



An
Bord
Pleanála

Inspector's Report ABP 309997-21.

Development

The conversion and extension of no. 69 Rock Road to provide 1 x 2 bedroom apartment and 1 x 3 bedroom apartment, retaining the existing building features such as the gable ends, street elevation including new front access door and roof line. The provision of 3 new townhouses (1 x 2 bedroom, 2 storey house, and 2 x 3 bedroom, 3 storey houses). Each house will have an east facing terrace at first floor level. The 3 bedroom houses will also have a small, fully enclosed, top-lit terrace on the western elevation. 5 new off-street carparking spaces at ground level. All ancillary drainage and landscaping.

Location

69 Rock Road, and rear of 67 Road Road, Blackrock, Co. Dublin.

Planning Authority

Dún Laoghaire Rathdown Co. Council

Planning Authority Reg. Ref.

D21A/0070

Applicant

David Espey

Type of Application

Permission

Planning Authority Decision

Refuse permission

Type of Appeal

First Party

Appellant

David Espey

Observers

(1) Graham Harrison

(2) Joe Harrison

(3) Michael & Kathleen Malone

Date of Site Inspection

22/9/2021

Inspector

Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site is located at no. 67 and no. 69 Rock Road, Blackrock in south County Dublin. Rock Road the R118 links Blackrock to Merrion Avenue. It contains bus lanes and bicycle lanes. Rock Road is served by no. 4, 7, 7a, 7d and 84a bus routes and Booterstown Dart Station lies approximately 640m to the north-west of the site.
- 1.2. The subject site has a stated site area of 0.0639 hectares comprises the rear section of the plot of no. 67 which comprises a rear garden and the plot of no. 69 which contains a two-storey detached property. No. 67 Rock Road contains a two-storey semi-detached double bayed property. The north-western boundary adjoins the Willows a three-storey apartment building which is served by a basement car park. College House no. 71-73 is an office building situated to the west. Blackrock College is located on the opposite side of Rock Road.
- 1.3. Blackrock Park is situated 280m to the south-east. The Martello Tower (RPS No. 25) at Seafort Parade is situated 27m to the south-east of the site.

2.0 Proposed Development

- 2.1. Permission is sought for: the conversion and extension of no. 69 Rock Road to provide 1 x 2 bedroom apartment and 1 x 3 bedroom apartment, retaining the existing building features such as the gable ends, street elevation including new front access door and roof line. The provision of 3 new townhouses (1 x 2 bedroom, 2 storey house, and 2 x 3 bedroom, 3 storey houses). Each house will have an east facing terrace at first floor level. The 3 bedroom houses will also have a small, fully enclosed, top-lit terrace on the western elevation. 5 new off-street carparking spaces at ground level. All ancillary drainage and landscaping.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason.

1. The proposed development, particularly the 3 townhouses to the rear of the site, by reason of its size, scale, bulk and mass, would be visually obtrusive and would be out of character of this location by reason of its extent and design. The proposed development would constitute a visually dominant feature when viewed from adjacent properties to the north and south and would seriously injure the amenities of adjoining property by reason of overbearing and visual obtrusiveness. Furthermore, the proposed development would give rise to a substandard form of residential development by reason of the poor configuration and inadequate provision of private amenity space for the apartments and to the rear of the proposed townhouses. The proposal constitutes overdevelopment of the site, would provide a poor residential amenity for future occupants and would seriously injure the visual amenities of the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- It was concluded in the report of the Planning Officer that while the principle of an infill development at the site is considered acceptable in principle, having regard to the size, scale and bulk and mass it is considered that the overall development would appear visually obtrusive when viewed from adjoining property to the north and south. It was considered that the development would constitute overdevelopment of the site.

3.2.2. Other Technical Reports

Transportation Planning – Report dated 22/3/2021: Further information was requested in relation to submission of revised proposals for the proposed development to comply with the minimum vehicular access width requirement for Backland Development, set out in Section 8.2.3.4(vi) of the development plan. It was required that revised plans indicate 8 No. off-street car parking spaces to serve the proposed development in accordance with Table 8.2.3 of the development plan.

Cycle parking to serve the scheme was required and details of waste storage facilities and collection.

Water Services – Report dated 5/3/2021: Further information required in relation to the provision of fully dimensioned plans and sections of the attenuation storage system and proposals for permeable surfacing, as per Section 8.2.4.9 of the Development plan.

3.3. **Prescribed Bodies**

Irish Water – No objection subject to condition.

