



An
Bord
Pleanála

Inspector's Report

ABP-311982-21

Development	Change of use from commercial shop to two apartments. Associated site development works.
Location	No. 27-29 Carysfort Avenue, Blackrock, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D21A/0777.
Applicant(s)	Timo Barry.
Type of Application	Planning Permission.
Planning Authority Decision	Refused.
Type of Appeal	First Party
Appellant(s)	Timo Barry.
Observer(s)	None.
Date of Site Inspection	19 th day of February, 2022.
Inspector	Patricia-Marie Young

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1.0 Site Location and Description

1.1. No.s 27 to 29 Carysfort Avenue, has a stated 0.014ha site area and it is located on the northern side of Carysfort Avenue, c32m to the south west of its junction with Frascati Road and c210m to the north east of its junction with Anglesea Avenue, in Blackrock, south County Dublin. The site comprises of a mainly three storey period mid terrace building with flat roofed single storey front projection setback from the pedestrian footpath by way of an open hardstand area. Double yellow lines run alongside the adjoining roadside edge. The subject property forms part of a varying in architectural period building stock with residential land uses pre-dominating.

2.0 Proposed Development

2.1. Planning permission is sought for the following:

- Change of use of part of the ground floor level of existing building (Note: Gross Floor Area of 90m²) from commercial to residential use to accommodate two apartment units (1 x studio unit; 1 x 1-bedroom unit).
- Alternations to elevations and internal layout of the subject area.
- Installation of front boundary wall and railings along front of the subject site boundary incorporating two pedestrian accesses.
- All associated site works and services.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 22nd day of October, 2021, the Planning Authority decided to **refuse** planning permission for the proposed development for the following stated reason:

“1. Having regard to the layout and configuration of the subject site and proposed residential units, the Planning Authority is not satisfied that the proposed development would comply with the provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, (2020), with regard to amenity space provision, and refuse management, or with the provisions of Policy UD1: Urban

Design Principles and Section 8.2.3.1 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 in relation to Quality Residential Design. The proposed apartment units would result in a substandard level of residential amenity for future occupants of the proposed residential units, would materially contravene the national standards in relation to apartment development, and would thus be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officers report is the basis of the Planning Authority’s decision. It includes the following comments:

- The proposed one-bedroom and studio apartment would result in substandard future amenity for occupants due to inadequate light and cross ventilation.
- The useability of the private open space to the front of the subject building is questionable.
- The unit mix is considered to be acceptable.
- Concern is raised in relation to the treatment of the front elevation.
- No adverse impacts on residential amenity of properties in the vicinity would arise.
- A condition can be imposed for lack of car parking and contribution towards communal open space.
- Waste management for this residential scheme needs to be clarified.

3.2.2. Other Technical Reports

Transportation: No objection, subject to a recommended condition for a special contribution towards the provision of two on-street vehicles due to no car parking provision proposed to meet the requirements of Table 8.2.3 of the Development Plan for the proposed two residential units.

Drainage: No objection.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Site

4.1.1. None.

4.2. Setting

4.2.1. No recent and/or relevant appeal cases relating to the setting.

5.0 Policy & Context

5.1. Development Plan

5.1.1. Dún Laoghaire–Rathdown Development Plan, 2016-2022.

The appeal site is identified as being Zoned Objective A: “*to protect and/or improve residential amenity*”.

Chapter 2 of the Development Plan deals with the matter of Sustainable Communities.

The principles of residential development are set out in Section 8 of the Development Plan. This includes Section 8.2.3.1 which relates to quality residential design; Section 8.2.3.3 which relates to apartment development and Section 8.2.3.5 which sets out general requirements for residential development.

5.1.2. Regional

- Regional Spatial and Economic Strategy, 2019-2031, for the Eastern and Midland Region, 2019.

5.1.3. National

- ‘National Planning Framework, 2018.

- 'Sustainable Urban Housing: Design Standards for New Apartments', 2020.
- 'Sustainable Residential Development in Urban Areas', 2009.
- 'Urban Design Manual - A Best Practice Guide', 2009.
- 'Quality Housing for Sustainable Communities', 2007.
- 'National Climate Change Adaptation Framework - Building Resilience to Climate Change', 2013.

