- Impact on Residential Amenity of Future Residents
- Impact on Residential Amenity of Existing Residents
- Traffic and Parking

- Water Supply and Drainage
- Open Space and Landscaping
- Other Issues
- Amendments Lodged with the Appeal
- Appropriate Assessment Screening

## **7.2. Principle and Nature of Development**

- 7.2.1. The subject site is zoned 'NC' for neighbourhood centre uses and the existing Coach House public house and the adjacent Ballinteer Business Centre (to the south west) demonstrate appropriate uses of this site. Surrounding lands to the east, south and north are in residential use and are zoned 'A' for such uses.
- 7.2.2. The proposed development consisting of apartments with a section of the ground floor to be developed as a wine bar/ café, is also an acceptable form of development on this site. The development as submitted, and revised in support of the appeal, demonstrates compliance with the 'NC' zoning that applies to this site.

## **7.3. Design and Impact on the Character of the Area**

- 7.3.1. Much comment has been made in the observations regarding the impact of the proposed development on the established character of the area. This section of Ballinteer has been described as suburban, as a 'garden city' form of development and as a residential area. It was also stated that the area is not urban. The area is clearly urban in character and although primarily residential, there is a strong commercial presence along Ballinteer Avenue.
- 7.3.2. The subject site, as described, forms a local centre with a mix of retail and commercial units in the adjacent Ballinteer Business Centre. Approximately 180 m to the south west of the subject site is a larger neighbourhood centre anchored by a SuperValu supermarket and also contains a number of smaller retail units and a café. To the west of this centre is 'Ballinteer House' public house and to the north east is a Maxol petrol filling station. A HSE facility is located to the north west of the retail units. This larger neighbourhood centre contains a significant number of surface car parking spaces and extensive landscaping.



- 7.3.3. Two-storey houses predominate in this part of Dublin 16. The Ballinteer Business Centre is a somewhat unusual building on this street in terms of its design and height. Although it is a two-storey building, it reads/ appears as a three-storey building and certainly dominates far more than would be expected of a two-storey building. The St. Annes building, to the south east of the site, is a mixed three/ four storey building, but through its location and design, it does not present any significant presence when viewed from Ballinteer Avenue.
- 7.3.4. The first reason for refusal as issued by the Planning Authority refers to the proposed development representing 'overdevelopment of the site, by way of its overall scale, bulk and massing and by its poor transition within the existing streetscape. It is considered that the proposed development would appear overbearing and visually dominant at this location and would be seriously injurious to the visual amenity of the area and harmful to the residential amenity of neighbouring properties'.
- 7.3.5. Block A is a part three and part five-storey building, however the five-storey section dominates the streetscape. The submitted Verified Views and CGI Report clearly demonstrate the impact of the development on the submitted views. Part of the fourth and fifth floors are set back from the main elevations, but this only gives the impression that there is a floor too many in Block A.
- 7.3.6. Block B is also proposed to be five storeys, but I have less concern regarding the impact on the character of the area from this element of the submitted development. Block B is screened by the existing Ballinteer Business Centre and by the proposed Block A. Block B is located on existing surface car parking, and this is a more productive use of NC zoned lands than is the case at present.
- 7.3.7. I note the comments made in the third-party observations and the visual impact of the development on the wider area. I accept that the streetscape will change from having a single-storey development in the form of the public house to a three/ five storey apartment block – Block A. This is a busy street and redevelopment is inevitable where suitable sites can be identified. The view from Ballinteer Park will also change for the same reasons. I am satisfied that the development will integrate with the existing St. Annes block to the south east and will not dominate The Court cul-de-sac. The loss of views of the Dublin Mountains are noted, however there are

no protected views listed in the Dun Laoghaire-Rathdown County Development Plan for this part of Dublin 16.

- 7.3.8. I do consider that Block A at five storeys is excessive in this location and would have a negative impact on the visual amenity and streetscape at this point. The removal of the top floor may be acceptable as it would reduce the bulk and provide for a better transition between the two-storey houses to the north east and the Ballinteer Business Centre to the south west. As proposed though, I would recommend that permission be refused for this development.