3.4. **Third Party Observations**

- 3.4.1. The Planning Authority received 8 no. submissions/observations in relation to the application.

4.0 **Planning History**

Reg. Ref. D17A/0194 & ABP 300210-17 – Permission was granted for the renovation and extension of existing building, to accommodate 4 no. own door apartments, access and all associated site works at no. 69 Rock Road.

Reg. Ref. D05A/1117 – Permission was refused for the demolition of the existing two storey house with established commercial use and the construction of a mixed use development which includes 5 two bedroom apartments, 1 three bedroom apartment and a 60 sqm ground floor commercial / retail unit in a 4 storey building (with the 4th storey recessed) fronting onto Rock Road reducing to three storeys to the rear at 69, Rock Road, Blackrock, Co. Dublin. Permission was refused for five reasons which refer to the following, (1) Visual impact by reason of height, scale, desing and bulk (2) Loss of amenity and privacy to adjoining properties by reason of inadequate separation distances (3) Overdevelopment of the site (4) No off street car parking provided (5) Demolition of existing building is unacceptable.

5.0 Policy Context

5.1. Project Ireland 2040 - National Planning Framework

- 5.1.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. 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".
- 5.1.2. National Policy Objective 35 seeks "to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights".
- 5.1.3. National Planning Objective 13 also provides that "In urban areas, planning and related standards, including in particular height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected".

5.2. Section 28 Ministerial Guidelines

- 5.2.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.
- 'Urban Development and Building Heights' Guidelines for Planning Authorities
 - 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
 - 'Design Manual for Urban Roads and Streets' (DMURS)
 - 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')

- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’

5.3. **Dún Laoghaire Rathdown County Development Plan, 2016-2022:**

- 5.3.1. Land Use Zoning: The proposed development site is located in an area zoned as ‘NC’ with the stated land use zoning objective is zoned objective ‘to protect, provide for and/or improve mixed-use, neighbourhood centre facilities’.
- 5.3.2. Chapter 8 – Principle of Development
- 5.3.3. Section 8.2.3 – refers to Residential Development

5.4. **Environmental Impact Assessment (EIA)**

- 5.4.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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.

5.5. **Natural Heritage Designations**

- 5.5.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:
 - The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), lies 53.5m to the east of the site.
 - The South Dublin Bay Special Area of Conservation (Site Code: 000210), lies 53.5m to the east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was lodged by Hughes Planning and Development Consultants the issues raised are as follows;

- The applicant is seeking full planning permission for the proposal as originally submitted to Dún Laoghaire-Rathdown County Council on the 29th of January 2021. They request that the Board consider this option in the first instance.
- In response to the decision to refuse permission by the Planning Authority and issues identified in the third party submissions that the Planning Authority received the applicant has instructed the design team to prepare an alternative design option for the consideration of the Board.
- The alternative design option includes the following revisions to the application plans submitted to the Planning Authority under Reg. Ref.D21A/0070.
- In relation to the internal configuration of the proposed apartment units, apartment no. 1 and apartment no. 2 have been revised to provide access to the proposed private amenity space (terraces) through the main living areas.
- Apartment no. 2 has been revised to provide for a two bedroom unit as opposed to a three bedroom unit. This reduces the private amenity space requirement to 7sq m in accordance with the apartment guidelines.
- Additional storage space has been provided to apartments no. 1 and no. 2 which provides an area in accordance with the minimum standards set out in the apartment guidelines.
- 10 no. bicycle parking spaces are provided at surface level which is in accordance with the minimum requirements set out in the apartment guidelines and the Dún Laoghaire-Rathdown 2018 guidance document 'Standards for Cycle Parking and associated Cycling Facilities for New Developments. 2 no. additional bicycle parking spaces have been provided to the rear of House no. 3. The rear garden area can be accessed from an existing gate to the east which provides access to an existing cycleway.