5.2. Natural Heritage Designations

5.2.1. Not relevant.

5.3. EIA Screening

5.3.1. Having regard to the location of the site is an area zoned for residential development and the availability as well as capacity for water supply and mains drainage with the site having an existing connection to these to serve the proposed development, I conclude that no significant environmental impacts will arise and the requirement for the submission of an EIAR may be discounted at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of this First Party Appeal can be summarised as follows:

- The site is zoned residential and the vast majority of properties along the street are residential.
- This proposal represents a positive opportunity to re-use a vacant property.
- The room sizes meet all relevant standards set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines.
- The Planning Authority has provision to flexibly apply the general standards in relation to refurbishment schemes like this.

- All properties in the immediate vicinity contain private amenity space to the front. This proposal provides twice the required private open space to serve future occupants and the revised drawings included show improved screening measures.
- This is not a new build and providing communal open space is not achievable.
- The Planning Authority raised no objection to the residential mix proposed.
- In relation to the visual amenity concerns raised, it is noted that the window opening to the ground floor are very close in keeping with the original glazing openings in terms of width and height.
- The improvements to the principal façade comply with local planning provisions.
- The proposed development would give rise to no adverse amenity impact.
- No objections are raised by the Planning Authority's Transport and Drainage departments.
- All alterations proposed under this application are within the redline boundary.
- Revised drawings are provided to clarify the waste management provisions.
- Under the 2016 Census there is a deficit of 150% of 1 to 2 person dwellings.
- The site occupies a central position in close walking distance to all local amenities.
- The Board is sought to overturn the decision of the Planning Authority.

6.2. **Planning Authority Response**

- 6.2.1. The Planning Authority's response was received by the Board on the 2nd day of December, 2021, and requests that the Board have regard to their Planning Inspectors report. It also indicates that it considers that the grounds of appeal do not raise any new matter which would warrant a change in attitude of their attitude towards this development.

6.3. **Observations**

- 6.3.1. None.

7.0 Assessment

7.1. Preliminary Comment

I consider that the key issues in determining this appeal relate to the Planning Authority's single reason for refusal. I therefore propose to deal with this appeal case under the following broad headings:

- Residential Amenity Impact
- Visual Amenity Impact
- Other Matters Arising

7.1.1. In addition, the matter of 'Appropriate Assessment' also requires examination.

7.1.2. Prior to commencing my assessment below, I first of all note, that at the time of my inspection No. 27 to 29 Carysfort Avenue was in its entirety under significant refurbishment works and was not in any functional use. The on-going works relate to the interior and exterior with this being particularly evident in the interior space of ground floor level. The setback area to the front of the subject property is bound by tall hoardings. While certain works can be carried out to an existing development under exempted development provisions in this case, I raise a concern that the works have commenced to facilitate the development sought under this application. I therefore raise a concern that the development description does not accurately reflect the existing site context and the nature of the development sought. This I consider to be a new issue having regards to the requirements of Article 18(1)(d)(ii) in relation to the accuracy of the brief description of the development sought given that no indication is made to retention of works.

7.1.3. Secondly, I raise a concern to the Board that the documentation with this application show conflicting information in relation to what is the red line area of the subject site. This I note is a **new issue** in the context of this appeal case but is of relevance in terms of the appellants ability to have provided alternative more qualitative outcome for the two future dwelling units proposed and further it gives rise to a concern that the interest in the site and adjoining land as indicated in the planning application is misleading.