#### 7.4. Impact on Residential Amenity of Future Residents

- 7.4.1. The submitted Housing Quality Assessment demonstrates that all units meet or exceed the minimum standards set out in the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2018)'. I am satisfied that they also comply with the more recent guidance issues in December 2020. Room sizes, storage provision and private amenity spaces are all acceptable.
- 7.4.2. 31 or 57% of the units are dual aspect and there are no north facing only units. Unit B0-02 is a ground floor unit stated to be single aspect, though it does have a north east and a limited easterly aspect. This unit is considered to be acceptable.
- 7.4.3. No detailed analysis of sunlight/ daylight has been provided by the applicant, however considering the layout and orientation of the development, it is to be expected that all units comply with the requirements set out in the guidance.

#### 7.5. Impact on Residential Amenity of Existing Residents:

- 7.5.1. A significant number (circa 95) of objections to this development were received and subsequently a large number of observations were received in relation to the first party appeal. Direct residential impacts were noted in a significant number of the objections/ observations in the form of overshadowing, overlooking, and overbearing on existing residential amenity. The Planning Authority reference potential overbearing in their first reason for refusal and concern was expressed about overlooking of 1/1A and 2 Ballinteer Court. The impact of the proposed development on existing residential amenity will be considered in this section of my report.
- 7.5.2. **Overlooking:** Concern was expressed about overlooking of the houses on the north western side of Ballinteer Avenue. It would only be the front of these house that would be overlooked and there can be no expectation of privacy at the front of a

house on a busy residential street/ road. There is at least 11.4 m between the proposed development and the boundary of the house to the north east at no. 22A Ballinteer Avenue. The windows in the side/ north east elevation of Block A at first and second floor levels are designed to prevent overlooking. The third and fourth floors are suitably set back from this side and the adjacent flat roof is not accessible to residents. I am therefore satisfied that overlooking of this house will not be significant and will not impact on residential amenity.

- 7.5.3. The Planning Authority referred to the potential impact on 1, 1A and 2 Ballinteer Court. The design of Block B is similar to that of A and again suitable measures have been provided in the building design to ensure that issues of overlooking do not arise. The window in the south elevation, nearest to the existing houses to the south, are designed on the first and second floor levels to ensure that overlooking cannot easily happen. The third and fourth floors are set back by 6.9 m from the southern elevation and the flat roof is not accessible to the residents adjacent to this on the third floor. Balconies located in the south west corner are also designed to prevent direct overlooking of the adjacent properties.
- 7.5.4. The separation between the eastern elevation and the boundary to the east is circa 15.3 m and which narrows to 14 m. The nearest point between the proposed development (balconies) and St. Annes to the east is 21 m and this is considered to be acceptable, and it is noted that the majority of the separation is provided on the subject site. I am not aware of the planning history of St. Annes, but it cannot be expected that the development of that site, when it was undertaken, should result in the need for an increased buffer on the subject or other adjacent sites.
- 7.5.5. I am therefore satisfied that overlooking will not be significant as adequate separation distances have been provided between the proposed development and adjacent properties.
- 7.5.6. **Overshadowing:** Included with the Design Statement prepared by Ferreira Architects, is a 'Light and Shadow Study' (section 15 of this report) and which is undertaken for January, March and June. This is a very basic assessment and does not provide an indication of what the current situation is or at what date the assessment is for. No assessment is included for September which although similar to March, there are differences such as the fact that trees would be in full leaf, which is not the case in March.

7.5.7. From the available information, the development will only impact on properties to the east of the site, late in the evening in March and in June. I expect the same impact would occur in September. No. 22A may be impacted, however this may not be any more significant than is the case at present. Some overshadowing of the front of the houses to the north west along Ballinteer Avenue is possible in the morning in March but this will be only for a short period of time, the private residential amenity of these properties will not be impacted upon.

7.5.8. **Sunlight and Daylight:** Specific details have not been provided by the applicant but considering the orientation of the development and setbacks from boundaries, it is to be expected that all adjacent units will achieve the necessary minimum standards.