- Additional screening devices have been incorporated to the southern end of the first floor level terrace proposed to House no. 3 (adjacent to the southern site boundary) in order to address overlooking concerns to the rear of no. 65 Rock Road. It is noted that the property is in commercial use and has been for some time. It is therefore not considered to represent an overly sensitive receptor given its established use is commercial in nature.
- It is submitted that the revised design option improves the internal configuration of the apartment units on the quantity and quality of private open space provided.
- In response to the concerns regarding overlooking of the rear of adjacent dwellings to the south the alternative design option provides for additional privacy screens which will restrict views from the private amenity areas of the proposed apartments. This therefore mitigates the potential for overlooking and protects the amenities of existing neighbouring properties.
- The proposed development is consistent with the zoning objectives of the Dún Laoghaire-Rathdown County Development Plan 2016-2022. The site is zoned Objective 'NC', the objective of which is 'to protect, provide for and improve mixed-use neighbourhood centre facilities'. Residential development is permitted in this zone.
- The development is compliant with Policy RES4 of the development plan which notes that it is council policy to improve and conserve housing stock of the County and to densify existing built-up areas. Section 2.1.3.4 of the development plan, encourages the densification of the existing suburbs in order to help retain population levels by infill housing.
- The proposed scheme complies with Policy RES 3 of the development plan which states that, 'it is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.'
- The proposed development is consistent with Project 2040: National Planning Framework where the target is for at least 40% of all new housing to be

delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites in accordance with Objective 35.

- The proposal is consistent with the Rebuilding Ireland, Action Plan for Housing and Homelessness, 2016 which seeks to double residential construction output to 25,000 homes per year by 2020.
- The proposed development is compliant with the objectives of the Urban Development Building Heights – Guidelines for Planning Authorities (2018) which states, that ‘there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes, by building up and consolidating the development of our existing urban areas.
- The addition of 2 no. apartments and 3 no. townhouses on the site would represent a more efficient use of land zoned Objective ‘NC’. The scheme provides an appropriate response to the use of an infill/backland development site.
- The proposed development ensures increased efficiency of service land within urban Dublin in accordance with National Policy Guidance and provides a high-quality residential development within a highly accessible location in proximity to various forms of public transport.
- The scheme has been designed to provide future residents with a high standard of residential amenity in the context of the established urban setting. It is noted that an integral component of the proposed scheme is its outlook across the coastline from the private amenity spaces to the rear.
- The revised design for the proposed development has been prepared which addresses the concerns of the Planning Authority raised in their assessment of the application.
- The appeal notes the planning history on the site where permission was granted under Reg. Ref. D17A/0194 and ABP300201 for a scheme of four units on a site of 0.0435 hectares. The density of that scheme was 91 units per hectare. In comparison the current scheme has an overall density of 78 units per hectare. It is noted that the scheme provided for a vehicular entrance

with a width of 3.204m. The vehicular entrance approved under that scheme was below the required standard lane width of 3.7m as set out in Section 8.2.3.4 of the Development Plan and it was considered acceptable by the Planning Authority. The currently proposed scheme avails of this access off Rock Road in the same regard and therefore the first party contend that the proposed vehicular entrance is appropriate.

- The appeal refers to the site context, College House and the Willows Apartments to the north-west on Rock Road. It is noted that the location and proximity of the site to Willows Apartments which are a three-storey over basement development sets a precedent for increased height and density within the immediate environs. It is noted that large rear extensions and extensive backland development has been constructed in adjacent properties over the past number of years.
- A grant of permission at no. 3A Seafort Parade, Booterstown, Blackrock, Co. Dublin (Reg. Ref. D18A/0902) is cited in the appeal. The permission referred to the construction of a new three storey dwelling. The provision of off-street car parking was not considered necessary by the Planning Authority as detailed in the report of the Planning Officer. Therefore, a significant reduction in the quantum of off-street car parking spaces or the omission of off-street parking was considered appropriate at this location.
- A number of examples of permissions granted by Dún Laoghaire-Rathdown County and the Board for higher density development are cited. They are Reg. Ref. D18A/0628 a residential scheme at Ballawley Lodge, Sandyford Road, Dublin 16, Reg. Ref. D14A/0803 a residential scheme at Traverslea Wood, Glenageary Road Lower, Glenageary, Co. Dublin. Reg. Ref. D17A/1103 & ABP301185-18 a residential scheme at Silchester Park, Glenageary, Co. Dublin. Reg. Ref. D18A/0799 & ABP 302929-18 a residential scheme at 45 Woodlands Park, Blackrock, Co. Dublin.
- In relation to the proposed amendments to the front elevation of the existing property no. 69 Rock Road it is noted that the main structural features will be maintained. The existing building proportions at upper floor level will be

retained. Each unit will be own door properties and a second access door is provided to the front elevation to facilities this.

