



An  
Bord  
Pleanála

## Inspector's Report

**ABP-311099-21**

### **Development**

Demolition of a two-storey house and attached outbuildings; and construction of a 3-4 storey over part undercroft/basement level apartment building, comprising 22 apartments, and a single storey bicycle & bin storage building.

### **Location**

The Barn, Atmospheric Road, Dalkey,  
Co. Dublin, A96TN90

### **Planning Authority**

Dun Laoghaire Rathdown County  
Council

### **Planning Authority Reg. Ref.**

D21A/0464

### **Applicants**

Triple Rock Limited

### **Type of Application**

Planning Permission

### **Planning Authority Decision**

Refuse Permission

### **Type of Appeal**

First Party

### **Appellants**

Triple Rock Limited

### **Observers**

1. Ann Wardlaw

2. Audrey Whelan

3. Bernard and Dawn McCormick
4. John and Anna May McCormick
5. John and Frances Caygill
6. Michael Dolan and Jacinta Goldrick
7. Seafield Road East Residents Group and Others

**Date of Site Inspection**

6<sup>th</sup> May 2022

**Inspector**

Margaret Commane

## **Contents**

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	5
3.0 Planning Authority Decision .....	6
3.1. Decision .....	6
3.2. Planning Authority Reports .....	7
3.3. Prescribed Bodies .....	13
3.4. Third Party Observations .....	13
4.0 Planning History.....	15
5.0 Policy Context.....	16
6.0 The Appeal .....	29
6.1. Grounds of Appeal .....	29
6.2. Planning Authority Response .....	35
6.3. Observations .....	35
6.4. Further Responses.....	37
7.0 Assessment .....	38
8.0 Recommendation.....	83
9.0 Reasons and Considerations.....	83

## **1.0 Site Location and Description**

- 1.1. The area surrounding the subject site, at The Barn, Atmospheric Road, Dalkey, Co. Dublin, is a mature residential area featuring a mix of two storey detached and semi-detached dwellings in a variety of architectural styles. The subject site has an area of 0.26Ha and is located on the northern side of Atmospheric Road, a roadway off Barnhill Road forming part of 'The Metals' public walk/cycleway which runs parallel to the DART railway line. The site is located within 850 metres walking distance of the Glenageary Dart Station (which is accessible via 'The Metals' public walk/cycleway), 270 metres of Bus Routes No. 7D and 59, running along Barnhill Road, and 300 metres of Bus Routes No. 59, 111 and 703, running along Hyde Road. The subject site is close proximity to the Dalkey Village, which is located c. 500 metres to the north-east.
- 1.2. More specifically, the subject site comprises of a c. 501sqm 5-bedroom 2-storey detached dormer dwelling, known as The Barn, and associated single storey outbuildings. The dwelling is setback from Atmospheric Road by c. 23 metres and is served by a substantial amenity space to the front and rear, which features a number of large trees. The site is accessible off Atmospheric Road via an existing vehicular access in the south-eastern corner, located c. 30 metres from the intersection of Atmospheric Road and Barnhill Road. The subject site is one of nine properties accessed via Atmospheric Road. There is a level difference across the subject site, falling by c. 2.5 metres from front (south) to back (north). The area in the immediate vicinity of the site is also subject to a gradient, the subject site sitting higher than dwellings to the north and east.
- 1.3. To the immediate north of the site is 5 Barnhill Lawn, a two-storey detached dwelling. The site's southern boundary is flanked by Atmospheric Road/'The Metals' public walk/cycleway, which is a candidate Architectural Conservation Area and a public right of way. To the immediate east of the site lies 6 two-storey semi-detached dwellings, Nos. 7, 8, 9, 10, 11 and 12 Barnhill Grove. To the immediate west of the site, are 2 two-storey detached dwellings, known as Windward (southernmost) and 6 Barnhill Lawn (northernmost) currently under construction (advanced stages) on foot of planning permission Reg. Ref. D16A/0039. These two properties previously formed part of the grounds of the subject site.

## 2.0 Proposed Development

- 2.1. The development will consist of the demolition of a two-storey house and attached outbuildings currently featuring on site and the construction of a 666sqm 3-4 storey over part undercroft/part basement level apartment building (maximum height 14.8 metres), providing 22 apartments (comprising of 2 no. studio apartments, 18 no. 2-bed and 2 no. 3-bed apartments).
- 2.2. The development has a contemporary design and materials/finishes comprise brick, zinc cladding, cedar cladding and sedum plant roofing. Vehicular access and parking for 19 no. car parking spaces (compromising of 9 at undercroft/basement level and 10 at surface level), 4 cargo bicycle spaces (at undercroft level) and 27 no. bicycle parking spaces (provided in a single storey bicycle & bin storage building) is provided via the existing access off Atmospheric Road which is to be modified (more specifically, recessed, increased in width and repositioned slightly further west).
- 2.3. A summary of the key site statistics/details of the proposed development are provided in the table below:

<b>Site Area</b>	0.26Ha
<b>Demolition Works</b>	501sqm
<b>No. of Residential Units</b>	22 apartments (2 no. studio apartments, 18 no. 2-bed apartments and 2 no. 3-bed apartments)
<b>Total Gross Floor Area</b>	666sqm
<b>Open Space</b>	510sqm of open space, comprising 263sqm of public open space and 247sqm of communal open space
<b>Car Parking</b>	19 no. resident car parking spaces (9 at undercroft/basement level and 10 at surface level)
<b>Bicycle Parking</b>	27 no. resident bicycle parking spaces (in bicycle & bin storage building), 4 no. cargo bicycle spaces (at undercroft level) and 6 no. at-grade visitor bicycle parking spaces along the site frontage to The Metals.
<b>Density</b>	84 units per hectare
<b>Height</b>	3-4 storey over part undercroft/part basement level (14.8 metres, excluding lift overrun)

<b>Site Coverage</b>	27%
<b>Plot Ratio</b>	0.94
<b>Dual Aspect Apartments</b>	86%

## 3.0 Planning Authority Decision

### 3.1. Decision

On 15<sup>th</sup> July 2021, the Planning Authority refused permission for the following 3 reasons:

1. *The proposed development, by reason of the massing, scale, design and proximity to the subject site boundaries, would adversely impact on the residential amenity of adjacent properties by reason of overlooking and overbearing appearance. The proposed development would detract from the existing visual and residential amenities of the area, would depreciate the value of property in the vicinity, and if permitted, would set an undesirable precedent for similar development in the area. The proposed development would, therefore, be contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, and to the proper planning and sustainable development of the area.*
2. *The proposed development, by reason of the intensification of use and resultant potential hazard arising from illegal parking and traffic along the existing access lane from Barnhill Road to the proposed scheme, would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
3. *Policy UD1: 'Urban Design Principles' of the Dun Laoghaire Rathdown County Development Plan 2016-2022 states inter alia that it is policy to ensure that all development is of high quality design that assists in promoting a 'sense of place', and seeks to ensure that development proposals are cognisant of the need for the proper consideration of inter alia context, variety, layout, public realm, amenity and detailed design. The proposed development, by reason of its height, scale and overall layout would not integrate satisfactorily with the existing area,*

*and would unduly impact on the character and visual amenity of the receiving environment and existing established pattern of development in the immediate vicinity of the subject site and would result in a poor interface with the adjoining candidate Architectural Conservation Area of The Metals which is a public right of way. The proposed development would, if permitted, be contrary to Policy UD1 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and to the proper planning and sustainable development of the area.*

## 3.2. Planning Authority Reports

### 3.2.1. Planning Report

- Having regard to the subject site's proximity to Dalkey Village, it being well served by public transport and the zoning objective of the subject site, the principle of residential development, including infill development, is considered acceptable.
- The existing detached dwelling/associated outbuildings would be demolished to accommodate the proposed development. The submitted Impact Assessment assert that "*whereas there is an 'arts and crafts' feel to the building, nothing of heritage value was found*" in the context of the existing dwelling. The Planning Report further states that the subject dwelling is in poor condition, however, no further details were submitted in relation to the structural condition of the existing dwelling. In the event that a grant of permission for the proposed development were to be considered, further details with regard to the structural condition of The Barn would be required, to demonstrate compliance with the provisions of Section 8.2.3.4(xiv) of the Development Plan.
- While the candidate Architectural Conservation Area status of The Metals bounding the southern extent of the subject site is noted, it is considered that the site is located within an architecturally sensitive area.
- In terms of internal areas, the overall floor area, internal floor areas, and storage space provision (including at basement/undercroft level) would accord with the relevant Apartment Guidelines requirements. The development also complies with SPPR 4, SPPR 5 and SPPR 6 relating to dual aspect ratios, floor to ceiling heights and units per lift core. In terms of private amenity space, the proposed

studio and 3-bedroom apartments comply with the relevant Apartment Guidelines requirements, however, the quantum of private amenity space (6sqm) serving the proposed 2-bedroom apartments falls short of the 7sqm requirement.

- With regards to open space provision, the communal open space provision exceeds the Apartment Guideline requirements. However, the proposed open space provision would not accord with the provisions of Section 8.2.3.4(i) of the Development Plan regarding open space provision for residential/housing developments.
- With regards to unit mix, having regard to existing residential stock and typology in the wider area of the site, the proposed development may be considered acceptable with regard to residential mix when considered in relation the SPPRs, however, some concern is noted by the Planning Authority in relation to the proportion of one and two-bedroom units proposed which would amount to 91% of the overall apartment units proposed within the scheme.
- Building height needs to be assessed having regard to the Urban Development and Building Height Guidelines and the Building Height Strategy included within Appendix 9 of the Development Plan. In the context of the Building Height Strategy, the subject site is considered to constitute development within 'Residual Suburban Areas not included within Cumulative Areas of Control'. A general recommended height of two storeys applies in such areas with opportunity for further increases in height where the upward modifiers set out in Section 4.8.1 exist/are satisfied. In terms of upward modifiers, the site is not considered to constitute a location within an area with exceptional public transport accessibility nor are the trees being retained on site considered to be a 'large tree screen' for the purposes of upward modifier criteria. While some articulation is provided at second and third floor levels of the four storey over part basement/undercroft level, the overall four to five storey height of the proposed apartment block relative to the established low rise pattern of development in the vicinity of the subject site is noted. Serious concerns exist with regard to the height and overall massing of the proposed development relative to said existing adjacent properties. It is considered, therefore, that

'Downward Modifier' No. 1 would apply in this instance. Further to this, when assessed against Policy UD1 of the Development Plan, the proposed development, by reason of its height and overall scale, would not integrate satisfactorily with the existing area, and would unduly impact on the character and visual amenity of the receiving environment and existing established pattern of development in the immediate vicinity.

- In the context of the building height guidelines, concern is noted in relation to the height of the apartment block elements of the proposed development relative to the existing adjacent properties. As such, there is a concern that, at the scale of district/neighbourhood/street, the proposed development in its entirety does not respond to its overall natural and built environment, nor make a positive contribution to the receiving environment. There are concerns regarding the proposal with overall height up to five storey equivalent (at the northern extent of the building) at this location, and that the proposal fails to have due regard to the character and density of the area. The Planning Authority is of the view that the proposed development represents an abrupt transition in height between the existing dwellings and the applicant has not sufficiently demonstrated that the proposal would not adversely impact the existing amenities of same. The proposed apartment block includes a degree of articulation with respect to height and footprint. It is noted, however, that the proposed building would provide for excessive elevation spans very proximate to the northern, eastern and western boundaries. The Planning Authority would note concern in relation to the massing of the proposed block relative to the existing receiving environment and consider it to be visually dominant.
- The improvements proposed along the southern boundary (pedestrian access, dog and bin station, public bike 'lock up', seating and drinking fountain) are considered acceptable subject to orderly management and maintenance of the same.
- The proposed development would provide for a density of 84dpha. While a development of increased scale and density relative to the existing adjacent built form may be considered at the subject site, the potential impact of the

proposed development, by reason of its scale and proximity to the southern site boundary, on the character of the cACA of The Metals is noted.

- With regard to visual impact, it is considered that the proposed apartment block, by virtue of overall massing, form and proximity to site boundaries (particularly in the north-eastern portion of the site), would be visually discordant within the existing context. While the principle of an infill development would be acceptable, the development as currently proposed would be visually dominant and would represent a significant deviation in the established character and built form in the immediate vicinity of the subject site. Having regard to the building's proximity to the site boundaries, serious concern is noted in relation to the massing of the apartment building as viewed from existing adjacent properties to the west, north-west, north and east, including private amenity space and attendant areas serving same. Particular concern exists in relation to the visual impact of the proposal when viewed from the adjacent properties/rear gardens to the east given the minimal separation distances adopted from the common boundary.
- Concern is noted in relation to the general layout of the proposed development specifically the proportion of hardstanding provided in the north-eastern portion of the site. Minimal landscaping would be provided in this area and along the site boundaries at this location.
- Concern is also noted in relation to the location of the proposed bin store immediately adjacent to the vehicular access, particularly with regard to the potential visual impact of the same from The Metals and its potential impact on the character of the cACA.
- With regards to residential amenity impacts on the surrounding area, having regard to the fenestration arrangement and external amenity space areas proposed to serve the development, it is therefore considered that the development would adversely impact on the amenities of existing adjacent properties to the west, north-west, north and east of the subject site by reason of overlooking. Having regard to the proximity of the proposed apartment building to northern, easter and western boundaries and the massing of the proposed building relative to existing adjacent built form, serious concern is

noted in relation to the visual impact of the proposal on adjacent properties and amenity spaces serving the same.

- With regards to the residential amenity of the proposed apartments, two balcony elements serving Units G3 and G4 are considered problematic as they directly front the communal open space area, and no screening element is proposed to the same. Further to this, Bedroom 2 of Units G1 and F1 would be served by only an obscure glazed window, and is considered to provide a poor level of internal amenity/poor outlook. With regards to daylight/sunlight, the ADF values achieved by L/K/D areas in Units G4 and F4 do not meet the required 2% value.
- There are a no. of discrepancies across the application material (including boundary treatment works/vehicular access amendments along The Metals street frontage, the bin/bicycle storage building, the balconies serving proposed Units G3/F3/S3) which would need to be addressed in the event of permission being granted.
- While the principal of infill development at the subject site is acceptable, the development as currently proposed is not. By reason of its massing, scale and proximity to site boundaries, the proposed building would adversely impact on the amenities of neighbouring properties by way of overlooking/overbearing, contrary to the Development Plan policy regarding infill development.
- The proportion of hardstanding proposed to the north-east of the site/adjacent to the eastern boundary and the position of the refuse/bicycle store immediately adjacent to the site access raises concerns in relation to Policy UD1 of the Development Plan.
- The proposed development would endanger public safety by reason of traffic hazard or obstruction of road users due to the intensification of use and resultant potential hazard arising from illegal parking/traffic along the existing access land from Barnhill Road.
- It has not been adequately demonstrated how the proposed development would achieve Objective SLO17.

- Having regard to the foregoing, the development proposed is unacceptable with regard to the existing residential amenities of the area, would not accord with the provisions of the Development Plan and, if permitted, would set and undesirable precedent for similar developments in the area.

### **3.2.2. Other Technical Reports**

**Drainage Planning (25/06/2021):** Recommended that further information be requested in relation to drainage calculations, proposed attenuation storage system, run-off interception and treatment proposals for the site, proposed hardstanding areas, proposed green roofs, the flow control device and chamber, a utilities clash check and surcharging or flood risk from the proposed surface water drainage system in the event of blockage or partial blockage of the system.

**Transportation Planning (7/07/2021):** Recommended refusal on the following grounds: - *Endangerment of Public Safety due to the intensification of use and resultant potential hazard arising from illegal parking and traffic along the existing access lane from Barnhill Road to the proposed development – i.e. the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, as per Clause 4 of the FOURTH SCHEDULE (Reasons for the Refusal of Permission which Exclude Compensation) of the Planning and Development Act, 2000.* Should approval be contemplated, they recommended that conditions be attached in relation to taking in charge, works to Atmospheric Road, sightlines, a quality audit, car parking, cycle parking, electrically operated vehicles and construction management.

**Housing Dept. (23/06/2021):** No objection, subject to a condition being attached requiring the entering into an agreement in accordance with Part V of the Planning and Development Act, 2000, as amended, prior to commencement, unless the applicant/developer shall have applied for and been granted an exemption certificate.

**Public Lighting Section (21/06/2021):** Recommended that further information be requested in relation to public lighting designs for the scheme, including proposals for external lighting for the vehicular/pedestrian access point, the open space at ground level and for the car/bicycle parking spaces.

**Environmental Health Service (21/04/2021):** No objection, subject to a condition being attached regarding noise during construction, management of construction waste, management of operational waste and noise during operation.

**Conservation Officer:** No report received

### 3.3. Prescribed Bodies

**Irish Water (27/06/2021):** Recommended that the submission of a Pre-Connection Enquiry be requested in order to determine the feasibility of connection to the public water/waste water infrastructure.