## 7.6. Traffic and Parking

7.6.1. No alterations are proposed to the existing vehicle access/ exits points serving this and the adjacent site. The car parking to the front of the Ballinteer Business Centre will be accessed from Ballinteer Avenue and exited onto Ballinteer Court. The access to the car parking to the rear of the site will continue to be from Ballinteer Court.

7.6.2. The rear of the site/ lands to the south west are characterised by the provision of surface car parking. The proposed development requires the removal of some of the car parking spaces to provide for Block B and also to provide for access/ open space to serve the development. A total of 88 spaces will remain/ be provided of which 48 will be for the use of the residents of this development. Three parking spaces for use by a car club will be provided and the remaining 37 spaces will be for use of the commercial elements of this development. At present, all the parking spaces on site are for commercial use.

7.6.3. I note the third reason for refusal as issued by the Planning Authority. The applicant has not provided a detailed parking survey which would demonstrate if 37 spaces are adequate to serve the commercial elements of this development. From the submitted plans it appears that the parking is provided where space is available and little thought is given to who the user may be. Residents in Block A will not be able to overlook their parking area and passive surveillance is limited. Parking bays also appear to be only 2.3 m wide in a number of places, which is contrary to 8.2.4.6

Parking and Loading Bays of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022.

- 7.6.4. I therefore consider that the proposed development has not provided for adequate car parking on this site. The proposed development will result in the loss of the Coach House and its associated off-licence, however the majority of the parking on site will be reallocated for residential use. There is a disproportionate loss of commercial parking on this site, and which is likely to give rise to on-street parking in the area. The proposed development does not provide for any delivery spaces, even though a number of the commercial units are occupied by businesses that would be expected to have regular deliveries. I noted from the site visits that not all of the units are occupied by retail businesses, but the occupation of units can change depending on market conditions.
- 7.6.5. I note the comments made by the applicant and in the observations regarding the availability of public transport in the area. The nearest Luas stop is over 1.4 km away in Balally or Dundrum, however the existing bus services in the area are good and provide a connection to the Luas stops as well as serving the City Centre (route 14) and the south county area (Tallaght, Dundrum, Stillorgan, Dun Laoghaire, Citywest). However, it can be expected that many of those who use this local centre are relatively local and will drive rather than use public transport to get here. The reduction in car parking available to commercial users (the retail units, offices and medical facilities) is proportionally far greater than the reduction in commercial use through the removal of the Coach House. It is therefore considered that the proposed development should be refused permission due to the shortfall in proposed car parking.
- 7.6.6. 66 of the 120 residential bicycle parking spaces are located within the apartment blocks and this is desirable. It would be preferable if two parking spaces per unit were provided within the blocks, however this requirement is met by the overall bicycle parking provision.

## 7.7. **Water Supply and Drainage**

- 7.7.1. The Planning Authority noted that there were a number of issues that required addressing in relation to surface water drainage before a grant of permission could be considered. The applicant has stated in the appeal that these issues can be addressed and though I note that very little detail has been provided in relation to

this, I expect that all matters can be addressed to the satisfaction of the drainage section.

- 7.7.2. The site is located within an urban area, serviced by public water supply and drainage and I am satisfied that the development can be served by the relevant public systems. I note the report of Irish Water, but it should be possible to address the raised issues.

## **7.8. Open Space and Landscaping**

- 7.8.1. The second reason for refusal as issued by the Planning Authority states that the 'open space proposed to serve the development is piecemeal and poorly located and would, result in a scheme deficient in quality open space representing overdevelopment of a limited site' and would be contrary to the objectives/ policies of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022. I note the submitted plans and the information provided in the Design Statement.
- 7.8.2. A total of 719 sq m of public open space is proposed to the front of the site. Insufficient details are provided as to the nature/ extent of this space, however the stated 719 sq m would meet the 10% requirement for public open space. It appears that part of the open space may also be used in conjunction with the proposed wine bar/ café and as part of the pathways serving the development/ site. The total area of useable open space is likely to be less than the stated 719 sq m. There is a need for a clearly defined breakdown of commercial and public space.
- 7.8.3. The shared/ communal open space is located to the east of the site and has a stated area of 430 sq m. The space is accessible to both Block A and Block B. I have serious concerns about this area of open space as it will only be useable in the mid to late morning when the sun is to the south east and east. From the afternoon on, this space will be shaded by Block B and Block A later in the afternoon. The five-storey height of Block B will provide for significant shading and the five-storey section of Block A will similarly give rise to overshadowing in the late afternoon and evening. The useability of this piece of open space will be very restricted as the lack of sunlight and significant shade will reduce the desirability of its use.
- 7.8.4. I therefore consider that the provision of public and communal open space to be of a poor quality in terms of layout and location. The open space will not meet the needs of the future residents of this development and/ or the public.