- In relation to the proposed townhouses, each dwelling is between two and three-storeys. Private amenity space is provided in the form of garden space to the rear of each dwelling with east facing private terraces provided at first floor level and enclosed by terraces to the eastern elevation of each three-storey unit. The massing of the proposed dwellings has been carefully broken up by providing a stepped approach between the ground and first floor levels in the two-storey dwelling and between the first and second floor levels of the three-storey dwellings. The scheme has been carefully designed to respect the character of the surrounding area.
- Regarding the proposed car parking to serve the scheme, in accordance with the standards set out in Table 8.2.3 of the development plan 8 no. car parking spaces would be required to serve the scheme. The first party note the further information which the Transportation Planning Section requested including the provision of 8 no. off-street car parking spaces. The first party state that they strongly disagree with this requirement and that they consider that the provision of 5 no. car parking spaces to serve 5 no. units is appropriate given the location of the site proximate to a wide variety of high frequency public transport including Booterstown train station which is within 8 minutes walking distance and the bus routes serving Rock Road. The first party note section 4.19 of the Apartment Guidelines (2020) which advises that in larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The guidelines consider that central and/or accessible urban locations are most likely to be in cities and in or adjacent to city centres or centrally located employment locations. This includes within 10 minutes walking distance of Dart, commuter rail or Luas stops and within 5 minutes walking distance of high frequency bus services.
- Section 4.27 of the Apartment Guidelines (2020) advises that for building refurbishment schemes on sites of any size of urban infill schemes on sites of up to 0.25 hectares that car parking provision may be relaxed in part or whole

on a case by case basis. Therefore, the first party request that the Board consider that the provision of 5 no. off-street car parking spaces is more than adequate to serve the proposed development.

- In relation to the design of the proposed townhouses it is set out in the appeal that the massing of them has been carefully broken up providing a stepped approach between the ground and first floor levels. It is stated in the appeal that each of the proposed dwellings are compliant with space and provision room size for typical dwellings.
- The scheme has been carefully designed to respect the character of the surrounding area which is defined by building types and typologies inclusive of a three-storey over basement resident block and two-storey semi-detached residential and commercial properties.
- It is submitted that the development is contemporary in design and will improve the visual quality of the Rock Road streetscape.
- It is noted that the most prominent development within proximity of the appeal site is the Willows apartment development to the north. This is significantly larger scale from what is proposed on site. The roof heights within the scheme will be substantially lower than the ridge height of the adjacent apartments.
- It is submitted that the scheme design provides an appropriate transition in height and scale between the Willows to the north and no. 67 Rock Road to the south. It is set out in the appeal that the design whilst contemporary in nature would not be visually obtrusive within this area or detract from the character of the area.
- Regarding the issue of overbearing and visual impact the first party strongly contend that the proposed development would not negatively affect or have an overbearing or adverse visual impact on the adjacent properties no. 67 Rock Road and the Willows apartment scheme. The siting and design of the three townhouses utilises changes in ground levels across the site. This effectively results in the roof height of the three-storey element of the southern most houses being lower than the second floor element of the proposed

extension. Therefore, it is contended that it cannot reasonably be considered representative of excessive scale/massing relative to the existing built form.

- It is submitted that the development as proposed provides a high quality development on the site and would represent a distinct improvement on the visual amenity of the immediate site. The proposed finishes include a contemporary pale grey external façade treatment with aluminium framed windows and flat roof.
- Regarding the private amenity space proposed to serve the townhouses the first party stated that whilst they acknowledge and accept that the quantum of private amenity space provided to serve each of the townhouses is below the requirements stated in the development plan, it is submitted that the quality of the areas proposed in terms of their outlook is an important consideration. The proposed eastern facing private amenity areas will allow residents to avail of the expansive views of Blackrock Park and Dublin Bay. Blackrock Park provides ample amounts of public open space which residents can avail of. Therefore the first party respectively request that the Board have due regard to the sites location and the associated adjacent amenities as well as the quality of private open space provided.
- In relation to the concerns of the Planning Authority in relation to overdevelopment of the site, it is argued that the proposal represents an intensification of development on zoned lands which is in accordance with the stated objectives of local, regional and national planning documents.
- In conclusion, the first party submit that they consider that the proposal is acceptable and compliant with the zoning objective, policies and objectives set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022. The proposal would contribute to the urban form along Rock Road and would not unduly impact upon the character of the surrounding area.

6.2. Planning Authority Response

- In the event of a grant of permission by the Board the outstanding further information items to be addressed by way of a requirement for a compliance submission.

6.3. Observations

Observations on the appeal have been received from (1) Graham Harrison (2) Joe Harrison and (3) Michael & Kathleen Malone.