**Iarnrod Eireann (24/06/2021):** Recommended a series of conditions for inclusion on any grant of planning permission in the interest of safety in operation of the adjacent railway.

### 3.4. Third Party Observations

22 third party observations were submitted to the Planning Authority. The main issues raised therein are as follows:

- Density.
- Height.
- Massing and scale.
- Design.
- Setbacks from boundaries.
- Inconsistent with neighbourhood character.
- Visual impact.
- Negative impacts on neighbouring amenity – loss of privacy, overlooking, overbearing and overshadowing.
- Overdevelopment.
- Interface with The Metals.
- Anti-social behaviour.

- Position of playspace/open space area.
- Noise from open space areas.
- Impact on heritage of the area.
- Negative impact on value of neighbouring properties.
- Demolition of existing dwelling on site is not justified.
- Contrary to the Dun Laoghaire Rathdown County Development Plan 2016-2022.
- Inadequacy of car parking provision.
- Suitability of site access, in particular available sight lines.
- Existing parking issues regarding refuse collection and emergency vehicle access/traffic congestion arising from proposal.
- Loss of existing trees.
- Flooding issues arising from attenuation tank.
- Public transport/existing service/road infrastructure capacity in the area.
- Negative impact on The Metals pedestrian/cycle route and pedestrian and vehicular safety.
- Issues arising during construction regarding noise, vibration, traffic and parking and negative structural effects on the Metals/adjacent railway bridge/adjacent properties from the same.
- Issues arising during construction.
- Inadequacy of plans and particulars included with the application, including absence of details regarding rock breaking/excavation, a traffic survey/RSA, demolition of/works proposed to shared site boundaries and ecological impact assessment, as well as accuracy of site ownership details included on the application form.
- Location/design of proposed bin storage area.
- Undesirable precedent.

## **4.0 Planning History**

### **4.1. Subject Site**

4.1.1. There have been no previous applications pertaining to the subject site of relevance.

### **4.2. Adjacent Sites**

4.2.1. There have been three recent applications on sites adjacent to the subject site that are pertinent to the current proposal. They are summarised below/overleaf.

Windward and 6 Barnhill Lawn, formally known as the Site at The Barn, Atmospheric Road, Dalkey, Co. Dublin (immediately west of the subject site and originally forming part of the subject site)

***PA Reg. Ref. D16A/0039 (Appeal Ref. PL06D.247207)***

This application related to a proposal for the construction of two new dwellings to the side of the existing house, as well as associated landscape and site development works. House A comprised a detached two storey over part basement four bedroom house served by a vehicular access off the existing entrance on Atmospheric Road. House B comprised a detached two storey four bedroom house served by a vehicular access via a new entrance from Barnhill Lawn.

Permission was granted by Dun Laoghaire Rathdown County Council in August 2016. The Planning Authorities decision was appealed to An Bord Pleanala by a third party (ABP Ref. PL06D.247207). The Board granted permission in January 2017.

5 Barnhill Lawn, Dalkey, Co. Dublin (north of the subject site)

***PA Reg. Ref. D16B/0142***

Permission was granted by Dun Laoghaire Rathdown County Council in May 2016 for replacement of flat roofs over dormer windows with lean-to tiled roofs and to extend the dormer window on the south side of the dwelling.

34 Barnhill Road, Dalkey, Co. Dublin (south of the subject site on the opposite side of the DART railway line)

***PA Reg. Ref. D19A/0914 (Appeal Reference ABP-307639-20)***

This application related to a proposal involving the following (in summary): - (1) refurbishment works/extension of the former garage to facilitate its conversion to provide a single storey two-bedroom gable-roof dwelling; (2) demolition of all modern commercial outbuildings, associated with the former motor service use, situated within the rear yard; (3) construction of 3 no. three storey five-bedroom detached houses; and (4) provision of 9 no. vehicular parking spaces, upgraded vehicular entrance, internal road, footpaths, shared surfaces and street lighting.

A split decision was issued by Permission was granted by Dun Laoghaire Rathdown County Council in June 2020. The Council granting permission for: - refurbishment of premises to front to provide a two bedroom dwelling with ancillary space and 3 car park spaces, upgrading of vehicular access, landscaping, boundary treatment and ancillary works; and refusing permission for the three dwellings to the rear of the site.

The Planning Authorities decision was appealed to An Bord Pleanala by the applicant (Appeal Ref. ABP-307639-20). The first party grounds of appeal included revisions to the proposed development, amending the 3 dwellings proposed at the rear of the site to storey four-bedroom detached houses. The Board granted permission in May 2021.

## **5.0 Policy Context**

### **5.1. Dún Laoghaire Rathdown County Development Plan 2016-2022**

The subject application was originally assessed having regard to the Dún Laoghaire Rathdown County Development Plan 2016-2022. This has subsequently expired.

### **5.2. Dún Laoghaire Rathdown County Development Plan 2022-2028**

In the intervening period since the subject application was determined, the Dún Laoghaire Rathdown County Development Plan 2022-2028 has been adopted by the elected members and came into effect on the 21<sup>st</sup> April 2022, save for a no. of sections which have been deleted pursuant to a Ministerial Direction issued in accordance with Section 31(4) of the Planning and Development Act, 2000 (as amended). The applicable sections are: - Section 12.3.8.8 O/O Zone and associated text/symbols

appearing on development plan maps; the policy section on ‘Notable Character Area Exclusions’ under Section 4.3.1; and the first paragraph of Section 12.3.3 Quantitative Standards for All Residential Development.

#### **5.2.1. Land Use Zoning**

The site is zoned Objective ‘A’ in the Dún Laoghaire Rathdown County Development Plan 2022-2028 with a stated objective ‘*to provide residential development and improve residential amenity while protecting the existing residential amenities.*’

#### **5.2.2. Other Relevant Sections/Policies**

‘The Metals’ public walk/cycleway, which flanks the site’s southern boundary, is a candidate Architectural Conservation Area and a public right of way. Specific Local Objective 17 relates to The Metals and seeks to manage and enhance The Metals from Marine Road to Dalkey giving due regard to its historic importance while encouraging its use as a walking and cycling route between Dún Laoghaire and Dalkey. The Metals also forms part of the National East Coast Trail Cycle Route and in this regard, Specific Local Objective 93 promotes the development of the S2S Promenade and Cycleway as a component part of the National East Coast Trail Cycle Route.

The following policies are considered relevant to the consideration of the subject proposal:

#### **Section 3.4.1.2 Policy Objective CA6: Retrofit and Reuse of Buildings**

*‘It is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction as set out in the Urban Design Manual (Department of Environment Heritage and Local Government, 2009). (Consistent with RPO 7.40 and 7.41 of the RSES).’*

#### **Section 4.3.1 Delivering and Improving Homes**

*‘Where a site is located within circa 1 kilometre pedestrian catchment / 10 minute walking time of a rail station, Luas line, Core/Quality Bus Corridor and/or 500 metres / 5 minute walking time of a Bus Priority Route, and/or 1 kilometre / 10 minute walking*

*time of a Town or District Centre, higher densities at a minimum of 50 units per hectare (net density) will be encouraged.*

*Higher density schemes should offer an exemplary quality of life for existing and future residents in terms of design and amenity.'*

#### **Section 4.3.1.1 Policy Objective PHP18: Residential Density**

*'It is a Policy Objective to:*

- *Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.*
- *Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.'*

#### **Section 4.3.1.2 Policy Objective PHP19: Existing Housing Stock – Adaptation**

*'It is a Policy Objective to:*

*Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.*

*Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.'*

#### **Section 4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity**

*'It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.'*

#### **Section 4.4.1.1 Policy Objective PHP35: Healthy Placemaking**

*'It is a Policy Objective to:*

- Ensure that all development is of high quality design with a focus on healthy placemaking consistent with NPO 4, 26 and 27 of the NPF, and RPO 6.1, 6.12, 9.10 and 9.11 of the RSES.
- 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).
- 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.’

#### **Section 4.4.1.8 Policy Objective PHP42: Building Design & Height**

‘It is a Policy Objective to:

- Encourage high quality design of all new development.
- Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF).’

#### **Section 8.6.3 Policy Objective GIB14: Public Rights-of-Way**

‘It is a Policy Objective to:

- i. Preserve, protect, promote, and improve for the common good all existing public rights-of-way which contribute to general amenity.
- ii. Extend or enhance existing rights-of-way either by agreement with landowners or using compulsory powers in the interest of ensuring access to amenities, including the coast, upland areas, riverbanks, heritage sites, geological sites and National Monuments.
- iii. Prohibit development and keep free from obstruction existing rights-of-way, and to take legal action if necessary, to prevent any attempt to close them off.
- iv. Prohibit development which would prejudice public access to existing rights-of-way, unless the level of amenity is maintained by the right of way, footpath, or bridleway being diverted by the minimum practical distance and the route continues to be segregated from vehicular traffic.
- v. Consider favourably planning applications which include proposals to improve the condition and appearance of existing rights-of-way.’

### **Section 11.4.2.2 Policy Objective HER14: Demolition within an ACA**

*'It is a Policy Objective to prohibit the demolition of a structure(s) that positively contributes to the character of the ACA.'*

### **Section 11.4.2.6 Policy Objective HER18: Development within a Candidate Architectural Conservation Area**

*'It is a Policy Objective that development proposals within a candidate Architectural Conservation Area will be assessed having regard to the impact on the character of the area in which it is to be placed'.*

### **Section 11.4.3.2 Policy Objective HER20: Buildings of Vernacular and Heritage Interest**

*'It is a Policy Objective to:*

- i. *Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features.*
- ii. *Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts, pub fronts and other significant features.*
- iii. *Ensure that appropriate materials be used to carry out any repairs to the historic fabric.'*

### **Section 11.5.4 Policy Objective HER28: The Metals**

*'It is a Policy Objective to manage and enhance The Metals from the People's Park to Dalkey giving due regard to its historic importance while continuing to facilitate and encourage its use as a walking and cycling route between Dún Laoghaire and Dalkey.'*

### **Section 12.3.7.7 Infill**

*'In accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall*

*retain the physical character of the area including features such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings.'*

### **Section 12.3.9 Demolition and Replacement Dwellings**

*'The Planning Authority has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant.*

*Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered on the grounds of replacement numbers only but will be weighed against other factors.*

*The Planning Authority will assess single replacement dwellings within an urban area on a case by case basis and may only permit such developments where the existing dwelling is uninhabitable.'*

### **Section 12.4.5.6 Residential Parking**

A car parking rate of 1 space per 1 and 2 bedroom apartments and 2 spaces per 3+ bedroom apartment is specified for sites located within Parking Zone 2.

In certain instances, in Zones 1 and 2 the Planning Authority may allow a deviation from the maximum or standard number of car parking spaces specified in Table 12.5 or may consider that no parking spaces are required. Small infill residential schemes (up to 0.25 hectares) or brownfield/refurbishment residential schemes in Zones 1 and 2 along with some locations in Zone 3 (in neighbourhood or district centres) may be likely to fulfil these criteria.

### **Section 12.4.6 Cycle Parking**

*'Cycle parking should accord with the Council published – 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments' (2018) or any subsequent review of these standards'.*

This document specifies a requirement of 1 short stay (visitor) parking space per 5 units and 1 long stay parking space per 1 unit in the context of apartments. In car parking Zones 1 and 2 these minimum standards should be exceeded.

#### **Section 12.4.8.4 ACAs/Protected Structures**

*'Boundary features such as walls, railings and gardens contribute to character and setting of Protected Structures and those areas which have been identified as ACAs and cACAs. Poorly designed off-street parking which involves the removal of boundary walls, gate piers, railings and gates can have an effect on the setting and appreciation of the building, groups of buildings and the wider streetscape and will not generally be permitted.'*

#### **Section 12.8.3.1 Public Open Space**

Table 12.8 sets out a minimum public open space requirement of 15% of the site area for residential development in an existing built up area. To qualify as public open space the area must be designed and located to be publicly accessible and useable by all in the County; generally free from attenuation measures; and capable of being taken in charge. It is acknowledged that in certain instances it may not be possible to provide the above standards of public open space. High density urban schemes and/or smaller urban infill schemes for example may provide adequate communal open space but no actual public open space. In these instances where the required percentage of public open space is not provided the Council will seek a development contribution under Section 48 of the Planning and Development Act 2000, as amended.

#### **Section 12.8.11 Existing Trees and Hedgerows**

New developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerows. New developments shall, also have regard to objectives to protect and preserve trees and woodlands.

#### **Appendix 5: Building Height Strategy**

It is a policy objective (Policy Objective BHS 1- Increased Height) to '*support the consideration of increased heights and also to consider taller buildings where appropriate in the Major Town Centres of Dún Laoghaire and Dundrum, the District Centres of Nutgrove, Stillorgan, Blackrock, and Cornelscourt, within the Sandyford UFP area, UCD and in suitable areas well served by public transport links (i.e. within 1000 metre/10 minute walk band of LUAS stop, DART Stations or Core/Quality Bus Corridor, 500 metre/5 minute walk band of Bus Priority Route) provided that proposals ensure a balance between the reasonable protection of existing amenities and*

*environmental sensitivities, protection of residential amenity and the established character of the area.*

.....

*Within the built-up area of the County increased height can be defined as buildings taller than prevailing building height in the surrounding area. Taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height for the area.'*

### **5.3. Regional Policy**

#### **5.3.1. Regional Spatial and Economic Strategy for the Eastern and Midlands Area, 2019**

The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Area (adopted June 2019) provides a framework for development at regional level. The RSES encourages promotes the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint. The following Regional Policy objectives are noted in particular:

RPO 3.2 Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

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

### **5.4. National Policy/Section 28 Ministerial Guidelines**

#### **5.4.1. Project Ireland 2040 National Planning Framework**

The National Planning Framework (NPF) is a high-level strategic plan shaping the future growth and development of Ireland to 2040. The NPF includes 75 no. National Policy Objectives. The following objectives are of note in this instance:

NPO 3(a) - Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

NPO 13 - In urban areas, planning, and related standards, including 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.

NPO 35 - 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.

#### **5.4.2. Housing for All – A New Housing Plan for Ireland to 2030 (2021)**

A multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price.
- built to a high standard and in the right place.
- offering a high quality of life.

#### **5.4.3. Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (DoEHLG 2009), and the accompanying Urban Design Manual**

These guidelines encourage higher densities on residential zoned lands, particularly on inner suburban and infill sites and along public transport corridors, identifying minimum densities of 50/ha in such corridors, subject to appropriate design and amenity standards. In respect of infill residential development, potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.

Section 4.21 encourages a more flexible approach to quantitative open space standards with greater emphasis on the qualitative standards. Close to the facilities of city and town centres or in proximity to public parks or coastal and other natural

amenities, a relaxation of standards could be considered. Alternatively, planning authorities may seek a financial contribution in lieu of public open space within the development.

#### **5.4.4. Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020)**

These guidelines provide detailed guidance and policy requirements in respect of the design of new apartment developments. Where specific planning policy requirements are stated in the document these are to take precedence over any conflicting policies and objectives of development plans, local area plans and strategic development zone planning schemes.

In terms of identifying the types of locations within cities that may be suitable for apartment development the guidelines note the following:

Central and/or Accessible Urban Locations - such locations are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including:

- Sites within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
- Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.

These guidelines provide a range of requirements in the context of apartment developments, including the following which are relevant to the subject proposal:

- **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 2:** The housing mix specified under Specific Planning Policy Requirement 1 of the Apartment Guidelines, is relaxed

where 1 to 49 residential units are proposed in building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha. For schemes of 50 or more units, SPPR 1 shall apply to the entire development.

- **Specific Planning Policy Requirement 3:** The following minimum apartment floor areas are specified: - Studio apartment - 37sq.m; 1-bedroom apartment - 45sqm; 2-bedroom apartment (4 persons) - 73sq.m; and 3-bedroom apartment (5 persons) 90sq.m. 2-bedroom apartment (3 persons) may also be considered, particularly in the context of certain social housing schemes such as sheltered housing. They must have a minimum floor area of 63sq.m. Minimum floor areas are also outlined at Appendix 1 in relation to minimum aggregate floor areas for living/dining/kitchen rooms, and minimum widths for the main living/dining rooms; minimum bedroom floor areas/widths; and minimum aggregate bedroom floor areas. Pursuant to paragraph 3.8, the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%). For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, where between 10 to 49 residential units are proposed, it shall generally apply, but in order to allow for flexibility, may be assessed on a case-by-case basis and if considered appropriate, reduced in part or a whole, subject to overall design quality.
- **Specific Planning Policy Requirement 4:** Sets out the minimum number of dual aspect apartments to be provided in any scheme; a minimum of 33% dual aspect units are required in more central and accessible locations, a minimum of 50% in a suburban or intermediate location and on urban infill sites of any size or on sites of up to 0.25ha planning authorities may exercise discretion to allow lower than the 33% minimum.
- **Specific Planning Policy Requirement 5:** Specifies minimum ground level apartment floor to ceiling heights of 2.7 metres. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha,

planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality.