- 7.1.4. I consider that this can be clearly seen in the Ordnance Survey Place Map provided with this application. This map indicates that the redline area extends in a north westerly direction to the boundary of No. 15 Eagle Hill, that the southern boundary of the site bounds No. 31 to 33 Carysfort Avenue and the northern boundary of the site bounds No. 25 Carysfort Avenue. It also indicates that the hard surfaced area immediately adjoining the entire width of the principal façade of No. 27 and No. 29 Carysfort Avenue to where it terminates alongside the pedestrian footpath forms part of the applicant's legal interest.
- 7.1.5. In conflict to this information, the Site Layout Plan (Note: Drawing No. 2021-TB-006) shows that the redline area is significantly more restricted in its size and more irregular in its shape. It indicates that the redline area is comprised of the retail unit and the setback hard surfaced area to the front alone. It excludes the remainder of the ground floor and the yard area to the rear. Additionally, of concern it includes no blue line area to clarify the applicant's legal interest on the excluded area. This conflict is carried throughout the drawings provided with this application.
- 7.1.6. In addition to this, I note that the application form indicates in response to Question 7 that the appellant is the owner of the land/structure.
- 7.1.7. I consider that the documentation that set out the proposed development sought under this application does not clearly or satisfactorily set out the applicant legal interest in the land and the structure at No. 27 to 29 Carysfort Avenue to which this application relates.
- 7.1.8. Of further concern, I note from my inspection of the site and the planning history of the site context the adjoining property, which is subject to a significant refurbishment, is subject to an application made by the Appellant in this case (Note: P.A. Ref. No. D21B/0681). Information pertaining to this recent application indicates that the Appellant is the landowner, i.e., his is clearly indicated in response to Question 7 of the submitted planning application form. The Appellants interest in this adjoining land has not been in the documentation accompanying this application.
- 7.1.9. Based on the above I concerns I am not satisfied that the information provided with this application relates to a valid planning application as the documentation provided does not accurately provide required information of Article 18(1)(d)(ii) and Article 22(2)(b)(ii) of the Planning & Development Regulations, 2001, as amended.

- 7.1.10. Secondly, I note to the Board that the appellant as part of their appeal submission includes a number of modest improvements to the proposed development in order to address the concerns raised by the Planning Authority's in their Planning Officers report and in their reasons for refusal. The proposed improvements are modest in nature and suggest improvements to the roadside boundary of the private amenity space and a picture of a suggested bin storage unit to accommodate two refuse bins that could be provided within the private amenity space.
- 7.1.11. Given the modest nature and scope of these amendments I do not consider it unreasonable for the Board to have regard to them as part of their determination of this appeal case. I also note that there were no third-party objectors to this development with the public notice description including the erection of a front boundary wall/railing as part of the development proposed.

7.2. Principle of the Proposed Development

- 7.2.1. The proposed development relates to the vacant ground floor level commercial unit of No.s 27 to 29 Carysfort Avenue. This commercial unit comprises most of the ground floor level of the subject premises with a separate access adjoining it on the southern side that provides access to the residential units over. Under the provisions of Dún Laoghaire–Rathdown Development Plan, 2016-2022, the site and its setting are zoned Objective 'A'. The land use zoning objective for such land is to protect and improve residential amenity. In addition, on land subject to zoning Objective 'A' residential development is listed as permitted in principle under the said Development Plan. As such I consider that the principal of the proposed reversal of this ground floor unit from its vacant state and its material change of use to residential is acceptable, subject to safeguards.

7.3. Residential Amenity Impact

- 7.3.1. The proposed development sought under this application seeks planning permission for alterations and revisions to the elevations and internal layout of a vacant commercial unit so that it can accommodate two apartment units, i.e., 1 studio apartment with a given floor area of 41m² and a 1-bedroom apartment unit with a 46m² floor area. The studio apartment would have an independent access onto the public domain of Carysfort Avenue via a patio area (Note: 8m²) located between its principal façade and the adjoining pedestrian footpath running alongside the northern roadside

edge of the public road. It would appear that the 1-bedroom unit would be accessed from the communal hall way that at present serves the residential units over as well as what appears to be a sliding type door opening onto a 9.5m² patio area that is situated between the principal façade and the adjoining pedestrian footpath of Carysfort Avenue.