(1) Graham Harrison

- The observer Graham Harrison resides at 3A Seaford Parade, Blackrock, Co. Dublin.
- The observer considers that the proposed development represents overdevelopment of the site. It is noted that the site is located close an architectural conservation area and that the proposed development would also be located relatively close to the Martello Tower.
- It is submitted that the height and mass of the proposed development would adversely visually impact the surrounding residential properties. It is considered that a reduction in the height of the scheme would be in keeping with the character of the existing houses at this coastal location.
- The restoration no. 69 is welcomed by the observer. The proposed scheme provides two apartments within the no. 69. It is submitted that these residential units could be considered dwellings and require more private amenity space. The three townhouses appear to have very little private amenity space and the quality of space between the buildings is considered inappropriate.
- It is submitted that the neighbouring properties will be negatively impact from overlooking including the two apartments to the north of the site close to the boundary. The proposal would result in the garden to the south of the site having a large three storey wall on the boundary which would reduce sunlight and be excessive in terms of height and mass.
- The proposed new vehicular entrance could result in traffic hazard. The entrance is considered narrow and with high walls on either side which would restrict visibility on exiting the site. Turning movements into the site would impact upon the existing flow of traffic onto the Rock Road which is a busy roadway. It is considered that a reduction in proposed units within

the scheme would reduce the number of traffic movements, reduce the parking required and provide more area for amenity space on the site.

(2) Joe Harrison

- The observer Joe Harrison resides at 6 Martello Tower, Blackrock, Co. Dublin.
- The car parking proposed to serve the scheme is considered inadequate. Any overflow parking which may arise would negatively impact parking on Seafort Parade. It is note that this is the only street parking within walking distance of the site.
- The proposed height of the dwellings to the rear of the site are not in keeping with the character of other housing along the coastline at this location.
- The proposed terrace townhouses would overlook the neighbouring garden to the south and also windows of the observers dwelling on the northern side of the property.
- The proposed development would overshadow the Martello Tower. It is considered that the height and scale of the development should have regard to the proximity of the Martello Tower.
- Seafort Parade and the adjacent houses are in a proposed conservation area. It is considered that a reduction in the number of units within the scheme would improve it and ensure that it would not detract from the existing amenities of the area.

(3) Michael & Kathleen Malone

- The observers Michael and Kathleen Malone are the owners of no. 65 Rock Road which adjoins the site.
- No. 65 Rock Road is a semi-detached dwelling which adjoins no. 67 Rock Road. The proposed building is located in a direct line of a first floor window which would block the view impacting on light and would cause overlooking of no. 65.

- The proposed location of the three-storey building would have an overbearing impact given the bulk of the building and it would overshadow and enclose the garden amenity of no. 65 Rock Road.
- The proposed new building House 3 appears to connect to the rear section of no. 65, however this is not clear from the drawings. This is unacceptable to the observers.
- The proposed first floor plan of House 3 indicates a terrace balcony on the boundary with no. 65. The balcony would overlook not only windows of no. 65 Rock Road but also rooflights and courtyard light well at ground floor level below the balcony. The proposed balcony would also impact upon the future development at no. 65 and would have a similar negative impact on the adjoining house no. 67.
- It is submitted that the comparison made in the first party appeal to the development at Seaford Parade under Reg. Ref. D18A/0902 is not directly relevant.
- The first party appeal states that impact of the development on no. 65 in relation to light and amenity does not merit consideration because of the commercial office use. It is noted that many of the houses at this location on Rock Road were in commercial use as offices but have now returned to residential use. The Observers state that they proposed to seek permission in the next few months to return the use of no. 65 to residential.
- The first party have proposed minor changes to the proposed scheme in their appeal. The Observers do not consider that these revisions address the main issues raised by the Planning Authority including the overdevelopment of the site, bulk of the development and overlooking of both no. 65 and no. 67 Rock Road.
- The impact of daylight and sunlight of the proposed development on the adjoining properties, private open space and windows was not addressed in the application or with the appeal. Under BRE Guidelines the categories that should be tested vertical sky component and annual probable sunlight hours (APSH). The sunlight affect to the private amenity space of no. 65 and no. 67 should be addressed.

- It is considered likely that the small rear yards of the three proposed houses fall short of sunlight value requirements under BRE Guidelines. It is stated that a full daylight and sunlight assessment should have been submitted with the application.
- The Observers state that they support the development of the site and that any proposal should respect the amenities of no. 65 and no. 67 by reducing the bulk and height of development and the location of buildings a satisfactory distance from boundaries with other properties to protect their amenities.