- **Specific Planning Policy Requirement 6:** Specified a maximum of 12 apartments per core. This maximum provision may be increased for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, subject to overall design quality and compliance with building regulations.
- The following minimum requirements for storage areas are set out in Appendix 1: - Studio apartment - 3sq.m; 1-bedroom apartment - 3sqm; 2-bedroom apartment (3 persons) - 5sq.m; 2-bedroom apartment (4 persons) - 6sq.m; and 3-bedroom apartment - 9sq.m. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, the storage requirement may be relaxed in part, on a case-by-case basis, subject to overall design quality.
- The following minimum requirements for private amenity space are set out in Appendix 1: - Studio apartment - 4sq.m; 1-bedroom apartment - 5sqm; 2-bedroom apartment (3 persons) - 6sq.m; 2-bedroom apartment (4 persons) - 7sq.m; and 3-bedroom apartment - 9sq.m. Further to this, paragraph 3.37 of the Apartment Guidelines states that balconies should have a minimum depth of 1.5 metres. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.
- The following minimum requirements for communal amenity space are set out in Appendix 1: - Studio apartment - 4sq.m; 1-bedroom apartment - 5sqm; 2-bedroom apartment (3 persons) - 6sq.m; 2-bedroom apartment (4 persons) - 76sq.m; and 3-bedroom apartment - 9sq.m. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.
- The following requirements regarding bicycle storage are set out at paragraph 4.17: - 1 cycle storage space per bedroom (for studio units, at least 1 cycle

storage space shall be provided) and 1 visitor cycle parking space per 2 residential units.

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

These guidelines set out national planning policy guidance on building heights in relation to urban areas. Greatly increased levels of residential development in urban centres and significant increases in the building height and overall density of development are not only to be facilitated, but are to be actively sought out and brought forward by the planning processes and particularly so at local authority and An Bord Pleanála levels. Building height is identified as an important mechanism to delivering compact urban growth and Specific Planning Policy Requirements (SPPRs) of the building height guidelines take precedence over any conflicting policies and objectives of the Dun Laoghaire Rathdown County Development Plan.

These guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels. There is a presumption in favour of buildings of increased height in town / city cores and in other urban locations with good public transport accessibility. SPPR 1 of the Building Height Guidelines states that in accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

Section 3.1 of the Building Height Guidelines present the following three broad principles which Planning Authorities must apply in considering proposals for buildings taller than the prevailing heights:

- Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular,

effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?

- Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?
- Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?

5.4.6. Section 3.2 of the Building Height Guidelines states that the applicant shall demonstrate to the satisfaction of the Planning Authority/An Bord Pleanála that the proposed development satisfies criteria at the scale of relevant city/town; at the scale of district/neighbourhood/street; at the scale of site/building, in addition to specific assessments.

## 5.5. Natural Heritage Designations

5.5.1. The proposed development is not located within or immediately adjacent to any European site. The nearest European site is the Dalkey Islands SPA (Site Code 004172) located c. 1.1km east.

## 5.6. EIA Screening

Having regard to the nature and scale of the proposed development and its location in a serviced urban area 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

A first party appeal against the decision to refuse permission by the Planning Authority has been lodged by Brock McClure on behalf of the applicant. A Revised Drainage

Report, Traffic and Transport Appeal Note, additional photomontages and a Landscape Response in support of the original proposal accompany the appeal for the Board's consideration.

In summary, the grounds of appeal can be summarised as follows:

- The subject site is in an ideal position for such a development given its proximity to a host of local services in Dalkey and Dublin City Centre. It is an underutilised infill site proximate to public transport routes and serviced by an adequate street and pedestrian network.
- A density of 84dpha is considered appropriate for this site, in line with government guidance, given it is very accessible to public transport being proximate to Glenageary and Dalkey Stations. The subject site comprises one of a few sites in Dalkey capable of accommodating an infill development of this scale and assisting the Council in achieving its housing targets.
- Although they have decided to refuse permission, the Planning Authority accepted the principle of demolition of the existing dwelling on site. The Applicants consider its demolition appropriate as it is not a Protected Structure nor is it included within an Architectural Conservation Area and it is not considered to be of any architectural merit.
- The proposed design, scale and massing is specifically tailored to address the constraints and unique opportunities offered by this site and provides an appropriate built form for this location, including adhering to surrounding building heights.
- The proposed development strikes a balance between protection of established levels of adjoining residential amenity and the requirement for an increased residential density on a key infill site. The building form maintains the width of the existing building on site on the east-west axis and is extended to the north and south of the site. Specific care and attention has been given to the layout of the new building with more pronounced set-backs at sensitive locations and it has been orientated to ensure that there is no direct overlooking of adjoining properties. Further to this, the two upper floor levels are further setback from boundaries to ensure that there is no perceived overbearance of adjoining properties.

- The Planners Report acknowledges that the proposed dwelling is acceptable in terms of the following: - the general principle of residential development at this site; private open space provision/aspect/storage provision of the proposed apartments; and sunlight and daylight access within the subject scheme/to adjoining properties.
- The proposed development is an appropriate response to local and national planning policies and complies with the following; - the Regional Planning Guidelines for the Greater Dublin Area; the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities; the Urban Design Manual: A Best Practice Guide; the Sustainable Urban Housing: Design Standards for New Apartments; the Planning System and Flood Risk Management; the Architectural Heritage Protection - Guidelines for Planning Authorities; and the Dún Laoghaire Rathdown County Development Plan 2016-2022.
- In response to Refusal Reason No. 1, the applicant provides the following commentary (in summary): - In relation to building height, scale and massing, the subject proposal was subject to detailed analysis to provide a suitable design solution at this location. The Building Height Strategy contained in the Development Plan outlines a general approach to taper height from a high point in the centre of the site down to the site boundaries where the height of adjacent buildings can often be lower. The strategy also states that increased heights should not detract from residents living conditions, should avoid significant loss of privacy/light and the scale and bulk should have regard to its setting. The Daylight and Sunlight Report provides details of how the development is compliant in this regard. The Architectural Design Statement and views, accompanying the application, illustrate that the subject proposal is generally consistent with the heights in the surrounding area and does not impact on adjoining properties. In the context of the ‘upward modifiers’ outlined in the Building Height Strategy, the subject site is in close proximity to the Dart and therefore would justify a modest increase in height at this location. The proposed development is appropriately designed to limit amenity impacts on the surrounding area. The site will be well screened through the retention of existing mature trees where possible and additional landscaping further limiting

the visual impact of the apartment block. The proposed plot ratio (0.94) and site coverage (26.57%) also provides support for the contention that the scale, massing and so called ‘bulk’ of the proposal is appropriate.

- In response to Refusal Reason No. 3, the applicant states that proposal will see the introduction of a high quality/innovative design, a level of development that achieves the density mandated by Government policy, retains appropriate levels of residential amenity, creates high quality apartments that would be attractive to the immediate and wider market and provide a unique opportunity for local residents looking to trade down. They reject the Council’s reference to Policy UD1 and submit that, in addition to being of high architectural quality the subject site complies with the ‘Urban Design Manual – A Best Practice Guide’ and the ‘Design Manual for Urban Roads and Streets’.
- To assist the Board with its assessment, the Applicant provides the following response to the various technical reports issued in relation to the proposed development by the Council’s internal departments:
  - Transportation Planning: - the appeal is accompanied by a comprehensive assessment of the scheme undertaken by Transport Insights which provide a response to this internal department’s recommendation that the development be refused. In response to the conditions outlined by the Transportation Planning in the event of planning permission being granted, the Applicant notes the following: - there are no areas of the proposed development to be taken in charge as the site will be the responsibility of a private management company; a revised splay drawing (incorporating an updated layout) has been produced by Transport Insights which shows how the revisions to the setback of the boundary wall ensures there are no items obscuring the visibility splay from the proposed site access onto adjoining Atmospheric Road; due to time constraints a full Quality Audit including a third-party Road Safety Audit has not been prepared but a comprehensive assessment of the application site and its environs has been undertaken by a suitably qualified engineer focusing on site access arrangements, walking and cycling accessibility to/from the proposed development, as well as public transport; as part of an updated layout the number of

apartments have been reduced from 22 to 17 providing the desired parking ratio of 1:1 and the car parking layout has been altered (with ‘double stack’ parking being removed and the layout now incorporating a combination of both parallel and perpendicular parking bays); as part of an updated layout the number/location of bicycle parking spaces provided has been amended; and all car parking spaces are ducted to accommodate EV charging points if required in the future and 2 EV charging points are provided within the car park.

- Drainage Planning: - the appeal is accompanied by reports/drawings prepared by Loscher Moran which provide a response to this internal department’s recommendation that further information be requested.
- Public Lighting Section: - the appeal is accompanied by a public lighting layout drawing (incorporating an updated layout), prepared by Colman Reynolds Associates.
- Housing Department: - the applicant has complied with the Part V requirements and full details can be agreed with the Planning Authority on receipt of the final grant of permission.
- Environmental Section: - all works will comply with BS 5228, ensuring compliance with the applicable noise limit, and noise levels will be monitored and reported on weekly. Also, an Operational Waste Management Plan will be prepared for agreement with the Council.

The appeal also includes revised plans (Drawings No. 006-ABP-01, 006-ABP-02, 006-ABP-03, 006-ABP-04, 006-ABP-05, 006-ABP-06, 006-ABP-07, 006-ABP-08, 006-ABP-09, 006-ABP-10, 006-ABP-11, 006-ABP-12, 006-ABP-13 and 006-ABP-14, prepared by Chris Ryan Architects) and an associated design response document, drainage plans, a Daylight and Sunlight Assessment, a public lighting layout and landscape drawings in response to the Planning Authority’s reasons for refusal of planning permission for the Board’s consideration. These revised plans included the following amendments:

- A 3 metre reduction in height, by way of omission of the penthouse level.

- A reduction in the number of proposed units, from 22 no. (2 no. studio apartments, 18 no. 2-bedroom apartments and 2 no. 3-bedroom apartments) to 17 no. apartments (2 no. 1-bedroom apartments, 11 no. 2-bedroom apartments and 4 no. 3-bedroom apartments).
- A reduction in plot ratio (from 0.94 to 0.75) and density (from 84dpha to 65dpha) and an increase in the number of dual aspect apartments proposed (from 86% to 100%).
- Increases in the separation distances adopted from Nos. 7-12 Barnhill Grove and No. 5 Barnhill Lawn, as well as the western boundary.
- Changes to the car parking layout, including removal of ‘double stack’ parking and incorporation of a combination of both parallel and perpendicular parking bays, and provision of 1 no. car share space as part of the 19 no. car parking spaces provided.
- Amendments to the vehicular entrance to the development, including provision of a separate pedestrian gate and splaying of boundary wall adjacent to provide improved sightlines.
- Relocation of resident bicycle parking and bin storage areas within the proposed building with the original bin/bicycle store adjacent to the entrance replaced with car parking spaces.
- An increase in bicycle parking provision, from 31 no. to 56 no. spaces (44 no. resident spaces and 12 no. visitor spaces).

The Applicant asks that the Board consider this revised proposal in the event that they are not convinced by the scheme lodged originally with the Planning Authority. In summary, the Applicant provides the following commentary in relation to the revised scheme:

- The revised proposal represents an exemplary design solution at this location, with increased setbacks to surrounding properties, a reduction in height, a consequent reduction in numbers and appropriate landscaping to introduce this new development into the existing built context.
- With regards to separation distances provided from adjoining properties, the Applicant notes that the revised scheme increases the separation distances

from Nos. 7-12 Barnhill Grove from 18.2-32.2 metres to 19.037-26.906 metres; No. 5 Barnhill Lawn from 11.9-15.1 metres to 20.892-20.954 metres; and the western abutments from 14.9-17.7 metres to 19.04-20.50 metres. Further to this, the revised proposal, adjacent to the north/north-eastern and north-western boundaries, adopts a similar building height to the adjacent buildings.

- The revised apartment development is set back further from the northern/north-western boundary and is of a similar height to the existing buildings and is therefore an improvement in terms of potential overlooking/overbearing.
- Following a reduction in the scale of the development and a revised layout plan, issues that were previously raised have been fully addressed and no issues are envisaged with regards to illegal parking. The revised provision of parking will accommodate all parking needs on-site, ensuring that Atmospheric Road/The Metals will remain uncongested and remain suitable as a mixed-use environment for pedestrians and cyclists. In light of the revised sightlines, the risk of any traffic hazard resulting from the proposed development is extremely low.

## 6.2. Planning Authority Response

- The Board is referred to the previous planner's report. It is considered that the grounds of appeal do not raise any new matter which in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

## 6.3. Observations

7 observations have been submitted within the prescribed time which raised the following concerns (in summary):

- The development is excessively large and not in keeping with the surrounding area. The design, layout, scale, mass and height of the proposed development has not had regard to the modest height and character of the adjoining residential properties. The proposed development constitutes overdevelopment of the subject site.

- Car parking provision is insufficient for a development of this scale and will result in an overspill into the surrounding area.
- Given the site's elevated nature, it will be imposing and overlook surrounding properties.
- Atmospheric Road is part of the Metals, a popular pedestrian/cycle route, and is very narrow and busy. Additional traffic generated by the proposed development would cause a hazard to pedestrians/cyclists. Further to this, exiting Atmospheric Road is also made difficult as a result of the busy junction it forms with Barnhill Road.
- There is granite beneath the site and its excavation (required to accommodate basement) will cause issues in terms of noise and vibrations.
- The mature trees featuring at the front of the site, adjacent to The Metals, should be preserved.
- The revised proposal submitted with the grounds of appeal does not adequately address the refusal reasons and is equally as unsuitable for the subject site as the development considered originally by the Council.
- The proposed development will cause an unreasonable intensification of residential use on site and cause traffic congestion/unsafe walking and driving conditions on Atmospheric Road.
- The precedent examples referenced by the Applicants differ greatly to the subject proposal as they utilise main roads for access.
- The proposal will negatively impact upon residential amenity of adjacent properties, including by way of a reduction in sunlight received, overbearing and overlooking, due to its height/scale and proximity to boundaries.
- The proposed development would result in an undesirable planning precedent, an overbearing/visually dominant form of development which is excessive in scale/height and is contrary to the zoning objective, the Building Height Guidelines and the Development Plan 2016-2022, including Policies UD1 and SLO 17.
- There will be considerable noise disturbance during construction.

- The proposed development would depreciate surrounding property values.
- The residential amenity of properties will be compromised by the positioning of the amenity space serving the development close to the boundary as well as the parallel car parking spaces and bin/bicycle spaces adjacent to the common boundary.
- The proposed development will negatively impact upon the character and setting of the candidate Metals Architectural Conservation Area and is contrary to the Architectural Heritage Guidelines.
- The applicants have not justified the demolition of the existing dwelling on site and the proposal is contrary to Policies AR5 and AR13.
- The proposed development will negatively impact upon the character and setting of the surrounding area.
- There are discrepancies in the drawings in relation to the proposed pedestrian access and it is not referenced in the development description.
- There are issues with sightlines and the application/appeal is not accompanied by a Road Safety Audit. The concerns of the Transportation Planning Section are noted and agreed with.
- The application/appeal is deficient in terms of content as an Ecological Impact Assessment has not been submitted with either. Further to this, a bat survey does not accompany the application/appeal.
- The level of tree/vegetation removal is excessive.
- There are odour/vermin concerns arising out of the positioning of the bin storage area.

It is noted that two of the observations received (that of John & Anna May McCormick and Bernard & Dawn McCormick) were in support of the proposed development.

#### **6.4. Further Responses**

- None.

## 7.0 Assessment

As part of the grounds of appeal, the appellant submitted revised proposals in response to the Planning Authority's reasons for refusal of planning permission and the items raised by the Transportation Planning Section in their commentary on the application. These revised proposals included the following amendments:

- A 3 metre reduction in height, by way of omission of the penthouse level.
- A reduction in the number of proposed units, from 22 no. (2 no. studio apartments, 18 no. 2-bedroom apartments and 2 no. 3-bedroom apartments) to 17 no. apartments (2 no. 1-bedroom apartments, 11 no. 2-bedroom apartments and 4 no. 3-bedroom apartments).
- A reduction in plot ratio (from 0.94 to 0.75) and density (from 84dpha to 65dpha) and an increase in the number of dual aspect apartments proposed (from 86% to 100%).
- Increases in the separation distances adopted from Nos. 7-12 Barnhill Grove and No. 5 Barnhill Lawn, as well as the western boundary.
- Changes to the car parking layout, including removal of 'double stack' parking and incorporation of a combination of both parallel and perpendicular parking bays, and provision of 1 no. car share space as part of the 19 no. car parking spaces provided.
- Amendments to the vehicular entrance to the development, including provision of a separate pedestrian gate and splaying of boundary wall adjacent to provide improved sightlines.
- Relocation of resident bicycle parking and bin storage areas within the proposed building with the original bin/bicycle store adjacent to the entrance replaced with car parking spaces.
- An increase in bicycle parking provision, from 31 no. to 56 no. spaces (44 no. resident spaces and 12 no. visitor spaces).