- 7.3.2. Whilst the Planning Authority raised no objection to the general principal of the proposed material change of use sought under this application given that such a development is consistent with the residential zoning of the site and its setting as well as the residential character of Carysfort Avenue. Notwithstanding, in their single reason for refusal of planning permission they considered that the proposed residential scheme would not comply with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, (2020), in terms of the amenity space provision and refuse management.
- 7.3.3. Further, the given reason set out that the Planning Authority considered that the proposed development would also fail to meet the requirements of Section 8.2.3.1 of the Development Plan which I note relates to the Quality Residential Design.
- 7.3.4. For these reasons, the Planning Authority were of the view that the proposed apartment units would result in a substandard level of residential amenity for future occupants of the proposed residential units in a manner that would be contrary to local through to national planning provisions.
- 7.3.5. In relation to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, (2020), and Section 8.2.3.1 in manner consistent with one another these seek qualitative outcomes for future occupants of new apartments and as part of achieving this they set out standards for such developments.
- 7.3.6. Whilst I accept that the dimensions, storage area, floor area relating to the various internal spaces are generally consistent with the above stated national guidelines and the Development Plan. Notwithstanding, I raise concerns in relation to adequacy of the future amenity for occupants of the two dwelling units proposed were they to be permitted as per the design and layout proposed under this application.
- 7.3.7. This is of particular concern in my view for the proposed studio unit with it being solely dependent on light and natural ventilation from its single storey presentation to Carysfort Avenue. In addition, there is no indication shown on the submitted plans for

any means of mechanical ventilation to the exterior elevation or on the projecting single storey flat roof. In relation to the studio unit, it is unclear what the floor-to-ceiling heights of this unit would be. This is an important piece of information to provide for residential units given that quality of light and ventilation is key to providing qualitative future internal amenities with light and ventilation aided by appropriate floor-to-ceiling heights through to the provision of more than one aspect. In relation to the submitted drawings these also show no means of mechanical ventilation or extraction associated with the cooking or en-suite.

- 7.3.8. Of additional concern no cross section has been provided for the studio dwelling unit to clarify the actual floor-to-ceiling heights relative to the various spaces set out within it. The one cross section provided relating to the adjoining one-bedroom unit shows variable floor-to-ceiling heights with it reducing from the front of the unit to the rear to where a height of just over 2.4m is achieved. I note that the studio unit has depth of 8.9m from the principal elevation to where the storage and en-suite are positioned towards the rear of this unit. In addition, the of this unit widens from a given as 3.317m in proximity to its Carysfort Avenue elevation to 4.491m towards the rear of this proposed unit.
- 7.3.9. Moreover, the documentation submitted with this application shows that the shopfront façade would be maintained and with this shopfront in the case of the studio unit providing access as well as all the light and ventilation into this dwelling unit.
- 7.3.10. This elevation would be setback 2.81m from the public domain and as such setting aside the fact that a shopfront appearance is visually out of character with the presentation of residential units. It would also result in the light and ventilation provision being setback from what I observed was a busy public domain in terms of pedestrian and vehicles. In particular there was a steady flow of traffic towards Frascati Road which accommodates National Route N31 with this national road being heavily congested at the time of inspection.
- 7.3.11. As such not only one the maintenance of a shopfront presentation be visually incongruous and out of character with the residential development in this streetscape scene. A streetscape scene that contains a variety of mainly period dwellings in the vicinity of the site. It would be one that offers little privacy for future occupants in terms of achieving light but still maintaining a degree of privacy to their interior space.

- 7.3.12. Moreover, the heavy levels of traffic through to the active streetscape is one that means that the use of these sole windows and door openings for ventilation purposes would result in high levels of noise through to at peak traffic times fumes. This would further diminish the future residential amenities of this dwelling unit for any future occupiers.
- 7.3.13. In relation to the one-bedroom unit whilst it benefits from an additional opening on its rear elevation, which would if the bedroom unit door it serves is opened provide some level of cross ventilation and would provide some level of natural light, albeit modest given its position to the rear of the building together with the subject building's northwest and south east orientation through to its relationship with other buildings and built features. This is a modest improvement when compared to the studio unit.
- 7.3.14. Notwithstanding, like the proposed studio unit it is dependent on light and ventilation from its principal elevation addressing Carysfort Avenue. With this elevation also maintaining the shopfront opening to serve it in terms of its main means of light and ventilation gives rise to similar concerns to that already raised for the studio unit. Like the studio unit no additional mechanical and/or ventilation sources are proposed. The section through the development proposed relates to this dwelling unit and it shows that the floor to ceiling height would be 2.72m serving the kitchen/dining space and in the rear bedroom 2.41m.
- 7.3.15. I note that Section 3.20 of the said Guidelines states that: "*floor-to-ceiling height affects the internal amenities of apartments, in terms of sunlight/daylight, storage space, and ventilation*". It notes that Building Regulations Technical Documentation F deals with Ventilation with this setting out the suggested minimum floor-to-ceiling height in terms of good room design through to good building practice is 2.4m. From a planning and amenity perspective, however, it states: "*in relation to ground floors, it is a policy requirement that ground floor level apartment floor to ceiling heights shall be a minimum of 2.7m and applicants and their designers should consider 3.0 metres on the ground floor of multi-storey buildings*".
- 7.3.16. Specific Planning Policy Requirement 5 sets out that the: "*ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use*". Whilst there is a level of flexibility set out in the said Guidelines in