## 7.9. Other Issues

- 7.9.1. Reference is made in the letters of objection/ observations to the loss of the Coach House public house/ loss of an important facility in the area. There is no requirement for the provision/ retention of such a facility on this site and commercial matters are not one that I can consider. I note that a wine bar/ café is proposed as part of this development, and which is acceptable in terms of the zoning objective that applies to this site.
- 7.9.2. The historical importance of the Coach House is raised in a number of the observations. The building is not listed on the Record of Protected Structures, and I have consulted the National Monument Service, Historic Environment Viewer, and no records have been found in this or on adjacent sites.

## 7.10. Amendments Lodged with the Appeal

- 7.10.1. The application as described in the public notices and as assessed by the Planning Authority was for an apartment development of 54 units in two blocks of between three and five storeys in height. In support of the appeal, the applicant submitted amendment drawings providing for the following revisions in summary:
- The top floor of block A has been removed and Block A is now proposed to be a maximum of four storeys in height.
  - The overall number of residential units has been reduced from 54 to 51.
  - A basement car park is now proposed which provides for a total of 62 spaces – 50 for residential use and 12 for commercial use.
  - The surface car parking area has been revised in layout.
  - 14 bicycle parking spaces and two motorcycles parking spaces are provided within the basement area.
  - Undercroft car parking in Block B is to be replaced with three new ground floor apartment units.
  - Additional open space is now proposed.
- 7.10.2. The initial issue, therefore, is if this an amendment which may be considered within the context of the application as advertised to the public and decided upon by the planning authority. Considering the reduction in height of Block A, the reduced number of units, and perhaps most significantly, the provision of a basement car, I recommend that the amended proposal can be considered by the Board as being a

material change to the original application and cannot be considered by the Board in the context of the submitted public notices/ information available to the public. The Board may, however, conclude that the amendments should be readvertised to allow for additional public comment.

7.10.3. I have considered the amendments made to the proposed development/ in response to the reasons for refusal and the following points are made:

- **First Reasons for Refusal – Overdevelopment, Bulk and Impact on Streetscape:** Block A is reduced in height such that it is now a maximum of four storeys in height. This revision will ensure a much better transition with the existing Ballinteer Business Centre and the existing houses on Ballinteer Avenue.
- Block B located to the rear of the site, behind Block A and the Ballinteer Business Centre block is amended. The ground floor has been revised to remove the undercroft car parking, provide for access to a basement car park and provide for three additional apartments at ground floor level. Considering the location of this block on the site and its proposed set back from the public street, I have no objection to the provision of a five-storey block on this section of the site. Adequate setbacks are provided to the boundaries to the south and east.
- I am therefore satisfied that the applicant has addressed the first reason for refusal as issued by the Planning Authority. The revisions to Block A, including the removal of a floor, reduce the bulk of this building when viewed from the public street. Although clearly much higher than the existing Coach House, it will integrate well with the existing Ballinteer Business Centre. The set back from the adjoining house is adequate to ensure that it does not dominate the streetscape. Block is suitably located as to ensure that it does not have a negative impact on the streetscape. The proposed material finishes are of a good standard and will provide for a high quality, visually appealing development.
- Unit A0-05 is a ground floor unit with a north east aspect, the only single-aspect unit facing in this direction. I would be concerned about the amenity afforded to this unit. It is located adjacent to substations and a switch room; however, the layout of the unit provides for some buffering between these rooms and it. This unit is also attached to Block B to the south east. The substations are probably located here for convenience of access and cannot be moved. In the event that permission is to be granted, I would recommend that this unit be omitted and be



used for some other function such as covered bicycle storage and/ or ancillary facilities/ rooms for the future residents of this development.