The Applicants ask that the application as originally lodged with the Dun Laoghaire Rathdown County Council on 21<sup>st</sup> May 2021 form the basis for the Board's assessment in the first instance. However, in the event that the Board are not convinced by the

scheme lodged originally with the Planning Authority, the Applicant asks that the Board consider the revised proposal received by the Board on 11<sup>th</sup> August 2021. It is noted that the revised plans submitted with the appeal introduce no new elements or issues which may be of concern to third parties in the context of the proposed development. Accordingly, I will consider both the proposed development as originally lodged and the revised proposal accompanying the appeal as part of my assessment below.

From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- Principle of Development/Demolition of Existing Dwelling.
- Access, Traffic and Parking.
- Density.
- Height, Scale, Mass and Design.
- Impact on Built Heritage.
- Residential Amenity of Adjoining Properties.
- Residential Amenity of Proposed Development.
- Open Space and Tree Conservation.
- Other Matters.
- Appropriate Assessment.

As previously discussed, the subject application was originally assessed having regard to the Dún Laoghaire Rathdown County Development Plan 2016-2022. This has subsequently expired and in the intervening period, the Dún Laoghaire Rathdown County Development Plan 2022-2028 has been adopted by the elected members and came into effect on the 21<sup>st</sup> April 2022, save for a no. of sections (please refer to Section 5.0 for further detail). In light of this, the subject application will be assessed having regard to the Dún Laoghaire Rathdown County Development Plan 2022-2028.

## **7.1. Principle of Development/Demolition of Existing Dwelling**

7.1.1. As previously discussed, the development site lies within an area of suburban residentially zoned land and residential use has been established, with a 2 storey

dwelling currently featuring on site. Under this land use zoning objective, residential development is generally acceptable in principle subject to the proposed development being acceptable in terms of its impact on the visual amenities of the area, the established residential amenities of properties in its vicinity. These matters are considered in the subsequent sections of this report.

7.1.2. In their submissions, the observers contend that the applicants have not justified the demolition of the existing dwelling on site and that the proposal is contrary to Policies AR5 and AR13 included in the Dun Laoghaire Rathdown County Development Plan 2016-2022. Policy AR5 encourages the retention/rehabilitation and reuse of buildings not constituting Protected Structures but of heritage interest/making a positive contribution to the character and appearance of a streetscape and discourages demolition of the same. Policy AR13 prohibits the demolition of a structure(s) that positively contributes to the character of an ACA. Further to this, the Planners Report noted that although the submitted Impact Assessment asserted nothing of heritage value was found in the context of the existing dwelling and the Planning Report further stated that the subject dwelling is in poor condition, no further details were submitted in relation to the structural condition of the existing dwelling. It went on to state that in the event that a grant of permission for the proposed development were to be considered, further details with regard to the structural condition of The Barn would be required, to demonstrate compliance with the provisions of Section 8.2.3.4(xiv) of the Development Plan. Section 8.2.3.4(xiv) relates to demolition and replacement dwellings and states that proposals for single replacement dwellings in urban areas will be assessed on a case-by-case basis (with all such applications to be accompanied by a strong justification / rationale for the works) and that any such developments may only be permitted where the existing dwelling is beyond repair due to structural defects.

7.1.3. Although the Dun Laoghaire Rathdown County Development Plan 2016-2022 has expired in the intervening period since this application was determined, I note the same policies pertaining to retention/rehabilitation and reuse of buildings, demolition of structures in an ACA and demolition/replacement dwellings feature in the recently adopted Dun Laoghaire Rathdown County Development Plan 2022-2028, at Policy Objective HER20, Policy Objective HER14 and Section 12.3.9, more specifically.

Therefore, the proposed demolition of the existing dwelling still requires consideration in the context of the subject application.

- 7.1.4. Having inspected the site and reviewed the material accompanying the application, I would concur with the assessment of the Planning Officer that the applicant has not established that the existing dwelling is structurally unsound//in poor condition, in the context of Section 12.3.9 of the Development Plan. However, contrary to the opinion formed by the Planning Authority, I do not form the view that an applicant is required to demonstrate compliance with the provisions of Section 8.2.3.4(xiv) of the Development Plan (or its equivalent policy in the recently adopted Development Plan) in order for demolition of the existing dwelling to be permitted in this instance. Having reviewed Policy Objective CA6 and Section 12.3.9 of the current Development Plan, it is my interpretation that it is the Planning Authority's preference that structurally sound, habitable dwellings in good condition be retrofitted/reused rather than demolished and not a mandatory requirement. The use of the terminology such as 'where possible' and 'preference for' as distinct from 'shall' or 'will' would seem to suggest that there is no overt requirement for an existing dwelling to be structurally unsound and or in poor condition so as to warrant its replacement, but rather that any such proposals will be assessed on their merits with a key consideration being the justification provided for same. Indeed, I am aware of multiple examples of replacement housing having been permitted by both the Planning Authority and the Board pursuant to the policy regarding demolition and replacement dwellings originally featuring in Section 8.2.3.4(xiv) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 without there being a need to establish that the dwelling to be replaced is '*beyond repair due to structural defects*'. Therefore, I propose to assess the subject proposal on its own merits.
- 7.1.5. The applicant contends that demolition of the existing dwelling is required to facilitate sustainable redevelopment of the subject site. Upon review of the plans and the site, I consider a key constraint in the context of redeveloping the site for housing purposes is the fact that the existing house is centrally positioned on the site. This, as well as the context of the immediately adjoining sites, provides limited scope for the introduction of additional dwellings on site and the realisation of the subject plot's development potential for infill development without the removal of the existing

dwelling. Given the appropriateness of the subject site for infill development applicants, due to its size and proximity to services, amenities and public transport, and in light of the discretion afforded by Section 12.3.9 of the Development Plan in relation to consideration of dwelling demolition/replacement proposals, I am satisfied that sufficient justification exists for the demolition of the existing dwelling to facilitate construction of a replacement residential development. Also, having regard to the poor condition of the existing dwelling and the higher BER/standard of accommodation that could potentially be achieved by an infill development, on balance, I consider dwelling demolition/reconstruction to be an appropriate proposal in this instance.

- 7.1.6. In the context of Policy Objective HER20, the building proposed to be demolished is not assigned a specific conservation status nor is it listed as a Protected Structure. Further to this, in support of the proposed development, including the proposed demolition, an Impact Assessment, prepared by Chris Ryan Architects, accompanied the application. This assessment outlines that the original has undergone extensive extension/remodelling since its original construction in c. 1907 and limited original features/fabric remain. In light of this, it concludes that although there is an ‘arts and crafts’ feel to the building, the existing dwelling is of limited heritage value. Evidence to the contrary has not been submitted by the observers. In light of the foregoing, I consider that removal of the existing dwelling on site would not be contrary to planning objectives or materially contravene the Development Plan. Consequently, I am satisfied that there are no planning provisions restricting the principle of this part of the proposed works. The principle of the demolition of the existing dwelling is acceptable, given the limited contribution it makes to the streetscape and its relatively inefficient use of the site. Should the Board be so minded to grant permission, a standard condition should be attached requiring that a Construction and Demolition Waste Management Plan be submitted to and agreed with the Planning Authority prior to the commencement of the demolition works.
- 7.1.7. With regards to the assertion made by the observers that demolition of the existing dwelling is contrary to Policy AR13 (subsequently replaced by Policy Objective HER14 in the recently adopted Dun Laoghaire Rathdown County Development Plan 2022-2028), I note that this policy is not relevant in the context of the subject application as The Metals is a candidate Architectural Conservation Area as opposed to an

Architectural Conservation Area. The appropriateness of the proposed development in the context of The Metals candidate Architectural Conservation Area will be considered subsequently in Section 7.5 of this report.

## 7.2. Access, Traffic and Parking

### Access & Traffic

- 7.2.1. Access to the appeal site is via Atmospheric Road, a busy narrow roadway off Barnhill Road forming part of 'The Metals' public walk/cycleway which runs parallel to the DART railway line. The subject site is one of nine properties accessed via Atmospheric Road. The section of The Metals providing access to the subject site comprises a shared surface utilised by pedestrians, cyclists and cars accessing these nine properties. More specifically, the proposed development utilises an existing vehicular access in the south-eastern corner which is to be modified (more specifically, recessed, increased in width and repositioned slightly further west), located c. 30 metres from the intersection of Atmospheric Road and Barnhill Road. Pursuant to the proposal as originally lodged, this modified vehicular access will provide access to parking for 19 no. cars (compromising of 9 at undercroft/ basement level and 10 at surface level), 4 no. cargo bicycles (at undercroft level) and 27 no. bicycles (provided in a single storey bicycle & bin storage building immediately adjacent to the site entrance).
- 7.2.2. The Planning Authority's second reason for refusal relates to access and traffic concerns, more specifically that by reason of the intensification of use and resultant potential hazard arising from illegal parking and traffic along the existing access lane from Barnhill Road to the proposed scheme, would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise. This echoed the concerns raised by the Transportation Planning Section whose commentary was previously summarised in Section 3.2.2. The observers also contend that the additional traffic generated by the proposed development would cause traffic congestion/a hazard to pedestrians/cyclists utilising the extremely popular The Metals pedestrian/cycle route and that exiting Atmospheric Road is also made difficult as a result of the busy junction it forms with Barnhill Road.

- 7.2.3. The site comprises a substantial well serviced (in terms of services, amenities and access to public transport) infill site. However, access is key to unlocking its development potential in my view. Having visited the site and driven/walked around it and the immediately surrounding area, I would share the concerns expressed by the Planning Authority/observers regarding access and traffic. The section of Atmospheric Road/The Metals proposed to be utilised for access is particularly narrow (c. 4.5 metres at its narrowest) and does not allow two cars to pass each other proximate to the proposed site entrance. In addition, it is a shared surface which is heavily trafficked with pedestrians/cyclists utilising The Metals for exercise and access to Dalkey Village/Glenageary Dart Stations. Further to this, vehicular access to Atmospheric Road/The Metals off Barnhill Road is difficult, the pedestrian path/island featuring to the immediate south of the junction creating a pinch point for vehicles travelling north on Barnhill Road entering the lane.
- 7.2.4. While there may be some scope to increase the intensity of residential development on the subject infill site in line with national and local planning policy objectives, I consider the level of intensification proposed (a threefold increase in the no. of dwellings utilising this section of Atmospheric Road/The Metals for access) as part of the proposed development to be excessive. The scale of development proposed would not be acceptable in terms of traffic and cyclist/pedestrian safety and I therefore regard the development as unacceptable. I consider the lane in its current format to be wholly deficient in capacity to safely accommodate the vehicular, cyclist and pedestrian movement movements which would be generated by the proposed development. Further to this, I also find the proposed development to be inconsistent with Specific Local Objective 17 and Policy Objective HER28, which both encourage The Metals use as a walking and cycling route between Dún Laoghaire and Dalkey.
- 7.2.5. Given the proposed development would endanger public safety by reason of a traffic hazard and its inconsistency with the abovementioned Development Plan policies, I recommend that planning permission be refused on this basis.
- 7.2.6. With regards to the concerns raised by the Planning Authority's Transportation Planning Section in relation to the sightlines being provided at the vehicular entrance, upon review of the material submitted with the application, I am satisfied that

appropriate sightlines can be achieved on the subject site. I would contend that the discrepancies that exist across various application drawings could easily be dealt with by way of condition, if the Board was so minded to grant planning permission in this instance.

#### Car Parking

- 7.2.7. In terms of car parking provision, under provision of car parking to serve the proposed development is of particular concern to the observers. They contend that under provision of parking on site will lead to an overspill into the surrounding area which would be to the detriment of existing residents, pedestrian and cyclists, commuters and recreational users of The Metals. The Planning Authority's Transportation Planning Section shared this concern and outlined that in their view, irrespective of the site's location and proximity to public transport links, the acceptable maximum reduced car parking rate would be 1.1 resident car parking spaces per unit and 0.1 visitor parking car parking spaces per unit, equating to a need for 6 more car parking spaces on site. They also contended that the proposed 'double stack' parking is not acceptable.
- 7.2.8. The proposed development, as originally lodged, achieves a car parking rate of 0.86 car parking spaces per apartment. The site is located within Parking Zone 2, as identified within Map T2 of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, and a maximum of 1 space per 1 and 2 bedroom apartments and 2 spaces per 3+ bedroom apartment is specified in Table 12.5 for this area. The Apartment Guidelines 2020 state that the default policy is for car parking to be minimised in apartment developments of higher density in close proximity to public transport. Further to this, Section 12.4.5.2 of the Dún Laoghaire-Rathdown County Development Plan 2022–2028 includes proximity to public transport services/level of service and interchange available and walking and cycling accessibility/permeability in the assessment criteria outlined in relation to deviation from car parking standards outlined therein.
- 7.2.9. Within this policy context, an argument could be made that the level of car parking provided by the development is acceptable given the location of the subject site within an area proximate to Dalkey Village, Glenageary and Dalkey Dart Stations and Bus Routes No. 7D, 59, 111 and 703, and immediately adjacent to 'The Metals' public

walk/cycleway. However, due to the sensitivity of the site context i.e. the site fronting on to The Metals public walk/cycle way and being accessible via a dangerous junction, I would contend that the potential for utilising a reduced car parking rate is limited in this instance given the potential that car parking needs not met on site could overspill onto the adjacent public walk/cycle way and road network. At a minimum, I would consider it necessary that each apartment is served by 1 car parking space and an additional 2 no. spaces are provided to serve visitors (which equates to 24 no. car parking spaces) to reduce the potential for overspill. Therefore, I do not consider car parking provision to be appropriate in this instance given the potential overspill issues arising from the proposed reduced rate. Having regard to the foregoing, it is recommended that planning permission be refused in this instance.

7.2.10. In terms of the suitability of the design of the proposed car parking area, I would agree with the Planning Authority's opinion that the double stacked parking spaces are unsuitable in this instance. As they are to be shared by residents of the apartment block in its entirety rather than residents of a single apartment, they are likely to not be used in a bid to avoid potential conflicts. I am satisfied that opportunity exists for the car parking area to be reconfigured to address this issue. Therefore, if the Board is inclined to grant planning permission in this instance it is recommended that a condition be attached to the order requiring that the car parking area be reconfigured accordingly.

#### Bicycle Parking

7.2.11. With regards to bicycle parking provision, the development as originally lodged, is served by 27 no. resident bicycle parking spaces, located in a bicycle & bin storage building adjacent to the site entrance; 4 no. cargo bicycle spaces at undercroft level; and 6 no. at-grade visitor bicycle parking spaces along the site frontage to The Metals. The quantum of bicycle parking provided is in excess of the Council published – 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments' (2018) but falls short of the requirements set out in the Apartment Guidelines (2020). I consider the quantum of cycle parking provided to be low given the site context. As the subject site flanks The Metals public walk/cycle way, I would envisage that bicycle usage would be high among residents of the proposed development and would generate a need for more bicycle parking than is provided. However, upon review of

the plans, I think there is ample space within the proposed development to further increase visitor/resident bicycle parking spaces on site and such an increase could be requested by way of condition. Therefore, if the Board is inclined to grant planning permission in this instance, it is recommended that a condition be attached requiring the quantum of bicycle parking space provision to be increased in line with the Apartment Guidelines (2020) provisions.

- 7.2.12. In terms of design, the provision of visitor spaces along the site's front boundary and the resident spaces within a bicycle & bin storage building adjacent to the site entrance behind a gated entry point, are considered to be appropriate locations in terms of accessibility and passive surveillance and shelter in the context of the resident parking spaces. The Planning Authority's Transportation Planning Section raised concerns regarding the proposed long-term cycle parking not complying with a number of specific guidelines set out in the 'Standards for Cycle Parking and associated Cycling Facilities for New Development – January 2018'. I am satisfied that compliance with these applicable guidelines can also be dealt with by way of condition should the Board be inclined to grant planning permission.

#### Revised Proposal

- 7.2.13. To address the access and traffic concerns raised in both the refusal reasons and commentary of the Transportation Planning Section, the applicants have submitted revised plans with their appeal for the consideration of the Board in the event that they do not consider the application as originally lodged appropriate, as well as a Traffic and Transport Appeal Note prepared by Transport Insights. In terms of access, traffic and parking, this revised option encapsulates the following amendments (in summary): - revisions to the car parking layout, including removal of 'double stack' parking and incorporation of a combination of both parallel and perpendicular parking bays; amendments to the vehicular entrance to the development, including provision of a separate pedestrian gate and splaying of boundary wall adjacent to provide improved sightlines; relocation of resident bicycle parking and bin storage areas within the proposed building; and an increase in bicycle parking provision. Further to this, the proposed reduction in apartments proposed increase the car parking rate from 0.86 car parking spaces per apartment to 1.11 car parking spaces per apartment. This

section will assess the appropriateness of the revised proposal from an access, traffic and parking perspective and assess if the issues that existed in the context of the application as originally lodged have been resolved.