6.4. **Further Responses**

- None

7.0 **Assessment**

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Design and impact upon residential amenity
- Access and parking
- Appropriate Assessment

7.1. **Design and impact upon residential amenity**

- 7.1.1. The subject site at no. 69 and the rear of no. 67 Rock Road and is zoned objective 'NC' 'to protect, provide for and/or improve mixed-use, neighbourhood centre facilities'. Under this zoning objective residential development is permitted in principle.
- 7.1.2. The proposed development comprises the conversion and extension of no. 69 Rock Road to provide two apartments and the development of 3 new townhouses. The scheme therefore represents a conversion and extension of an existing two-storey building which directly addresses the street to provide residential accommodation along with three new backland residential units. I note that immediately to the north-

west lies the Willows a three-storey apartment building. To the south of the site there are residential properties with frontage onto Rock Road.

- 7.1.3. The refusal issued by the Planning Authority stated that the development proposed in particular the three townhouses proposed to the rear of the site by reason of the size, scale, bulk and mass would be visually obtrusive and out of character. The Planning Authority considered that the proposed development would constitute a visually dominant feature when viewed from adjacent properties to the north and south and would appear overbearing and visual obtrusiveness. The reason for refusal also stated that the proposed development would give rise to a substandard form of residential development due to the poor configuration and inadequate provision of private amenity space for the apartments and to the rear of the proposed townhouses.
- 7.1.4. As set out in the appeal that it is the preference of the applicant that the Board consider the scheme as originally proposed and grant it. However, revisions to the scheme have been proposed and have been submitted with the appeal which entail the following. Regarding the internal configuration of the proposed apartment units, apartment no. 1 and apartment no. 2 have been revised to provide access to the proposed private amenity space (terraces) through the main living areas. Apartment no. 2 has been revised to provide for a two bedroom unit as opposed to a three bedroom unit. This reduces the private amenity space requirement to 7sq m in accordance with the apartment guidelines. Additional storage space has been provided to apartments no. 1 and no. 2 which provides an area in accordance with the minimum standards set out in the apartment guidelines.
- 7.1.5. In order to address the issue of overlooking the revisions to the scheme include the provision of additional screening devices to the southern end of the first floor level terrace proposed to House no. 3 which is adjacent to the southern site boundary. The first party submit that this addresses overlooking concerns to the rear of no. 65 Rock Road.
- 7.1.6. In relation to the matter of residential amenity for future residents of the scheme I note the private open space provision for the two apartments comprises a terrace area of 9sq m for apartment no. 1 and a terrace area of 7sq m for apartment no 2. The internal layout of apartment no. 2 has been revised with the reduction in the

bedrooms proposed from three to two. I note that the revised layout also provides direct access from the living room areas to the terraces. The area of private amenity space proposed to serve the two apartments is in accordance with the minimum requirements as set out in the Apartment Guidelines 2020.

7.1.7. In relation to the townhouses, they are proposed to be served by an area of private amenity space to the rear of each property and a terrace at first floor level. The rear gardens have areas of 18.49sq m, 18.81sq m and 19.40sq m and the first floor terraces have areas of 12.85sq m, 14.67sq m and 16.05sq m. In total the townhouses have 31.34sq m, 33.48sq m and 35.45sq m of private amenity space. The minimum requirements for private open space as set out in Section 8.2.8.4 of the Development Plan in the case of three bedroom houses is 60sq m. The first party have put forward in the appeal that consideration of the site context should be had in terms of the fact that the private amenity space is orientated east to take advantage of the sites location and views across Blackrock Park and the coastline. The private amenity space provision for the each of the townhouses just over half the amount specified under Section 8.2.8.4 of the development. However, having regard to the location of the site adjacent to Blackrock Park and with views east from the proposed townhouses to the coastline this adds significantly to the recreational amenity available to future residents and therefore, I consider that the proposed shortfall in private amenity space to serve the townhouses would be acceptable in this context.