- **Second Reason for Refusal – Poor Quality Open Space:** Additional open space is now proposed as Public and Shared/ Communal Open Space. Drawing No. 2005-SITE-0505 has been submitted in support of the appeal and indicates that a total of 964 sq m net (1200 sq m gross) of public open space is provided and 444 sq m (694 sq m gross) of communal open space is provided. The increase in open space provision is welcomed, however I remain concerned about the layout and orientation of the open space. Much of the communal open space will continue to be overshadowed and will not be suitable for afternoon/ evening use.
- Large parts of the open space are crossed by pathways, some existing, and which reduces the useability of the spaces. Part of the area designated as public open space to the north west of the site is also to be used as a seating area for the adjacent wine bar. Therefore, this section of open space provides for a commercial function.
- I remain concerned about the quality of the proposed open space. Whilst the applicant can demonstrate that adequate quantities of open space can be provided, the same is not true for the quality of the amenity lands. It is important that suitable quality of communal open space be provided to serve future residents and the revised development does not demonstrate this.
- **Third Reason for Refusal - Car Parking:** In support of the appeal, a revised car parking layout has been provided, most notably it is now proposed that a basement car park be provided. This increases the availability of car parking on site and allows for previously proposed car parking areas to be reallocated for open space. Part of the basement parking area is to be allocated to the use of the commercial units, a total of 12 spaces. I would be concerned about the layout of spaces no. 36 to 43 as there are two lines of parking here that may require the need to move the car in front. This part of the car parking demonstrates a poor layout, and I would suggest that spaces no. 37 to 43 be removed and replaced with secure bicycle parking areas.
- I would also be concerned about the lack of separation between the commercial and residential parking in the basement. It appears that after parking a car, those

using the indicated commercial spaces would have to leave by way of the residential lift/ stairs. I cannot find adequate details as to how this is managed. It is considered that all the parking should be for residential use and that accessible parking for residents should also be provided in the basement. This can be addressed by way of condition if permission is to be granted. All parking spaces for residents should be fitted for electric vehicle charging, either for use upon occupation or for future installation.

- The Planning Authority were concerned that the development would give rise to a shortfall in car parking provision for the existing commercial units. Excluding the basement parking, a total of 36 surface level parking spaces are proposed, many of these are already in place. There is no increase in the amount of commercial development and in fact the proposed development will result in the removal of the off-licence which may currently generate a noticeable volume of traffic. It is accepted that the development will remove the availability of car parking for the commercial element of the development. As already noted, no parking survey has been provided in support of the reduced car parking provision. No specific spaces for deliveries have been allocated either.
- There is a need for a comprehensive survey of the site and demand for car parking. This should consider the actual demand for commercial car parking, length of stay etc. and also allocate specific spaces for deliveries. The parking of delivery vehicles on Ballinteer Court is unnecessary when such requirements can be provided on site.
- Concern was raised in the third-party observations that the construction of the basement would impact on existing residential amenity as there is extensive granite rock in the area. The excavation of the basement area would result in significant ground vibrations.
- I remain concerned about the reduction in commercial car parking and the proposed basement car parking is poorly laid out and may give rise to negative impacts on the residential amenity of the area during the excavation/ construction phase of development.

7.10.4. In conclusion, whilst the revised plans and details can demonstrate that reason no. 1 can be addressed, I remain unconvinced that the development as proposed can provide for adequate open space and car parking provision remains inadequate. Refusal of permission would be recommended.

## 7.11. Appropriate Assessment Screening

7.11.1. The appeal site is not in or immediately adjacent to any Natura 2000 site, so the proposed development would not have any direct effect on any Natura 2000 site. The nearest European site is the Wicklow Mountains SAC (002122), approximately 5 km to the south west of the site and the Wicklow Mountains SPA (004040) are just over 5 km to the south west. The South Dublin Bay and River Tolka Estuary SPA (004024) and South Dublin Bay SAC (000210) are 5.26 km to the north-east of the application site. The Rockabill to Dalkey Island SAC (003000) is located 10.6 km to the east of the application site and Dalkey Island SPA (004172) is located 10.3 km to the east of the application site.