7.2.14. In terms of the issues previously raised in the context of the original application regarding car and bicycle provision, upon review of the revised plans I am satisfied that the increased car and bicycle parking provision addresses concerns I had in relation to the quantum provided. I am also satisfied that revisions made to the car parking layout and vehicular entrance to the development, address concerns raised in relation to the quality of the car parking area/access. The alternative location put forward in the revised proposal for the proposed resident bicycle parking spaces (within the undercroft/basement area) and the location of the additional visitor bicycle parking spaces continue to be appropriate from an accessibility, passive surveillance and shelter perspective as well as appearing to respond to the concerns raised by the Planning Authority's Transportation Planning Section regarding non-compliance with a number of specific guidelines set out in the 'Standards for Cycle Parking and associated Cycling Facilities for New Development – January 2018'. As will be discussed in the subsequent sections of this report, the relocation of the bicycle and bin storage to within the undercroft/basement area is welcomed from a neighbouring residential amenity and built heritage perspective also.

7.2.15. In terms of the access and traffic issues previously raised, despite a reduction in the number of proposed apartments, from 22 no. to 17 no. apartments, the revised proposal still provides 19 no. car parking spaces (which I contend is necessitated for a development of this scale/at this location given the potential for overspill on to The Metals/immediately adjacent road networks). In this regard, I still consider the level of intensification proposed as part of the revised proposal to be excessive (a much greater reduction in apartment provision is merited in my view) and unacceptable in terms of traffic and cyclist/pedestrian safety along The Metals/in the context of the adjacent junction. I do not consider the revised proposed to have addressed the access and traffic issues previously raised in the context of the original application and recommend that the revised proposal also be refused for reasons of endangerment of public safety by reason of a traffic hazard and inconsistency with Development Plan policies.

### **7.3. Density**

- 7.3.1. The Planning Authority, in the Planners Report, notes that while a development of increased scale and density relative to the existing adjacent built form may be considered appropriate at the subject site, achieving such increased scale/density may not be achievable having regard to the other potential impacts of the proposed development. The applicant contends that the proposed development will achieve a level of development that achieves the density mandated by Government policy, while retaining appropriate levels of residential amenity and creating high quality apartments that would be attractive to the immediate and wider market.
- 7.3.2. The National Planning Framework recommends compact and sustainable towns/cities, brownfield development and densification of urban sites. More specifically, National Policy Objective 35 contained therein seeks an increase in residential density 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. National policy, including the Sustainable Residential Development in Urban Areas (2009), promotes residential densities in urban areas in close proximity to services and public transport. The Sustainable Residential Development in Urban Areas (2009) encourages minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, within public transport corridors. This sentiment is echoed in the Dun Laoghaire Rathdown Development Plan, 2022-2028, with Section 4.3.1 and Policy Objectives PHP18 and PHP19 promoting sustainable densities particularly in public transport corridors and consolidation/re-intensification of infill/brownfield sites.
- 7.3.3. In this regard, the appeal site is currently well served by public transport as it is located within 850 metres walking distance of the Glenageary Dart Station (accessible via the ‘The Metals’ public walk/cycleway), 270 metres of Bus Routes No. 7D and 59, running along Barnhill Road, and 300 metres of Bus Routes No. 59, 111 and 703, running along Hyde Road. Moving forward, the Bus Connects Local Route L21 is proposed to run along Barnhill Road and Peak Time Route P12 will run along Ulverton Road. In light of this, under the Sustainable Urban Housing; Design Standards for New Apartments, Guidelines for Planning Authorities, 2020, (the Apartment Guidelines), the site would be categorised as a ‘Central and/or Accessible Urban Location’. Such

locations are deemed to be suitable for small-to-large-scale (will vary subject to location) and higher density development that may wholly comprise apartments.

7.3.4. The 22 apartments proposed on this 0.26Ha site, equates to a density of 84 units per hectare (the proposed density reduces to 65 units per hectare in the context of the revised 17 no. apartment proposal submitted with the appeal), which is significantly higher than existing and permitted development in the area. Given the site's location in a serviced residential area, its proximity to public transport services and the infill nature of the subject site, the provision of a higher density residential development on the subject site is considered acceptable in principle consistent with the provisions of the Development Plan and Government policy seeking to increase densities and, thereby, deliver compact urban growth. However, the density proposed is considered to be excessive and the proposed development to constitute overdevelopment in this instance as it would endanger public safety by reason of a traffic hazard as previously discussed and fails to strike a balance between the protection of existing residential amenities (as will be discussed thoroughly in the subsequent sections of this report) and achieving of densification/intensification of residential development on site. In this regard, I find the proposed development to be contrary to Policy Objectives PHP18 and PHP19, included in Section 4.3.1 of the recently adopted Development Plan. Therefore, it is recommended that planning permission be refused in this instance.

#### **7.4. Height, Scale, Mass and Design**

7.4.1. At present, the subject site comprises a centrally located detached 2 storey dwelling orientated to front Atmospheric Road/The Metals to the south and associated amenity/parking areas. The proposed development involves the construction of a 3-4 storey over part undercroft/part basement level apartment building extending to a maximum height of 14.8 metres. The site is surrounded by existing residential developments. To the north is No. 5 Barnhill Lawn, a two-storey detached dwelling; to the east are Nos. 7, 8, 9, 10, 11 and 12 Barnhill Grove, which comprises of 6 two-storey semi-detached dwellings, the rear gardens of which flank the common boundary with the subject site; and to the west, are 2 two-storey detached dwellings, known as Windward (southernmost) and No. 6 Barnhill Lawn (northernmost) currently under construction (advanced stages) on foot of planning permission Reg. Ref. D16A/0039.

7.4.2. The Planning Authority's third refusal reason states that the proposed development, by reason of its height, scale and overall layout, would not integrate satisfactorily with the existing area, and would unduly impact on the character and visual amenity of the receiving environment and existing established pattern of development in the immediate vicinity of the subject site. They therefore deem that the proposed development would be contrary to Policy UD1 of the Dun Laoghaire Rathdown County Development Plan 2016-2022. Although the Dun Laoghaire Rathdown County Development Plan 2016-2022 has expired in the intervening period since this application was determined, I note a similar policy pertaining to urban design (Policy Objective PHP35: Healthy Placemaking) features in the recently adopted Dun Laoghaire Rathdown County Development Plan 2022-2028, at Section 4.4.1.1 more specifically. Further to this, the recently adopted Development Plan also includes a building height strategy at Appendix 5. However, there are some differences to the building height strategy previously featuring in the Dun Laoghaire Rathdown County Development Plan 2016-2022 (in Appendix 9). Of note, is the removal of the upward and downward modifiers outlined in the context of consideration of taller buildings and their replacement with policy objective reflecting the requirements of national planning policies, in particular the Building Height Guidelines 2018. A significant number of observations have raised concerns that the proposed development comprises overdevelopment of the subject site and will negatively impact upon the character and setting of the surrounding area.

7.4.3. The applicants argue that the building height, scale and massing of the subject proposal was subject to detailed analysis to provide a suitable design solution at this location and that the proposal is specifically tailored to address the constraints and unique opportunities offered by this site and provides an appropriate built form for this location, including adhering to surrounding building heights. They also argue that the proposed plot ratio (0.94) and site coverage (26.57%) provides support for the contention that the scale, massing and so called 'bulk' of the proposal is appropriate.

7.4.4. Section 4.4.1 of the recently adopted Development Plan addresses quality design & placemaking principles, including Policy Objective PHP35: Healthy Placemaking which seeks to ensure that development is of high-quality design that assists in promoting healthy placemaking. The Development Plan sets out the key principles in assessing compliance with this policy including, proper consideration of context,

connectivity, layout, public realm, wayfinding and detailed design. Policy Objective PHP44: Design Statements of the Development Plan requires a design statement to be submitted with an application for development of this nature and scale, which the applicant has adhered to.

- 7.4.5. As outlined above, the applicant is proposing to construct a 3-4 storey over part undercroft/part basement level building on site, with landscaped areas/play spaces proposed to the front/side of the site to provide communal space for residents as well as a public open space areas. The proposed development extends to a maximum height of 14.8 metres and spans for a length of c. 46 metres (north to south) and adopts a minimum setback of c. 9.4 metres, c. 7 metres and 0.675 metres from the northern, eastern and western boundaries. I consider the proposed development, by virtue of the building span, height and massing would be out of character with the site context and would constitute overdevelopment of the subject site. The CGIs accompanying the application are illustrative of this fact. This is exacerbated by the limited opportunities that exist for meaningful vegetation/tree planting to be introduced along the northern and eastern boundaries to soften the mass/bulk of the proposed blocks due to the proposed car parking area/accessway and bin/bicycle store being developed immediately adjacent to the property boundaries.
- 7.4.6. In terms of building height, the existing building on site features a maximum height of 8.5 metres according to the details submitted with the application. The proposed building would be taller than the surrounding existing buildings in the immediate area which consist of two storey semi-detached and detached houses, in particular Nos. 7, 8, 9, 10 and 12 Barnhill Grove and No. 5 Barnhill Lawn which sit lower than the subject site due to the topography of the surrounding area.
- 7.4.7. From a local planning policy perspective, Policy Objective PHP42 requires adherence to the recommendations and guidance within the Building Height Strategy for the county, which is included as Appendix 5 to the recently adopted Development Plan. The subject site falls within a suitable area well served by public transport link as per the Building Height Strategy. The strategy, more specifically Policy Objective BHS 1, supports the consideration of increased heights and also consideration of taller buildings where appropriate in the Major Town Centres and in suitable areas well served by public transport links, provided that proposals ensure a balance between the reasonable protection of existing amenities and environmental sensitivities,

protection of residential amenity and the established character of the area. In this regard, increased height is defined as buildings taller than prevailing building height in the surrounding area and taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height for the area. While the proposed development (at 3-4 storeys) is consistent with the Building Height Strategy in that it is not more than 2 storeys taller than the prevailing height for the area, I do not consider the proposed building height to be appropriate in this instance having regard to the second aspect of Policy Objective BHS 1. As discussed above, I consider that the development is inconsistent with the established character of the area and, as will be discussed in subsequent sections, the proposed development will have an adverse impact on residential and visual amenities. While the site size/location would potentially offer the opportunity for greater building heights, greater care is needed in relation to the proposed development's impact on neighbourhood character/residential and visual amenities to achieve the realisation of such potential.

- 7.4.8. In terms of national policy, I have assessed the development against the Building Height Guidelines 2018, which provides a detailed national planning policy approach to the assessment of building height in urban areas and states that in the assessment of individual planning applications, it is Government policy that building heights must be generally increased in appropriate urban locations, and that there is a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility. I have considered these guidelines alongside other relevant national planning policy standards, including national policy in Project Ireland 2040 National Planning Framework, particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements.
- 7.4.9. The Building Heights Guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPRs and the Development Management Criteria under Section 3.2 of these section 28 Guidelines have informed my assessment of the application. SPPR 3(a) of the Building Heights Guidelines states that where a Planning Authority is satisfied that a development complies with the criteria under section 3.2, then a development may be approved, even where specific objectives of the relevant Development Plan may

indicate otherwise. In principle, I am satisfied that there is no issue with the height in terms of compliance with national policy, therefore the issue of height should be considered in the context of SPPR 3(a), which refers to the criteria in Section 3.2 of the Building Heights Guidelines. Section 3.2 of the Building Heights Guidelines states that the applicant shall demonstrate to the satisfaction of the Planning Authority/An Bord Pleanála that the proposed development satisfies criteria at the scale of relevant city/town, at the scale of district/neighbourhood/street and at the scale of site/building, in addition to specific assessments.

*Section 3.2 Criteria: At the scale of relevant city/town*

- 7.4.10. The first criteria under Section 3.2 of the Building Heights Guidelines relates to whether the site is well served by public transport with high capacity, frequent service and good links to other modes of public transport. My assessment above addressing the location of the proposed development with respect to appropriate densities, indicates that the site is currently well served by public transport. The site is also located within 1km walking distance of the Glenageary and Dalkey Dart Stations as well as a no. of bus routes. National and local policy recognises the need for a critical mass of population at accessible and serviced locations within the Metropolitan area. I am satisfied that the site is reasonably-well located and serviced with options to access existing high-frequency, high-capacity public transport routes, as well as increased access and connections available through more active modes of walking/cycling, and with an array of services and amenities within walking and cycling distance. Overall, I am satisfied that the level of public transport currently available is of a scale that can support the resultant future population.
- 7.4.11. Point two under this part of the Section 3.2 criteria relates to the scale of the development and its ability to integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, the setting of key landmarks and the protection of key views. The Planning Authority and observers alike assert that the subject site is in an area of architecturally sensitivity and would fail to properly integrate into the area and would unduly impact visual amenity of the receiving environment. The applicant argues that the site is not located within an architecturally-sensitive area and the proposed development is not excessively high relative to its immediate surrounds. I would concur with the applicant in relation to the architectural sensitivity of the area. The site is not within any designated historic landscape or

subject to any development plan objectives relating to protected views or prospects. The proposed development's appropriateness in terms of visual amenity is assessed in more detail in the next section of this report.

- 7.4.12. With regard to the contribution of the development to place-making and the delivery of new streets and public spaces, I note that there are limited opportunities regarding new street provision given the limited size and context of the subject site. The public open space provided to the front of the site, as well as the works being carried out to the boundary treatment adjacent to The Metals, are positive features of the proposed development.
- 7.4.13. The proposal does not have sufficient regard to its proximity to neighbouring properties and in my view it would negatively impact on the amenity of adjacent properties to the north and east (see Section 7.6 below). Following on from reasons outlined above with respect to failure to integrate with the surrounding character, on balance I do not consider the development would make a positive contribution to place-making.

*Section 3.2 Criteria: At the scale of District / Neighbourhood / Street*

- 7.4.14. The bullet points under this section of the Building Heights Guidelines relate to how the proposals respond to the overall natural and built environment and contribution to the urban neighbourhood and streetscape, whether the proposal is monolithic in form, whether the proposal enhances the urban design of public spaces in terms of enhancing a sense of scale and enclosure, the issue of legibility through the site and integration with the wider urban area and the contribution to building/dwelling typologies available in the neighbourhood. The Planning Authority assert that at this scale the proposed development would not respond appropriately to its overall natural and built environment, nor would it make a positive contribution to the receiving environment. The applicant considers the development to respond to its overall natural and built environment by providing a high-quality design, with building heights sensitive to their context and the development making a positive contribution to the streetscape. As referred to above, I do not consider the proposed development to make a positive contribution on balance to the urban neighbourhood and streetscape along Atmospheric Road/The Metals. While the variety of materials/finishes utilised does help to break down the building massing somewhat,

the span of the block and limited variation adopted in terms of height across the building would create a development monolithic in appearance on balance.

- 7.4.15. The requirements of ‘The Planning System and Flood Risk Management – Guidelines for Planning Authorities’ (2009) have been complied with as part of the applicant’s submission. The Drainage Report, prepared by Loscher Moran, accompanying the application includes a brief assessment of potential flood risk arising from the proposed development.
- 7.4.16. With regard to the consideration of the criteria relating to legibility, the proposed works to the site boundary shared with The Metals foot/cycle path would make a substantive positive contribution to the improvement of legibility in the wider urban area. The mix of residential units is discussed further below, and I am satisfied that given the existing nature of housing in the area the provision of apartments would add to the typology of housing in this area.

*Section 3.2 Criteria: At the scale of site / building*

- 7.4.17. As per the Building Heights Guidelines, in relation to consideration at the scale of the site/building, I have considered in more detail in Section 7.6 the impact of height on the amenity of neighbouring properties, including issues such as daylight, overshadowing, loss of light and privacy. I consider the form of the proposed development has not been appropriately considered in this regard and issues in relation to overbearing/overlooking have been adequately addressed as part of the proposed development.

*Section 3.2 Criteria: Specific Assessments*

- 7.4.18. The proposed development is 3-4 storeys. I consider that, although the proposed buildings are significantly taller than the existing context of development, it is not an exceptionally tall building such as would be likely to give rise to an acceleration of wind speed or ‘downdraft’ effects.
- 7.4.19. Daylight/sunlight will be considered in Section 7.6 and 7.7 of this report.
- 7.4.20. The site is located within an urban environment. The site is not in proximity to any sensitive bird and/or bat areas and I am satisfied that no further assessment of impacts on flight lines and/or collision is required. There are no designated sites within c. 2km of the appeal site or evidence of ecological sensitivity on the site or in the surrounding

area. Accordingly, I am satisfied that an Ecological Impact Assessment is not required. Furthermore, Section 7.10 of this report outlines that Appropriate Assessment is not required.