7.1.8. The refusal issued by the Planning Authority raised concern regarding the size, scale, bulk and mass of the proposed townhouses. They considered that the townhouses would be appear visually obtrusive and out of character. In response to the matter the first party stated in the appeal that the massing of the proposed dwellings has been carefully broken up by providing a stepped approach between the ground and first floor levels in the two-storey dwelling and between the first and second floor levels of the three-storey dwellings. The proposed external finish comprises a contemporary pale grey external façade treatment with aluminium framed windows and flat roof. The first party stated that the scheme as proposed provides a high quality development on the site and would represent a distinct improvement on the visual amenity of the immediate site. I would consider that the contemporary designed scheme will successfully integrate with the surrounding development including the Willows apartment building to the north.

- 7.1.9. Regarding the matter of the townhouses and their potential visual impact, I note the point made by the first party in relation to the siting and design of the three townhouses that the change in ground levels across the site is utilised. Therefore, notwithstanding the fact that the proposed south facing gable wall of the townhouses extends for circa 14m the drop in ground level effectively results in the roof height of the three-storey element of the southernmost houses being lower than the second floor element of the proposed extension. I would accept this argument made by the first party in respect of the matter of potential overbearing impact and I would consider that the scale of the proposed development would be acceptable in this context.
- 7.1.10. The observations to the appeal raise the issue of overshadowing impact, specifically in relation to the neighbouring property no. 65 Rock Road. A shadow analysis was submitted with the application. The shadow diagrams indicates no additional shadowing of neighbouring properties on December 21st and on the autumn/spring equinoxes. On June 21st there would be some very limited additional shadowing of the rear garden of no. 67 Rock Road. I note that there would be no additional showing of the observers property no. 65 Rock Road. Accordingly, given that the additional shadowing would be very limited, I am satisfied that the proposed development would not unduly impact upon the amenities of neighbouring property in terms of overshadowing.
- 7.1.11. In relation to the matter of overlooking, I note that there are no windows proposed to south facing gable elevation of the townhouse proposed adjacent to the southern site boundary. Furthermore, I note that as detailed in the appeal that the applicant proposes to install additional screening devices to the southern end of the first floor level terrace proposed to House no. 3 which is adjacent to the southern site boundary, in order to address overlooking concerns to the rear of no. 65 Rock Road. I consider that the provision of the proposed privacy screens will restrict views from the private amenity areas of the proposed apartments to the neighbouring properties to the south.
- 7.1.12. Accordingly, having regard to the additional screening proposed as part of the appeal I am satisfied that the proposed scheme would not unduly impact upon adjacent properties in terms of overlooking.

7.1.13. Reference is made in an observation to the appeal in relation to the proximity of the Martello Tower (RPS No. 25) at Seafort Parade. I note the Martello Tower is situated circa 27m to the south-east. I note that there are existing residential properties in closer proximity at Seafort Parade to the east. Accordingly, I am satisfied that the proposed development would not unduly impact the character or setting of the Martello Tower at Seafort Parade.

7.2. Access and parking

- 7.2.1. The observations to the appeal refer to the issues of vehicular access to the proposed scheme and the provision of adequate car parking. The proposed vehicular access is off Rock Road and is proposed to the southern side of no. 69 Rock Road which is in the same location where the entrance to the previously granted scheme was located. It is raised in the observations that the proposed vehicular access arrangements to serve the scheme are not appropriate as there is potential for the proposal to result in a traffic hazard with potential conflicts between pedestrians and vehicles and also that the scheme would generate traffic turning movements across Rock Road.
- 7.2.2. In respect of this matter, I note that under Reg. Ref. D17A/0194 & ABP 300210-17 permission was granted for a residential scheme of 4 no. residential units at no. 69 Rock Road. Therefore, the currently proposed scheme which comprises no. 5 residential units is comparable to the previously permitted development. Having regard to the location to the site and the proposed vehicular entrance, I am satisfied that it would not conflict with traffic or pedestrian movements. Accordingly, I consider that the proposed development will not result in the creation of a traffic hazard.
- 7.2.3. The report of the Transportation Planning Section of the Council dated 22/3/2021 stated that they required further information. They required that revised plans be provided indicating that the development complies with the minimum vehicular access width requirement for Backland Development, as set out in Section 8.2.3.4(vi) of the Development Plan. It was also required that revised plans be provided showing 8 No. off-street car parking spaces to serve the proposed development comprising 2 No. off-street car parking spaces for each of the proposed 2 No. 3 bedroom houses, 1 No. off-street car parking space for each of the proposed 2 No. apartments and 1 No. 2 bedroom house, and 1 No. off-street visitor car parking

space in accordance with Table 8.2.3: Residential Land Use – Car Parking Standards of the current County Development Plan 2016-2022. In relation cycle parking the Transportation Planning section required that the applicant indicate cycle parking for the apartments and the houses, in accordance with the requirements of DLR's 'Standards for Cycle Parking and associated Cycling Facilities for New Developments' (January 2018).