7.11.2. The conservation objectives for the Wicklow Mountains SAC are to maintain the favourable conservation condition of Oligotrophic waters in the Natura 2000 site and these habitats/qualifying interests are:

- Oligotrophic waters containing very few minerals of sandy plains [3110]
- Natural dystrophic lakes and ponds [3160]
- Northern Atlantic wet heaths with *Erica tetralix* [4010]
- European dry heaths [4030]
- Alpine and Boreal heaths [4060]
- Calaminarian grasslands of the *Violetalia calaminariae* [6130]
- Species-rich *Nardus* grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]
- Blanket bogs [7130]
- Siliceous scree of the montane to snow levels [8110]
- Calcareous rocky slopes with chasmophytic vegetation [8210]
- Siliceous rocky slopes with chasmophytic vegetation [8220]
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]
- Otter [1355]

7.11.3. The conservation objectives for the Wicklow Mountains SAC are to maintain or restore the favourable conservation condition of the bird species in the Natura 2000 site and these species are:

- Merlin [A098]
- Peregrine [A103]

7.11.4. The conservation objectives for South Dublin Bay and River Tolka Estuary SPA (004024) are to maintain the favourable conservation condition of the qualifying bird species in the Natura 2000 site and these species are;

- Light-bellied Brent Goose [A046]
- Oystercatcher [A130]
- Ringed Plover [A137] • Grey Plover [A141]
- Knot [A143]
- Sanderling [A144]
- Bar-tailed Godwit [A157]
- Redshank [A162] • Dunlin [A149]
- Black-headed Gull [A179]
- Roseate Tern [A192]
- Common Tern [A193]
- Arctic Tern [A194]
- Wetlands & Waterbirds [A999]

7.11.5. The conservation objectives for the South Dublin Bay SAC (000210) are to maintain the favourable conservation condition of the habitats/qualifying interests for which the site has been designated and these habitats/qualifying interests are;

- Mudflats and sandflats not covered by seawater at low tide [1140]
- Annual vegetation of drift lines [1210]
- Salicornia and other annuals colonising mud and sand [1310]
- Embryonic shifting dunes [2110]

7.11.6. The Conservation Objective for Rockabill to Dalkey Island SAC (003000) is to maintain the favourable conservation condition of reefs and the harbour porpoise

which are the qualifying interests for which the SAC has been designated. The Conservation Objective for Dalkey Island SPA (004172) is to maintain or restore the favourable conservation condition of the bird species listed as the qualifying interests for the SPA which are:

- Roseate Tern [A192]
- Common Tern [A193]
- and the Arctic Tern [A194]

7.11.7. Having regard to the nature of the proposed development including the removal of an existing building, the location of the application site in an established built-up urban area which is zoned for development where public water supply and sewerage facilities are available, to the nature of the likely emissions from the proposed development, the separation distance of the European sites from the application site, the nature of the qualifying interests and conservation objectives for the European sites assessed it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Wicklow Mountains SAC (002122) and Wicklow Mountains SPA (004040), the South Dublin Bay and River Tolka Estuary SPA (004024), the South Dublin Bay SAC (000210), the Rockabill to Dalkey Island SAC (003000), the Dalkey Island SPA (004172), in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not therefore required.

## 8.0 Recommendation

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

## 9.0 Reasons and Considerations

1. The proposed development, by reason of its design, bulk and five storey height, would be out of character with the existing residential properties in the vicinity

and would set a precedent for further inappropriate development in the vicinity of the site. The proposed development would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

2. Having regard to the outer suburban location of the site, it is considered that the proposed density of the scheme is excessive in the context of adjoining development, would result in an inadequate amount of public and shared/communal open space to serve the proposed development, and would give rise to substandard residential amenity for future occupiers. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  
3. It is considered that the car parking provision for the proposed development and, in particular the lack of sufficient on-site car parking spaces and loading/unloading areas, would be seriously deficient and would be inadequate to cater for the parking demand generated by the proposed development, thereby leading to conditions which would be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity and which would tend to create serious traffic congestion

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Paul O'Brien  
Planning Inspector

14<sup>th</sup> September 2021