- 7.4.21. With regards to the proposed building line, the existing dwelling on the site is set-back from the Atmospheric Road/The Metals frontage by c. 23 metres, the intervening space featuring a landscaped garden area. To the east of the site, No. 7 Barnhill Grove Kenilworth Manor is set-back c. 9.8 metres from its side boundary. To the west of the site, Windward is setback from its front boundary by c. 7.3 metres. The proposed development as originally lodged adopts a minimum setback of c. 6.4 metres from the site's front boundary. Although sitting forward of the buildings featuring on the sites to the immediate east and west, the building line is considered appropriate in this instance having regard to the limited span of this section of Atmospheric Road and the difference from the building line adopted by Windward (the only other house fronting on to this stretch of Atmospheric Road) being minimal (c. 0.9 metres). The area to the south of the subject site will comprise an area of landscaped public open space featuring a row of trees along the street edge which is passively surveilled by a number of the proposed apartments as well as the communal amenity space proposed at the western side of the site. This will enhance the Atmospheric Road/The Metals frontage.
- 7.4.22. The palette of materials proposed would be acceptable in my view. I am satisfied that the use of a brick as the primary hard finish, harmonising with zinc and cedar cladding, alongside metal railing balcony guards, comprise a high-quality palette of materials which complements the materials/finishes featuring on the surrounding properties. The proposed primary use of brick would provide a robust, low maintenance and long-lasting finish to the buildings.
- 7.4.23. Turning my attention to consideration of the proposed development's potential visual impact on the immediately surrounding area. The site is not within any designated historic landscape or subject to any development plan objectives relating to protected views or prospects. In the immediate area, the development would be most visible from the easterly/westerly approach on Atmospheric Road/The Metals and from the abutting residential sites to the north, east and west, with only intermittent views of the proposed buildings from local vantage points in the neighbouring areas due to the narrow width of the adjacent Atmospheric Road/The Metals, the leafy nature of the southern boundary and relatively flat topography of the immediately surrounding area.

7.4.24. The proposed development would change the site from a low-rise dwelling to a higher-density apartment scheme with buildings of between 3 and 4 storeys. This represents a substantive increase in building heights and scale when considering the existing low-rise building characterising the site currently. The development would substantially alter the character of the site. I am satisfied that the visual change would be largely imperceptible from the wider areas for the reasons outlined above, but substantial visual impacts would arise on the easterly Atmospheric Road approaches to the site, as well as the sites to the immediate north and east. The proposed development at three to four storeys will be the highest building along this stretch of Atmospheric Road and I consider that the development is likely to have an adverse visual impact on the immediately adjoining residential area at this location, given the contrast in scale between the proposed building and the immediately adjacent two storey semi-detached and detached dwellings. Having examined the development in the context of the built form/architectural styles of the surrounding, I am of the view that the proposed building will provide for an obtrusive insertion in this streetscape, is of a scale and design inappropriate to the site and will significantly detract from the visual amenity of this area. I consider that a greater effort could have been made to provide a more attractive interface with the immediate abutments, through a reduction in building height and/or building span and the adoption of a more generous side setbacks with more comprehensive soft landscaping proposals such that the development would make a positive contribution to the character and identity of the area.

7.4.25. In conclusion, I am not satisfied that the proposed development would make a positive contribution to the area and would respond well to the built environment in visual terms. The Board may in circumstances approve development for higher buildings, even where specific objectives of the relevant Development Plan may indicate otherwise, as per SPPR 3(a). In this regard, the proposed building heights would be greater than the height of existing neighbouring buildings. I am not satisfied that the proposed development would provide for a well-considered suburban development at this reasonably accessible site, and the building heights proposed would not be in accordance with national policy and guidance to support compact consolidated growth within the footprint of existing urban areas. While the proposed scheme may be of a contemporary design, I am not satisfied that it would make a positive contribution towards place-making in the area for the reasons cited above, and as such it would

fail to satisfy the development management criteria required in section 3.2 of the Building Heights Guidelines to allow the development to be approved, even where specific objectives of the relevant Development Plan may indicate otherwise. I consider that this three to four storey development has a detrimental impact on the character and visual amenity of the area and the mass/height is contrary to Policy Objective PHP35: Healthy Placemaking and the building height strategy contained in the recently adopted Dun Laoghaire Rathdown County Development Plan 2022-2028 and the Building Height Guidelines 2018.

- 7.4.26. Having full regard to these factors, I recommend that permission be refused due to the proposed height/massing of the development being out of character with the existing form of development in the area and the apartment building being injurious to the visual amenity of the immediate area.

#### Revised Proposal

- 7.4.27. The revised proposal submitted as part of appeal submission for the consideration of the Board in the event that the Board are not convinced by the scheme lodged originally with the Planning Authority, included the following amendments: - a 3 metre reduction in height, by way of omission of the penthouse level; a reduction in the number of proposed units, from 22 no. to 17 no. apartments and associated reconfiguration of the floor plan layouts; a reduction in plot ratio (from 0.94 to 0.75) and density (from 84dpha to 65dpha); and increases in the separation distances adopted from the northern, eastern and western site boundaries.

- 7.4.28. I consider the revised proposal sufficiently resolves issues regarding height, scale, mass and design that existed in the context of the application as originally lodged. The combination of the reduction in building height, increase in setbacks from the side and rear boundaries (which allows for a greater level of tree planting/landscaping) and resultant reduction in building span reduces the building mass/bulk. As illustrated in the contiguous elevations included in the revised drawing set, due to the flat roof form adopted the revised 2-3 storey building will be only marginally higher than the double storey pitched roof dwelling featuring at Windward to the west. I am of the view that the revised building will provide for a modern insertion in this streetscape, which given the varying materials/finishes and setbacks adopted, is of a scale and design

appropriate to the site and will not significantly detract from the visual amenity of this area.

7.4.29. As previously discussed, the appeal site is highly accessible and well served by public transport, while also being within walking distance of a range of services in Dalkey Village. The proposal is in line with National policy guidance in relation to density and utilising infill sites to support the growth of cities versus their outward expansion, which must be balanced against the evolving character of an area and the existing community. I consider that the revised two-three storey building can be accommodated without detrimentally impacting to the character and visual amenity of the area. The potential impact of the proposed development on the built heritage and residential amenity of the surrounding area is subsequently considered in Sections 7.5 and 7.6, respectively.

## 7.5. Impact on Built Heritage

- 7.5.1. The proposed development site adjoins ‘The Metals’ candidate Architectural Conservation Area. The Planning Authority’s third refusal reason states that the proposed development would result in a poor interface with the adjoining candidate Architectural Conservation Area of The Metals which is a public right of way. A number of observers also contend that the subject proposal will negatively impact upon the character and setting of the candidate Architectural Conservation Area and is contrary to the Architectural Heritage Guidelines.
- 7.5.2. In the context of The Metals, I would draw the Board’s attention to Section 11.4.2 ‘Architectural Conservation Areas’ of the recently adopted Dún Laoghaire Rathdown County Development Plan 2022-2028. More specifically, to Policy Objective HER18: Development within a Candidate Architectural Conservation Area (which replaces Policy AR17: ‘Development within a cACA’ featuring in the Dún Laoghaire Rathdown County Development Plan 2016-2022) which seeks to ensure that development proposals within candidate Architectural Conservation Areas are assessed having regard to the impact on the character of that area with a view to preserving or enhancing the established character of its buildings and streetscape. However, without seeking to undermine the built / industrial heritage value of ‘The Metals’, it should be noted that a ‘candidate’ ACA is not afforded the same level of protection as an adopted

Architectural Conservation Area. (While Policy Objective HER17: Candidate Architectural Conservation Areas of the Dún Laoghaire Rathdown County Development Plan 2022-2028 states that the Planning Authority will assess cACA's to determine if they meet the requirements and criteria for re-designation as Architectural Conservation Areas, it is of relevance to note that 'The Metals' was also identified as a Candidate Architectural Conservation Area in the previous two County Development Plans of 2010-2016 and 2016-2022. In my opinion, this continued deferring of any decision on whether 'The Metals' warrants inclusion as an Architectural Conservation Area is unhelpful and results in difficulty in assessing the merits of development proposals that may impact on its character and setting).

- 7.5.3. Notwithstanding the rather protracted determination by the Planning Authority as to whether 'The Metals' candidate Architectural Conservation Area warrants redesignation as an Architectural Conservation Area, it is apparent that the area in question is of local heritage interest with 'The Metals' comprising a historical right of way which was originally laid out as an industrial pathway / railway / tramway to provide a means of access for carrying stone from Dalkey quarry to the harbour works at Dún Laoghaire. The stretch of the route abutting the site's southern boundary is known as Atmospheric Road in reference to the Dalkey Atmospheric Railway and associated buildings/ponds which occupied this area (with a section of ponds for the associated engine house previously occupying the subject site).
- 7.5.4. In addition to the aforementioned heritage considerations, 'The Metals' also serves as an important recreational, walking and cycling route with the entirety of its length (Marine Road to Summerhill Road, Dún Laoghaire and Summerhill Road to Old Quarry, Dalkey) and the section identified as Atmospheric Road has been identified as an established public right of way on Land Use Zoning Maps No. 3, 4 and 7 of the Development Plan. The culmination of the foregoing is that Policy Objective HER28: The Metals included in the Development Plan aims to manage and enhance 'The Metals' giving due regard to its historic importance while continuing to facilitate and encourage its use as a popular walking and cycling route.
- 7.5.5. In terms of assessing the impact of the proposed development on 'The Metals' cACA, at the outset, I would advise the Board that the demolition of the existing dwelling

house is not of concern given that it is of no significance from an architectural or heritage perspective (with the construction dating from c. 1907 and having been extensively remodelled in the intervening years). With respect to the suggestion that the height, scale and overall layout of the proposed development will result in a poor interface and detract from the historic character of 'The Metals', while noting the provisions of Policy Objective HER18: Development within a Candidate Architectural Conservation Area, I would reiterate my earlier observations that a 'candidate' ACA is not afforded the same level of protection as an Architectural Conservation Area and cannot be assessed as such. Therefore, in assessing the potential impact of the proposal on the historic character and built heritage value of 'The Metals', it would perhaps be prudent to revert to the provisions of Policy Objective HER28 of the Plan which require consideration to the given to the broader historical importance and heritage of 'The Metals'.

- 7.5.6. Having considered the specifics of the development proposed and the site context, it is my opinion that the proposed building will not unduly detract from the visual amenity or inherent character of 'The Metals' (both in terms of its designation as a candidate ACA and from a broader heritage perspective). In this regard, I note that the development site itself is not located within 'The Metals' / cACA. While the proposed building will be considerably taller and have a much larger building footprint, as well as being constructed in closer proximity to the site's front boundary than the existing dwelling house on site, I am satisfied that the proposed development is sufficiently offset from the front boundary, stepped back at upper floor levels and encompasses a sufficient degree of landscaping/tree retention and planting to ensure it does not overwhelm the adjacent 'The Metals' / cACA.
- 7.5.7. In my opinion, the principal areas of potential concern as regards the effect of the proposed development on the historic character of 'The Metals' derive from the direct impacts attributable to the modifications proposed to the site entrance and the works to the front boundary which immediately flank the Candidate Architectural Conservation Area. It is proposed to modify the existing vehicular access off Atmospheric Road, more specifically, recess it, increase its width and reposition it slightly further west, as well as introduce a bin and bicycle store in the south-eastern corner of the site adjacent to the vehicular entrance. With regards to the remaining

boundary treatment, it is proposed to refurbish the existing railings and modify/recess them in parts to provide bench seating, a drinking fountain, a bicycle parking area and pedestrian entry gates along the site's frontage.

- 7.5.8. I do not contend that the modifications to the site entrance and the works to the front boundary proposed would detract from The Metals cACA but rather enhance the setting of the existing walkway, save for one aspect. The open nature of the existing boundary treatment will be maintained by the proposals while the introduction of bench seating, cycle parking and pedestrian accesses (including one providing access to the public open space area/playspace proposed to the front of the site) will provide an improved interface/improved facilities for pedestrians/cyclist traversing the walking and cycling route. The one problematic element of the proposed development/works to the front boundary is the introduction of the proposed bin and bicycle store adjacent to the vehicular entrance. Given its size and design, I contend that this structure will be visually imposing when viewed from the adjacent Metals. It will also enclose part of the front boundary and detract from the open nature of the existing boundary treatment featuring along the frontage. Upon review of the revised plans submitted with the appeal, I think there is scope for the bin/bicycle store to be provided within the undercroft/basement of the proposed building thus negating the need for such a structure at the site entrance (the provision of a landscaped car parking area in its place providing a much softer interface and allowing for a larger amount of original railings to be retained). It is therefore recommended that should the Board be inclined to grant planning permission they include a condition requiring bin/bicycle storage to be accommodated within the undercroft/basement level.
- 7.5.9. Therefore, in light of the foregoing, I am satisfied that the proposed development, subject to the condition discussed, will not detract from the historic character or built heritage value of 'The Metals' / cACA.
- 7.5.10. As referenced by the Planning Authority and the observers to the appeal, there are a no. of discrepancies/inconsistencies, in particular in relation to front boundary and vehicular entrance works proposed, that exist across the plans forming the basis of the subject application, as well as across the landscape material and photomontages supplementing these. I not consider that the discrepancies/inconsistencies that exist

can be addressed by way of condition given their nature. In the interest of clarity and to ensure the beneficial front boundary and vehicular entrance works proposed are carried out, it is recommended that the Board, if inclined to grant permission, include a condition requiring that the plans and landscape material to be updated accordingly.

## **7.6. Residential Amenity of Adjoining Properties**

- 7.6.1. One of the primary issues raised by the Planning Authority and third party observers alike is that the proposed development will have a negative impact on the residential amenities of the adjacent properties. The Planning Authorities first refusal reason refers to the fact that the residential amenity of adjacent properties would be adversely impacted upon by reason of overlooking and overbearing due to the proposed developments massing, scale, design and proximity to the subject site boundaries.

### Originally Lodged Proposal

#### *Properties to the North*

- 7.6.2. The site is bounded to the north by No. 5 Barnhill Lawn, which features a two-storey detached dwelling.
- 7.6.3. Turning my attention firstly to potential overlooking of this property. No. 5 Barnhill Lawn features two south-facing habitable room windows at first floor level. The proposed development features a number of north-facing habitable room windows, associated with proposed apartments No. G1, F1, S1 and T1, as well as the balcony serving Apartment T1, which sit opposite these south-facing windows. Given the close proximity of the proposed development to the common boundary, I would contend that there are opportunities for overlooking of No. 5 Barnhill Lawn's south-facing first floor windows. While such potential overlooking could be addressed through the introduction of screening/obscure glazing by way of condition (if the Board is inclined to grant planning permission), this would have to be balanced against the negative impact the introduction of such screening/obscure glazing would have on the internal amenity of the apartments proposed within the scheme. Further to this, I think the extent of screening/obscure glazing required to address this potential residential amenity impact is an indication that the subject proposal comprises overdevelopment of the subject site. With regards to potential overlooking of No. 5 Barnhill Lawn's amenity space, I am satisfied that potential overlooking is appropriately restricted due

to the separation distance that exists between the proposed building and the applicable space and the garage structure that flanks the common boundary.

- 7.6.4. With regards to the potential overbearing impact, the proposed development involves the replacement of an existing 2-storey detached dwelling with a substantial 3-4 storey over part undercroft/basement level apartment building. In the context of the northerly abuttal, the proposed development adopts a minimum setback of c. 9.4 metres from and spans a length of c. 19 metres along No. 5 Barnhill Lawn's southern boundary. In terms of height, it extends to a maximum height of 14.8 metres. Upon review of the plans submitted, the proposed building adopts the same setback from the northern boundary across undercroft, ground and first floor levels, with only slight setbacks adopted at second and third floor levels. I consider that the proposed development will have an unreasonable overbearing impact on the neighbouring property to the north due to the existing site context/orientation and layout of the adjacent property and the design/layout/height of the proposed development which is 2-3 storeys taller than No. 5 Barnhill Lawn and adopts very limited setbacks/steps down in height adjacent to the common boundary. Due to the location of the car parking area/accessway, limited opportunity exists for the introduction of trees/screen planting along the northern boundary to help mitigate the proposals overbearing impact.
- 7.6.5. In terms of potential overshadowing, the application was accompanied by a Daylight and Sunlight Assessment Report, prepared by 3D Design Bureau. This report found that there will be an increase in overshadowing of the amenity spaces associated with No. 5 Barnhill Lawn as a result of the proposed development. However, the applicable increase is minimal (0.1%) and the applicable amenity space will receive 2 hours of sunlight or more on at least 50% of the area which complies with the BRE Guidelines. I am satisfied that No. 5 Barnhill Lawn will not be detrimentally impacted upon by the proposed development by way of overshadowing.
- 7.6.6. With regards to potential impacts on daylight/sunlight received by the dwelling to the north, the Daylight and Sunlight Assessment Report, prepared by 3D Design Bureau, also included an assessment of the changes in daylight (Vertical Sky Component) resulting from the proposed development. It concludes that the proposed development's effect on daylight reception to neighbouring windows to the north are all within the constraints and recommendations of the BRE Guidelines. I am satisfied by the conclusions contained therein.