relation to building refurbishment schemes on sites of any size of up to 0.25ha, for the requirements to be relaxed on a case-by-case basis. It sets out that this is subject to overall design quality.

- 7.3.17. I am not convinced that the units are of good quality design and that they would offer a good quality safe amenity space for future occupants given the poor-quality light and ventilation provisions for this unit, the long rectangular shape of these units. With what appears to be limited floor-to-ceiling heights towards the northern portion of the dwelling units floor plans. Together with the lack of justification provided by the applicant as to any alternative means of improving floor-to-ceiling heights. Particularly given the evidence to suggest that they have legal interest in No.s 27 to 29 Carysfort Avenue in its entirety. In addition, to the adjoining property of No.s 31 to 33 Carysfort Avenue. As such they have a greater degree of flexibility to have given more thought to achieve more qualitative in design dwelling units to that proposed under this application. When these factors are considered in combination with one another.
- 7.3.18. In relation to the use of the word safe, I raise concerns that if there was any emergency situation particularly in the case of the studio unit where their sole access and egress blocked by for example a fire they would be in a very perilous situation.
- 7.3.19. I am cognisant that the latter concern is subject to other codes outside of Planning and therefore outside of the Boards remit, notwithstanding it highlights the vulnerability a future occupant(s) would be in when one considers that they have no other means of escape, in a configuration of a ground floor level vacant commercial unit that is one that at best could accommodate one more sympathetically designed in terms of residential and visual amenities dwelling unit as opposed to the two substandard dwelling units sought under this application.
- 7.3.20. In relation to the private open space provision, I do not accept that the manner in which they provide their private open space is consistent with the pattern of development in this setting as suggested by them in their appeal submission. This is clear from having visited the site and its setting. Together with having regard to the planning history of property's, aerial photography, and the like. In general, the setback spaces are semi-public open spaces that are front gardens and do not function as private amenity space provision.

- 7.3.21. The appellant includes improved screening in the form of a front boundary wall and railings to match that of the neighbouring properties. This alone would not be sufficient to provide adequate screening of the private amenity spaces proposed to serve the studio and one bedroom unit proposed under this application but could be improved by way of evergreen planting behind. The latter together with the appellants proposal for refuse storage in this area would diminish the already substandard nature of this limited in privacy open space provision for future occupants.
- 7.3.22. The appellant also proposes that the refuse storage would occur in the setback area behind Carysfort Avenue indicated as the amenity space for future occupants. They do not propose a three-bin system to accommodate the independent dwelling units proposed (Note; Section 4.9 of the said Guidelines).
- 7.3.23. The appellant provides no justification as to why there is no alternative location or refuse facilities to meet the combined needs of this subject property other than providing a proposed two bin screened bin store of a design which would be visually incongruous in a streetscape setting predominated by period properties.
- 7.3.24. Yet they appear to be in ownership of the entirety of the subject premises and as set out previously they also appear to be the owner of the adjoining under refurbishment property adjoining which appears would also accommodate residential use of some form.
- 7.3.25. The provision of waste storage in close proximity to the public domain has the potential to give rise to additional nuisances such as malodours, vermin, flies and would also be located in close proximity to the sole means of light and crucially ventilation for the dwelling units sought under this application. This would not only diminish the residential amenity of this space as an open space but also has the potential to diminish and cause nuisance for the adjoining public domain as well as further diminish the visual amenities of the streetscape scene by way of their visual incongruity.
- 7.3.26. In my view this further adds to the lack of quality of the design and layout of the residential scheme proposed.
- 7.3.27. Whilst it is accepted by the Planning Authority and the Appellant that the lack of communal open space and car parking can be overcome by a financial contribution to its having regard to the qualitative issues raised above, I consider that the proposed

development, if permitted, would not only be contrary to the said guidelines but would also be contrary to Section 8.2.3.1 of the Development Plan.