- 7.2.4. In response to these issues the applicants submitted revised plans to the Board. In respect of the proposed vehicular access the first party state the vehicular entrance which was granted for the previously approved residential scheme at no. 69 Rock Road had a width of 3.204m. They note that approved entrance was below the required standard lane width of 3.7m as set out in Section 8.2.3.4 of the Development Plan and it was considered acceptable by the Planning Authority. The vehicular entrance proposed under the current scheme has a width of 3.204m and is situated in the same location of the previously approved entrance. Given the site configuration and proposed retention of the existing buildings it is not possible to provide a wider vehicular entrance. Accordingly, having regard to the planning history referring to the site I consider the proposed vehicular access would be acceptable.
- 7.2.5. Regarding the matter of car parking, standards are set out under Table 8.2.3 of the Dún Laoghaire Rathdown Development Plan 2016 – 2022. Generally, 1 no. car parking space is required for all one bed and two – bedroom dwellings and 2 spaces are required per three bed dwelling or larger. The proposed scheme comprises 1 no. two bedroom apartment and 1 no. three bedroom apartment and 3 no. town houses. Two proposed townhouses feature two bedrooms and one townhouse features three bedrooms.
- 7.2.6. As indicated on Drawing no: 458_WS_02_00 – 'Ground Floor Plan' 5 no. car parking spaces are proposed in an area in the centre of the site. The report of the Transportation Planning section requested further information and stated that 8 no. car parking spaces should be provided to serve the scheme. In response to this the first party noted the proximity of the development site to Booterstown train station which is within 8 minutes walking distance and also the high frequency bus routes on the Rock Road. The appeal refers to Sustainable Urban Housing: Design Standards for New Apartments (2020). Section 4.19 of the Guidelines advises that the

quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria. In central and/or accessible urban locations where larger scale and higher density developments are proposed and in locations which are well served by public transport the default policy is for car parking provision is to be minimised, substantially reduced or wholly eliminated. It is stated in the guidelines that this policy is particularly applicable in highly accessible areas in or adjoining city cores or at a confluence of public transport systems and it includes sites within 10 minutes walking distance of Dart, commuter rail or Luas stops and within 5 minutes walking distance of high frequency bus services.

- 7.2.7. I would concur with the case made by the first party in relation to suitability of the site for a reduction in car parking standards in accordance with the provisions of Section 4.19 of the Apartment Guidelines. The site is well served by public transport with Booterstown Dart Station circa 640m from the site and the Rock Road is served by the following bus routes no. 4, 7, 7a, 7d and 84a. Therefore, having regard to the above details I consider the proposed car parking is appropriate.
- 7.2.8. In relation to cycle parking to serve the scheme the revised plans submitted to the Board illustrated on Drawing No: 458_WS_02_00 indicate the provision of 10 no. bicycle parking spaces at surface level. This is in accordance with the Dún Laoghaire-Rathdown 2018 guidance document 'Standards for Cycle Parking and associated Cycling Facilities for New Developments'. I note that access is proposed to the rear garden of the dwelling proposed to the south-eastern corner of the site from an existing gate to the east which provides access to an existing cycleway. This provides improved access to this property by bicycle or on foot.
- 7.2.9. Accordingly, I am satisfied with the proposed car parking provision, bicycle parking provision and vehicular and pedestrian access arrangements.

7.3. **Appropriate Assessment**

- 7.3.1. The European sites South Dublin Bay and River Tolka Estuary SPA (004024) and South Dublin Bay SAC (000210) are located 53.5m to the east of the development

site. Notwithstanding the close proximity there is no direct hydrological connection between the development site and the European sites.

- 7.3.2. Having regard to the nature and scale of the proposed development a residential scheme of 5 no. units on a brownfield site, the location of the site in a serviced suburban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the zoning provisions for the site as set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and to the design, character and layout of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans particulars received by An Bord Pleanála on the 20th day of April, 2021, except as may otherwise be required in order to comply with the following

conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: In the interest of visual amenity.

3. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

4. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 hours Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

Reason: In the interest of sustainable waste management.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

8. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the Area.

9. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

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

Reason: In the interests of amenity and public safety.

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or

maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Siobhan Carroll
Planning Inspector

8th of October 2021