*Properties to the East*

- 7.6.7. The site's easter boundary is flanked by 6 two-storey semi-detached dwellings, known as Nos. 7, 8, 9, 10, 11 and 12 Barnhill Grove. More specifically, the rear gardens serving these dwellings flank the common boundary with the subject site.
- 7.6.8. With regards to potential overlooking, Nos. 7, 8, 9, 10, 11 and 12 Barnhill Grove feature upper floor level west-facing windows which have an outlook across the subject site and rear gardens which abut the common boundary. The proposed development features a number of east-facing balconies and habitable room windows located proximate to the common boundary. I do not consider the proposed development, would result in any significant or undue overlooking impacts on the west-facing first floor windows associated with Nos. 7, 8, 9, 10 and 12 Barnhill Grove due to the separation distances (in excess of the recommended 22 metres) provided between the proposed east facing first floor window/balconies and opposing first floor windows associated with the neighbouring dwellings. However, given the close proximity of the proposed development to the common boundary proximate to No. 11 Barnhill Grove, I would contend that opportunities for overlooking of this property's upper floor windows from the balconies associated with Apartment Nos. G2, F2 and S2. Further to this, due to the limited separation distance the proposed development adopts from the common boundary, I think the east-facing habitable room windows/balconies featuring in the proposed development would provide opportunities for overlooking of Nos. 7, 8, 9, 10, 11 and 12 Barnhill Grove's rear private amenity spaces. While such potential overlooking could be addressed through the introduction of screening/obscure glazing by way of condition (if the Board is inclined to grant planning permission), as previously stated, this would have to be balanced against the negative impact the introduction of such screening/obscure glazing would have on the internal amenity of the apartments proposed within the scheme. Further to this, I think the extent of screening/obscure glazing required to address this potential residential amenity impact is an indication that the subject proposal comprises overdevelopment of the subject site.
- 7.6.9. Turning our attention to potential overbearing impact. In the context of the easterly abuttal, the proposed building adopts a minimum setback of c. 7 metres from and spans a length of c. 46.27 metres along Nos. 7, 8, 9, 10 and 12 Barnhill Grove's

western boundary. In terms of height, the proposed development extends to a maximum height of 14.8 metres. While some effort has been made to reduce the potential overbearing impact of the proposed development, through the staggering/modulation of the building's eastern façade, the stepping back of the proposed upper floor levels the use of varying materials and finishes, I consider that the proposed development will have an unreasonable overbearing impact on the neighbouring properties to the east due to the existing site context/orientation, layout of the adjacent properties and the design/layout/height of the proposed development which is 2-3 storeys taller than Nos. 7, 8, 9, 10 and 12 Barnhill Grove. The overbearing impact of the proposed development is exacerbated by the level difference that exists between the subject site and eastern abutments. Further to this, due to the location of the car parking area/accessway, limited opportunity exists for the introduction of trees/screen planting along the eastern boundary to help mitigate the proposals overbearing impact.

7.6.10. In terms of potential overshadowing, the application was accompanied by a Daylight and Sunlight Assessment Report, prepared by 3D Design Bureau. This report found that there will be a reduction in overshadowing of the amenity spaces associated with Nos. 8, 9 and 10 Barnhill Grove as a result of the proposed development, more specifically due to tree removal proposed as part of the development. In the context of Nos. 7, 11 and 12 Barnhill Grove, the proposed development will result in an increase in overshadowing of the amenity spaces. However, the applicable amenity spaces will receive 2 hours of sunlight or more on at least 50% of the area which complies with the BRE Guidelines. I am satisfied that Nos. 7, 8, 9, 10, 11 and 12 Barnhill Grove will not be detrimentally impacted upon by the proposed development by way of overshadowing.

7.6.11. With regards to potential impacts on daylight/sunlight received by the dwelling to the east, the Daylight and Sunlight Assessment Report, prepared by 3D Design Bureau, also included an assessment of the changes in daylight (Vertical Sky Component) resulting from the proposed development. It concludes that the proposed development's effect on daylight reception to neighbouring windows to the east are all within the constraints and recommendations of the BRE Guidelines. I am satisfied by the conclusions contained therein.

7.6.12. I note that specific amenity concerns have been raised by observers in relation to odour/vermin arising out of the positioning of the bin storage area in the context of the eastern abutments. I would share this concern and also deem the bin/bicycle storage area to have an additional overbearing impact on No. 7 Barnhill Grove, given it flanks the entirety of this property's rear boundary and also due to the difference in level that exists in this part of the site. Upon review of the plans submitted with the application, I think opportunity exists for this bin/bicycle storage area to be repositioned to the undercroft level of the building to address vermin/odour/overbearing impacts associated with this particular structure. Should the Board be inclined to grant planning permission, I would recommend that a suitably worded condition requiring such a repositioning be included on any order issued.

#### *Properties to the West*

7.6.13. To the west of the subject site, are 2 two-storey detached dwellings, known as Windward (southernmost) and 6 Barnhill Lawn (northernmost) currently under construction (advanced stages) on foot of planning permission Reg. Ref. D16A/0039. More specifically, the driveways serving these dwellings flank the common boundary with the subject site.

7.6.14. Based on the plans approved under Reg. Ref. D16A/0039, Windward and 6 Barnhill Lawn are devoid of east-facing habitable room windows at first floor level (approved windows featuring on this façade serving wardrobes, ensuites and stairwells) and there should be no opportunities for overlooking in this regard. This is the case in the context of Windward, however, upon visiting the subject site it would appear that 6 Barnhill Lawn features one east-facing habitable room window associated with the first floor master bedroom. The proposed development is setback c. 24.5 metres from the applicable window which is sufficient to restrict undue overlooking of the same. In terms of potential overlooking of adjacent amenity spaces, those serving these neighbouring dwellings are located to the west of the applicable sites, a considerable distance from the proposed development.

7.6.15. With regards to the potential overbearing impact, it is not considered that the proposed development will have an unreasonable overbearing impact on the neighbouring properties to the west due to the existing site context/orientation of adjacent properties, which feature driveways immediately proximate to the subject site; the design/layout

of the proposed development, which adopts setbacks and proposes open space areas adjacent to the common boundary; the separation distances provided between the proposed development and the common boundary; and the modulated presentation and varying materials/finishes utilised in the building design.

7.6.16. In terms of potential overshadowing, given the positioning of the private open space areas to the west of these neighbouring dwellings and the separation distances that exist between the proposed development and these open space areas, I do not consider the proposed development would result in any negative impacts on the residential amenity of adjacent properties to the west by way of overshadowing.

7.6.17. With regards to potential impacts on daylight/sunlight received by the dwellings to the west, the application was accompanied by a Daylight and Sunlight Assessment Report, prepared by 3D Design Bureau. Having assessed changes in daylight (Vertical Sky Component) resulting from the proposed development, it concludes that the proposed development's effect on daylight reception to neighbouring windows to the west are all within the constraints and recommendations of the BRE Guidelines. I am satisfied by the conclusions contained therein.

#### *Conclusion*

Having regard to the foregoing, the proposed development is considered to be contrary to the Policy Objective PHP20, set out in Section 4.3.1.3 of the Dun Laoghaire Rathdown County Development Plan 2016-2022, regarding protection of existing residential amenity, and is also inconsistent with the zoning objective, Objective 'A', applying to the site which seeks '*to provide residential development and improve residential amenity while protecting the existing residential amenities.*' Therefore, it is recommended that the application, as originally lodged, be refused.

#### Revised Proposal

7.6.18. The revised proposal submitted as part of appeal submission for the consideration of the Board in the event that the Board are not convinced by the scheme lodged originally with the Planning Authority, included a no. of amendments that have implications for the neighbouring properties in terms of residential amenity. These include: - a 3 metre reduction in height, by way of omission of the penthouse level, proposed; a reduction in the number of proposed units, from 22 no. to 17 no. apartments and associated reconfiguration of the floor plan layouts; increases in the

separation distances adopted from Nos. 7-12 Barnhill Grove and No. 5 Barnhill Lawn, as well as the western boundary; and relocation of resident bicycle parking and bin storage areas within the proposed building. This section will assess the appropriateness of the revised proposal from a neighbouring residential amenity perspective and assess if the issues that existed in the context of the application as originally lodged have been resolved.

*Properties to the North*

- 7.6.19. With regards to overlooking, the revised proposal continues to feature a number of north-facing habitable room windows and balconies which have an outlook to No. 5 Barnhill Lawn's two south-facing habitable room windows at first floor level. However, the revised proposal adopts greater separation distances (between 18.1 metres and 21 metres) from the northern boundary than that originally proposed. Upon review of the revised plans, I would contend that the increased separation distances adopted by the revised proposal is sufficient to restrict opportunities for overlooking of No. 5 Barnhill Lawn's south-facing first floor windows. There are no issues pertaining to potential overlooking of No. 5 Barnhill Lawn's amenity space raised by the revised proposal.
- 7.6.20. With regards to the potential overbearing impact, in addition to adopting greater separation distances from the northern boundary than that originally proposed, the revised proposal also encapsulates a 3 metre reduction in the height, by way of omission of the penthouse level. I think the combination of the reduction in height and increase in separation distances adopted reduces the proposed development's overbearing impacts on the northern abuttal and addresses the concerns I had in the context of the original proposal. Further to this, the revised landscape proposal includes the planting of 3 no. trees along the site's northern boundary which help mitigate the proposals overbearing impact.
- 7.6.21. In terms of potential overshadowing and potential impacts on daylight/sunlight received by the dwelling to the north, there are no issues raised in this regard by the revised proposal.

*Properties to the East*

7.6.22. With regards to potential overlooking, the revised proposal continues to feature a number of east-facing balconies and habitable room windows with an outlook to Nos. 7, 8, 9, 10 and 12 Barnhill Grove.

7.6.23. However, the revised proposal adopts greater separation distances (a minimum of 8 metres) from the eastern boundary than that originally proposed and balconies previously positioned proximate to the common boundary with No. 11 Barnhill Grove have been repositioned to the northern façade of the building. Further to this, the revised landscape proposal includes extensive tree planting along the site's eastern boundary. Upon review of the revised plans, I would contend that the increased separation distances adopted, the repositioning of balconies and the landscape proposals incorporated by the revised proposal are sufficient to restrict opportunities for overlooking of No. 11 Barnhill Grove's upper floor windows and Nos. 7, 8, 9, 10, 11 and 12 Barnhill Grove's rear private amenity spaces.

7.6.24. Turning our attention to potential overbearing impact, in addition to adopting greater separation distances from the eastern boundary than that originally proposed, the revised proposal also encapsulates a 3 metre reduction in the height, by way of omission of the penthouse level. I think the combination of the reduction in height and increase in separation distances adopted reduces the proposed development's overbearing impacts on the eastern abuttal and addresses the concerns I had in the context of the original proposal. Further to this, the tree planting proposed along the site's eastern boundary will also help mitigate the proposals overbearing impact.

7.6.25. In terms of potential overshadowing and potential impacts on daylight/sunlight received by the dwelling to the north, there are no issues raised in this regard by the revised proposal.

7.6.26. In relation to the specific amenity concerns raised by observers in relation to odour/vermin arising out of the positioning of the bin storage area in the context of the eastern abuttlals, I note that the revised proposal has omitted the bin/bicycle storage building previously featuring in the south-eastern corner of the site and relocated resident bicycle parking and bin storage areas within the proposed building's

undercroft/basement area. This successfully addresses the concerns I/the observers originally had in this regard.

#### *Properties to the West*

- 7.6.27. In the context of Windward and 6 Barnhill Lawn, while the provision of greater separation distances to the site's northern and eastern boundaries has resulted in variations to the setbacks provided from the common boundary, there are no issues arising regarding overlooking, overbearing, overshadowing or daylight/sunlight from the revised proposal. In my view, the revised proposal maintains an appropriate interface with the western abuttal and in fact there are improvements to this interface arising out of the reduction in building height and increased tree planting included as part of the revised proposal.

#### *Conclusion*

Having regard to the foregoing, I am satisfied that the revised proposal has addressed concerns regarding negative residential amenity impacts on neighbouring properties in the context of the originally lodged proposal. Therefore, I think the revised proposal merits approval in the context of neighbouring residential amenity considerations.

### **7.7. Residential Amenity of Proposed Development**

- 7.7.1. The appropriateness of residential amenity afforded the future residents of the proposed development as originally lodged and as revised as part of the appeal submission are considered in turn below.

#### Originally Lodged Proposal

- 7.7.2. The Planning Authority raised a number of concerns regarding certain aspects of the proposed apartment development and the residential amenity afforded future residents. These will be dealt with under the applicable headings in the subsequent section. In considering the residential amenity of the proposed development, regard is had to the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) and the requirements of the Dún Laoghaire Rathdown County Development Plan 2022-2028.

### *Unit Mix*

- 7.7.3. The proposal, as originally lodged, would entail the provision of 22 no. apartments (2 no. studio apartments, 18 no. 2-bed (4P) apartments and 2 no. 3-bed apartments). This complies with the 50% one bed/studio units specified in relation to unit mix in Specific Planning Policy Requirement 1.

### *Floor Areas and Apartment Layout*

- 7.7.4. As detailed in the areas schedule/floor plans accompanying the application submission, the studio units would have a floor area of 43.77sqm and 49.70sqm, the 2-bed (4P) units would have a floor area of between 75.59sqm and 89.84sqm and the 3-bed unit would have a floor area of 129.81sqm and 165.17sqm. With respect to minimum floor areas, the proposed apartments exceed the minimum overall apartment floor areas specified in the Apartment Guidelines as well as complying with the associated minimums set in relation to aggregate floor areas for living/dining/kitchen rooms; widths for the main living/dining rooms; bedroom floor areas/widths; and aggregate bedroom floor areas. In addition, there is a requirement under Section 3.8 for '*the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)*'. In this case this standard is also met.
- 7.7.5. Having reviewed the proposed floor plans, I am satisfied that the majority of apartments are suitably laid out internally to provide an adequate level of residential amenity to future residents. However, I would share the same concerns as the Planning Authority in the context of Apartments G1 and F1. More specifically, the level of amenity/outlook afforded Bedroom 2 of the same in light of the fact that these apartments would be served by only an obscure glazed window. The use of obscure glazing is required in the context of these 2 windows to restrict overlooking of adjoining residential property to the west from the habitable rooms they serve. Given the glazing treatment proposed to the 2 windows in question I have considerable concerns in relation to the outlook afforded the proposed apartments. However, given the layout/dual aspect nature of the applicable bedrooms, I consider there to be an opportunity for the window serving this room to be repositioned to the northern

façade/have obscure glazing omitted. Therefore, it is recommended that if the Board are inclined to grant planning permission, they attach a suitably worded condition requiring the same.

*Dual Aspect/Floor to Ceiling Heights/ Apartments per Core*

7.7.6. Specific Planning Policy Requirement 4 requires that a minimum of 33% of apartments proposed are dual aspect units in more central and accessible urban locations, Specific Planning Policy Requirement 5 requires that ground level apartment floor to ceiling heights shall be a minimum of 2.7 metres and Specific Planning Policy Requirement 6 specifies a maximum of 12 apartments per core. The floor ceiling height at ground floor level would be 2.7 metres and a maximum of 4 apartments per core is proposed, thus complying with the applicable quantitative aspect of these two standards. With regards to dual aspect, upon review of the plans submitted with the application, 19 apartments constitute dual or triple aspect units (with the single aspect apartments proposed facing west). At 86%, the proposed development complies with the requirements of SPPR 4.

*Storage*

7.7.7. As detailed in the area schedule accompanying the application, the studio units would be provided with 1.92sqm or 2.21sqm of storage, the 2-bed (4P) units by between 2.06sqm and 3.73sqm of storage, and the 3-bed unit by 8.21sqm or 11.82sqm of storage, supplemented with designated storage areas (a minimum area of 5.09sqm) at basement/undercroft level. This complies with the numerical storage requirements specified in Appendix 1 of the Apartment Guidelines, 2020. It would appear that the exact location/size/dimensions of storage space(s) provided within the proposed apartments is/are not detailed on the plans submitted with the application. Upon review of the plans, the spaces I understand to comprise storage areas would appear to be appropriately located/sized to provide an appropriate level of amenity for future residents of the development. To ensure that the storage areas indicated on the area schedule are provided to serve residents of the development, it is recommended that the Board attach a condition requiring the storage areas internal to the proposed apartments be detailed on the plans, should they be inclined to grant planning permission.