7.3.28. This section of the Development Plan sets out it is the Council's policy to promote high quality design and layout in new residential developments with the core aim of ensuring that new residential developments offer a high-quality living environment for residents with this including having regard in their considerations to national planning provisions and guidance relating to such matters. It states that the: "*objective of Dun Laoghaire-Rathdown County Council is to achieve high standards of design and layout to create and foster high quality, secure and attractive areas for living*". In relation to this it sets out a number of criteria including but not limited to:

- Quality of the residential environment will be of primary significance in determining the acceptability of planning applications.
- Levels of privacy and amenity, the relationship of buildings to one another, including consideration of sunlight/daylight standards.
- Quantitative standards as set out in Chapter 8 and/or as referenced in government guidelines.
- Context – having regard to the setting of the site and the surrounding character and streetscape.

7.3.29. Of further note Section 8.2.3.3(vii) of the Development Plan which relates to apartment units sets out that the minimum overall apartment floor area for one-bedroom units shall accord or exceed the prescribed national guidance and with Table 8.2 setting out a figure of 55m². The one-bedroom unit proposed has a floor area of 46m² which is 1m² above that indicated in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities and 9m² below that recommended under the Development Plans minimum standards. As such the proposed one-bedroom unit only marginally exceeds the minimum national standard and falls significantly short of the more qualitative spatial standard set out under the Development Plan.

7.3.30. Based on the above considerations, local through to national planning provisions and guidance in relation to such dwelling units set out that there should be an acceptable level of privacy, natural light through to ventilation in apartment developments as these

contribute to the liveability and amenity enjoyed by apartment residents. Whilst there is flexibility for existing buildings this however is subject to a high quality of design being achieved. The design and layout put forward in this application is of a poor standard and would not give rise to qualitative liveability and amenity dwelling units for future occupants in a manner consistent with planning provisions. There is no reasonable justification why no alternative design solutions in terms of the change of use proposed in terms of achieving more qualitative residential and visual amenity outcomes for this site by the applicant particularly in the context whereby they have legal interest in the building as a whole. As such there is opportunity to provide an outcome that achieves greater consistency with standards and guidance for dwelling units. I therefore concur with the Planning Authority that the proposed apartment units would give rise to substandard level of future amenity for future occupants if permitted as proposed and would give rise to a visually incongruous response to the ground floor elevation for a development that accommodates two dwelling units.

7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the nature, scale and extent of the proposed development, the location of the subject property within a serviced suburban area with the property having existing connections to public mains water and foul sewer, having regard to the separation distance to the nearest European site, i.e. South Dublin Bay SAC (Site Code: 000210) and South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) which at their nearest point are 1km to the north of the appeal site, and the serviced suburban nature of the landscape in between, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

8.0 **Recommendation**

- 8.1. I recommend that planning permission be refused. I note that the second reason and consideration given below relates to a **new issue**.

9.0 Reasons and Considerations

1. Having regard to the layout and configuration of the subject site and proposed residential units, the Planning Authority is not satisfied that the proposed development would comply with the provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, (2020), with regard to amenity space provision for future occupants in terms of inadequate light, ventilation, private open space provision and refuse management, or with the provisions of Section 8.2.3.1 of the Dun Laoghaire Rathdown County Development Plan, 2016-2022, in relation to Quality Residential Design. The proposed apartment units would result in a substandard level of residential amenity for future occupants of the proposed residential units, would give rise to a visually incongruous response to its streetscape scene in terms of its street address and would thus be contrary to the proper planning and sustainable development of the area.

2. On the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the planning application meets the requirements of:
 - (a) Article 18(1)(d)(ii) of the Planning and Development Regulations, 2001, as amended, in relation to the description of the development sought.
 - (b) Article 22(2)(b)(ii) of the Planning & Development Regulations, 2001, as amended, in relation to the accurately setting out the applicant's legal estate or interest in the site and adjoining land.

In these circumstances, it is considered that the Board is precluded from giving further consideration to the granting of permission for the development the subject of the application.

Patricia-Marie Young
Planning Inspector - 21st February, 2022.