### *Private Amenity Space*

7.7.8. Turning to private amenity space. As detailed in the Design Statement/floor plans accompanying the application, the studio units would be served by a 6sqm or 10.4sqm balcony, the 2-bed (4P) units by 6sqm balconies and the 3-bed units by balconies of 14.5sqm and 16.5qm, all of which have a minimum depth of or exceeding 1.5 metres. Therefore, the balconies serving the proposed studio and 3-bed apartments comply with the quantitative requirements set out in relation to private amenity space but those serving the 2-Bed apartments fall slightly short of the quantitative requirements. However, I am satisfied that this shortfall could be dealt with by way of condition. Therefore, it is recommended that if the Board are inclined to grant planning permission, they include a condition requiring the size of the balconies serving the proposed 2-Bed apartments to a minimum size of 7sqm as well as requiring that all balcony sizes/dimensions be detailed on the plans in the interest of consistency.

7.7.9. In the case of the proposed upper floor apartments, I am satisfied that the private amenity areas proposed satisfy the qualitative requirements of the Apartment Guidelines which require that private amenity spaces '*be located to optimise solar orientation and designed to minimise overshadowing and overlooking*', given their orientation facing south, east and west and their positioning relative to each other/proposed windows. In the context of the proposed ground floor apartments, while they are appropriately orientated to optimise solar access/minimise overshadowing, upon review of the floor plans and landscape proposals accompanying the application it would appear that the majority of balconies/terraces are inappropriately screened to prevent overlooking. However, I am satisfied that this issue could be dealt with by way of condition. Therefore, it is recommended that if the Board are inclined to grant planning permission, they include a condition requiring the ground floor balconies/terraces be appropriately screened to restrict overlooking of them. It is also recommended that a condition be attached requiring that the landscape plan be updated to include all ground floor balconies/terraces in the interest of clarity.

### *Communal Amenity Space*

7.7.10. In accordance with Appendix 1 of the Apartment Guidelines, a minimum of 152sqm of communal amenity space would be needed to serve the proposed

apartments. The proposed development complies with the broad numerical communal amenity space requirements, providing 247sqm (95sqm in excess of the requirement) of communal amenity/play spaces. From a qualitative perspective, I am satisfied that the proposed communal amenity space is appropriately overlooked and conveniently located relative to the apartment block proposed as well as being of an appropriate size/design so as to be usable. The Apartment Guidelines require that designers '*ensure that the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year*'. The application is accompanied by a Daylight and Sunlight Assessment Report, prepared by 3D Design Bureau, which includes an assessment of the proposed open space areas (communal and public) against the BRE guidelines. It concludes that the proposed communal amenity spaces will receive sunlight on 50% of the area well in excess of the minimum recommendations of the BRE Report – Site Layout and Planning for Daylight and Sunlight. In light of the foregoing, the proposed communal amenity spaces are also considered appropriate from a qualitative perspective.

7.7.11. In the context of the proposed communal amenity space, the observers to the appeal have raised concerns that the residential amenity of properties will be compromised by the positioning of the communal amenity space close to the boundary. The proposed communal amenity space sits adjacent to the driveways serving Windward and 6 Barnhill Lawn, therefore, I do not share the concerns of the observers in this regard.

#### *Daylight/Sunlight*

7.7.12. The Apartment Guidelines state that levels of natural light in apartments is an important planning consideration and regard should be had to the BRE standards. In this regard, the application is accompanied by a Daylight and Sunlight Assessment Report, prepared by 3D Design Bureau, which among other things includes an assessment of the proposed apartments in terms of daylighting to habitable rooms. I am generally satisfied that daylight and sunlight considerations have informed the proposed layout and design in terms of separation distances, scale, window sizing and the aspect of units.

7.7.13. I note that the Planning Authority has raised concerns in relation to the daylight/sunlight received by Apartments G4 and F4, more specifically that the ADF values achieved by L/K/D areas in the same do not meet the required 2% value. Upon review of the Daylight and Sunlight Assessment Report, it would appear that the ADF % reached is 1.91% in the context of Apartment F4 and 1.52% in the context of Apartment G4. In the context of Apartment F4, I consider the proposed non-compliance to be de minimis. In the context of Apartment G4, I consider there to be an opportunity to introduce a translucent panel or obscure glazed window to the north façade of the applicable room to improve daylight levels further. This could be required by way of condition if the board is inclined to grant planning permission in this instance.

#### *Conclusion*

7.7.14. In conclusion, I am satisfied that subject to the conditions outlined above the proposed development would provide quality apartments, meeting the relevant design standards and providing a suitable level of amenity and services for future residents.

#### Revised Proposal

7.7.15. The applicants have submitted a revised proposal with their appeal submission. They ask that it form the basis for the Board's assessment in the event that the Board are not convinced by the scheme lodged originally with the Planning Authority. This section will assess the revised proposal in the context of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) and the requirements of the Dún Laoghaire Rathdown County Development Plan 2022-2028.

#### *Unit Mix*

7.7.16. The revised proposal would entail the provision of 17 no. apartments (2 no. 1-bedroom apartments, 11 no. 2-bedroom (4P) apartments and 4 no. 3-bedroom apartments). This continues to comply with the unit mix specified in Specific Planning Policy Requirement 1.

#### *Floor Areas and Apartment Layout*

7.7.17. As detailed in the areas schedule/floor plans accompanying the appeal submission, the 1-Bed units would have a floor area of 48.69sqm and 54.07sqm, the 2-bed (4P) units would have a floor area of between 77.35sqm and 87.79sqm and the 3-bed units

would have a floor area of between 89.92sqm and 92.03sqm. With respect to minimum floor areas, the proposed apartments comply/exceed the minimum overall apartment floor areas specified in the Apartment Guidelines (I consider the 0.08sqm shortfall in the context of the proposed 3-bed apartments to be de minimis). Further to this, it complies with the associated minimums set in relation to aggregate floor areas for living/dining/kitchen rooms; widths for the main living/dining rooms; bedroom floor areas/widths; and aggregate bedroom floor areas, as well as the requirements under Section 3.8. Having reviewed the proposed floor plans, I am satisfied that the apartments featuring in the revised scheme are suitably laid out internally to provide an adequate level of residential amenity to future residents

*Dual Aspect/Floor to Ceiling Heights/Apartments per Core*

7.7.18. In the revised scheme, the floor ceiling height at ground floor level would be 2.7 metres and a maximum of 3 apartments per core is proposed, thus complying with the applicable quantitative aspect of these two standards. With regards to dual aspect, upon review of the plans submitted with the appeal, all 19 apartments constitute dual or triple aspect units (100% of the proposed apartments), thus the proposed development complies with the requirements of SPPR 4.

*Storage*

7.7.19. As detailed in the area schedule accompanying the application, the proposed apartments are provided with internal storage areas supplemented with designated storage areas at basement/undercroft level which comply with the numerical storage requirements specified in Appendix 1 of the Apartment Guidelines, 2020. As per the original application plans, the exact location/size/dimensions of storage space(s) provided within the proposed apartments is/are not detailed on the plans submitted with the application. Upon review of the plans, the spaces I understand to comprise storage areas would appear to be appropriately located/sized to provide an appropriate level of amenity for future residents of the development. To ensure that the storage areas indicated on the area schedule are provided to serve residents of the development, it is recommended that the Board attach a condition requiring the storage areas internal to the proposed apartments be detailed on the plans, should they be inclined to grant planning permission for the revised proposal.

### *Private Amenity Space*

7.7.20. In the revised proposal, the 1-bed units would be served by a 7sqm balcony, the 2-bed (4P) units by balconies of between 7sqm and 14sqm and the 3-bed units by balconies of 9sqm and 13sqm, all of which have a minimum depth of or exceeding 1.5 metres. Therefore, the balconies serving the revised 1-bed, 2-bed and 3-bed apartments comply with the quantitative requirements set out in relation to private amenity space. I am satisfied that the proposed private amenity areas also satisfy the qualitative requirements of the Apartment Guidelines given their orientation and their positioning relative to each other/proposed windows. In the context of the proposed ground floor apartments, the revised floor plans and landscape proposals include screening and planting which address the concerns had in the context of the originally lodged proposal regarding overlooking.

### *Communal Amenity Space*

7.7.21. In accordance with Appendix 1 of the Apartment Guidelines, a minimum of 123sqm of communal amenity space would be needed to serve the proposed apartments. The revised proposal complies with the numerical communal amenity space requirements, providing 267sqm (144sqm in excess of the requirement) of communal amenity/play spaces. From a qualitative perspective, the communal amenity space is provided in the same location as the proposal as originally lodged. Therefore, I remain satisfied that the proposed communal amenity space is appropriately overlooked, conveniently located relative to the apartment block proposed, appropriately sizesdesigned so as to be usable and will receive an appropriate level of daylight/sunlight as detailed in the revised Daylight and Sunlight Assessment Report, prepared by 3D Design Bureau (which provides an appeal response to the Planning Authority's refusal under Reg. Ref. D21A/0464), which accompanies the appeal.

### *Daylight/Sunlight*

7.7.22. The appeal is accompanied by a revised Daylight and Sunlight Assessment Report, prepared by 3D Design Bureau, which provides an appeal response to the Planning Authority's refusal under Reg. Ref. D21A/0464. It includes an internal daylighting to habitable rooms. The daylight/sunlight received by all revised apartments exceed the applicable ADF targets, including the required 2% values

required for L/K/D areas. I am satisfied that daylight and sunlight considerations have informed the revised layout and design in terms of separation distances, scale, window sizing and the aspect of units.

### *Conclusion*

- 7.7.23. In conclusion, I am satisfied that subject to the conditions outlined above the revised development would provide quality apartments, meeting the relevant design standards and providing a suitable level of amenity and services for future residents.

## **7.8. Open Space and Tree Conservation**

### Open Space Provision

- 7.8.1. This application was lodged prior to the adoption of the Dun Laoghaire Rathdown Development Plan 2022-2028. Under the new Development Plan there are more onerous requirements for residential development applications in terms of public open space provision. Section 12.8.3.1 of the recently adopted Development Plan 2022-2028 requires that, in the context of new residential developments in existing built up areas, 15% of the site area be reserved for public open space provision (a 5% increase on the default 10% requirement previously specified in the Dun Laoghaire Rathdown County Development Plan 2016-2022). It goes on to acknowledge that in certain instances, for example in the context of high density urban schemes and/or smaller urban infill schemes, it may not be possible to provide this standard of public open space and instead a development contribution will be sought.
- 7.8.2. Given that the overall size of the site is 0.26ha, the provision of 263sqm of public open space as per the original proposal represents approximately 10% of the site area which falls short of the 15% required by the recently adopted Development Plan. It is worth noting that the open space provision at the time of the application being lodged would have complied with the minimum of 10% of the overall site area specified in relation to public open space but fallen short of the 555-740sqm of public open space required based on the occupancy rates specified in Section 8.2.8.2 Public Open Space – Quantity of the Development Plan The public open space provision provided as part of the subject proposal falls slightly short of this aspect of the Section 8.2.8.2 requirements of the Dun Laoghaire Rathdown County Development Plan 2016-2022.

7.8.3. In light of the requirements of the recently adopted Development Plan, 390sqm of public open space would be required to serve the subject scheme. The original proposal falls short of this by 127sqm. The shortfall is considered appropriate in this instance given the small size of the subject site, its proximity to a no. of public open space areas, including the Hyde Park, and the quality of the public open space provided as a result of its southerly aspect and the inclusion of a play space. It is recommended that, if the Board is inclined to grant planning permission in this instance, they attach a suitably worded condition requiring payment of a financial contribution, including in lieu of public open space provision, in accordance with the Dún Laoghaire Rathdown County Council Development Contribution Scheme 2016-2020. It is noted that in the context of development contributions more broadly, the proposed Part V units to be provided as part of the development fall under the exemptions listed in the development contribution scheme and the subject site is located outside the applicable catchment areas relating to the Section 49 Supplementary Development Contribution Schemes (LUAS Line B1 and Glenamuck Distributor Road).

7.8.4. The revised proposal submitted with the appeal provides 215sqm of public open space (a 48sqm reduction in that originally put forward) which also falls short of the requirements of the recently adopted Development Plan. The shortfall resulting in the context of the revised proposal can be justified for the same reasons outlined above in the context of the original proposal.

7.8.5. The appropriateness of communal amenity space provided as part of the proposed development has been considered previously in Section 7.7 of this report.

#### Loss of Trees

7.8.6. The observers have raised concerns about the level of tree/vegetation removal required to facilitate the proposed development being excessive and contend that the mature trees featuring at the front of the site, adjacent to The Metals, should be preserved.

7.8.7. The application was accompanied by an Arboricultural Report, prepared by Porterstown Tree Services. A total of 9 no. trees were surveyed in April 2021. In the context of the 9 no. trees featuring on the site, it was proposed to retain 2 no. or 22% of the total. Further to this, as illustrated in the Landscape Plan (Drawing No.

070721\_LP\_01, prepared by Austen Associates) submitted with the application it was proposed to plant 16 no. additional semi-mature and small trees as part of the subject proposal.

7.8.8. The specific objective '*to protect and preserve trees and woodland*' as set out in Dún Laoghaire-Rathdown County Development Plan 2022-2028 does not apply in the context of the subject site. Further to this, there are no Tree Preservation Orders under the Planning and Development Act, 2000 (as amended), applying to the subject site. Based on the arboricultural material/landscape proposals submitted with the application, the absence of tree-specific objectives/orders applying and my own site visit, I am satisfied that the level of tree retention/loss resulting from the proposed development is acceptable in this instance. Two of the existing trees featuring along the sites frontage are to retained as part of the proposed development and supplemented by additional tree planting. The retained trees on site and proposed supplementary planting will appropriately soften the subject site's interface with The Metals.

7.8.9. In the context of the revised proposal submitted with the appeal, it proposes to retain only one of the original trees featuring on site in comparison with the proposal as originally lodged which proposed to retain two. This reduction is considered appropriate having regard to the substantial increase in additional semi-mature and small trees planting featuring in the revised landscape proposals. The no. of additional semi-mature and small trees being planted increasing from 16 to 24.

## 7.9. **Other Matters**

7.9.1. *Construction Impacts* - Potential impacts on residential amenities during construction, including in relation to noise and excavation, as well as potential damage/disruption to neighbouring properties during construction are raised by a number of third party observers. The Transportation Planning Section in their commentary on the proposed development recommended that the applicant be required to submit a detailed site-specific Construction Management Plan by way of further information request. Given the nature, scale and location of the proposed development, I am satisfied that matters pertaining to construction management can be appropriately dealt with prior to construction by way of condition should the Board be inclined to grant planning permission in this instance and requesting the Applicant to prepare/submit a

Construction Management Plan prior to the Board making its determination is not necessitated in this instance.

### **7.10. Appropriate Assessment**

7.10.1. Having regard to the nature and scale of the proposed development (a small infill apartment building within an established urban area), the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## **8.0 Recommendation**

8.1. Having regard to the foregoing, it is recommended that permission be refused for the proposed development for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

1. The section of The Metals/Atmospheric Road over which the proposed development is to be accessed comprises an important local pedestrian/cycle route. This laneway lacks sufficient capacity to safely accommodate the additional vehicular movements which the proposed development will generate along with existing and future cyclist/pedestrian movements anticipated on this important local pedestrian/cycle route. It is considered that the proposal would constitute over development of the site, result in an unsuitable level of intensification of use of the subject site and would endanger public safety by reason of traffic hazard. This traffic safety issue will be further exacerbated by the overspill onto the adjacent public walk/cycle way and road network resulting from the low level of car parking provision on site. Further to this, I find the proposed development to be inconsistent with Specific Local Objective 17 and Policy Objective HER28, which both encourage The Metals use as a walking and cycling route between Dún Laoghaire and Dalkey.
2. The proposed development, by virtue of its height, scale, mass and design would be out of character with the context of the site and would represent a visually

obtrusive form of the development relative to its immediate environment, would constitute overdevelopment of the site and would be contrary to Policy Objectives PHP18, PHP19, PHP20, PHP35 and the Building Height Strategy (contained in Appendix 5) of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) in terms of standards of urban design, architectural quality and place making outcomes at the scale of the relevant to site context. The proposed development provides an inadequate design response to this sensitive infill site and be contrary to the proper planning and sustainable development of the area.

3. Having regard to the height, scale, mass and design involved in the proposed development, it is considered that the proposed development would have a negative impact on the residential amenities of the properties to the immediate north and east of the site, by way of overbearing and overlooking. Therefore, the proposed development is considered to be contrary to the Policy Objective PHP20, set out in Section 4.3.1.3 of the Dun Laoghaire Rathdown County Development Plan 2016-2022, regarding protection of existing residential amenity, and is also inconsistent with the zoning objective, Objective 'A', applying to the site which seeks to 'to provide residential development and improve residential amenity while protecting the existing residential amenities.'



Margaret Commane  
Planning Inspector

15<sup>th</sup> July 2022