



An
Bord
Pleanála

Inspector's Report ABP 311998-21

Development	Demolition of 3 no. properties and construction of 20 apartments in two linked buildings and associated works.
Location	134, 135 & 136 North Strand Road, Dublin 3.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3422/21
Applicant	Thomas A. Costello
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	1 st Party v. Refusal
Appellant	Thomas A. Costello
Observer(s)	<ol style="list-style-type: none">1. Karen Duffy2. Brian Cotter3. Neil Wilson4. Shane Wilson5. Des Smyth

6. Sandra Ellison
7. Michael Thompson
8. Ciara O'Connor and Gavan Quinn
9. Una O'Dowd
10. Sofia Arkelid
11. Paula Nolan
12. Martina Milner

Date of Site Inspection

14/04/22

Inspector

Pauline Fitzpatrick

1.0 Site Location and Description

The site, which has a stated area of 0.065 hectares, comprises of 3 no. two storey units with rear returns on the east side of North Strand Road at the corner with Strandville Avenue. The ground floor of the units were previously in retail/commercial use but are now vacant. The 1st floors are in residential and office use. No.136 at the corner has an entrance from Strandville Avenue and retains its brick frontage.

Strandville Avenue comprises predominately of single storey terraced cottages, many of which have been extended to the rear. There are two storey units immediately opposite the appeal site. On-street parking is prevalent along the cul-de-sac.

A small, gated lane to the north of the buildings provides access to 3 no. dwellings (Nos. 133 and 133A and 133B North Strand Road) with the latter accessed via a gate at the end of the lane.

The vicinity of the site along North Strand Road is characterised by a mix of commercial and residential uses in single, two storey and two storey over basement terraced units. More recent residential development comprising of 4 and 5 storey buildings are noted to the north, the 1st in close proximity to the overhead rail line crossing to the north-east and the 2nd being the converted Strand Cinema to the south-west.

2.0 Proposed Development

Permission is sought for:

- Demolition of the 3 no. units
- Construct 2 no. interlinked part 4 storey, part 2 storey over basement buildings providing for 20 dwelling units comprising of:
 - 5 no. 1 bed apartments
 - 6 no. 2 bed apartments
 - 6 no. 2 bed duplexes
 - 3 no. 3 three bed apartments

It is stated that 12 of the units can operate as live-work units.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the above described development for two reasons which can be summarised as follows:

1. The proposal fails to provide for active uses at street level with the ground floor residential units not easily converted to commercial use due to their limited floor to ceiling height. This would be contrary to the development plan provisions for neighbourhood centres set out in section 14.8.3.
2. The proposal entails demolition of 3 no. buildings situated on a prominent, arterial route adjacent to a residential conservation area. The replacement building is not of sufficient architectural quality, would detract from the character and setting of the adjoining residential conservation area and would be likely to have an overbearing impact, in particular when viewed from Strandville Avenue. It would be contrary to section 14.8.2 of the development plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Area Planner's report notes:

- There is concern in relation to the proposed provision of residential units at street and basement levels with loss of commercial units a concern.
- The floor to ceiling heights of 2.7 metres at ground and basement floors is not considered sufficient to allow for possible conversion to non-residential use.
- There are concerns in relation to the quality of the residential amenity for apartments fronting directly onto a busy public street at ground and basement level.

- There are concerns in relation to the subterranean nature of the lower ground floor level apartments with bedrooms and terraces substantially below street level.
- The scheme provides for an acceptable mix of unit sizes and types.
- No details have been provided in relation to sunlight provision to the courtyard or to the basement level units.
- No housing quality assessment is provided. It is not clear if the statutory requirements are met. 1 bedroom units in the rear block have no designated balconies and the balcony depths to the units to the front block appear substandard.
- No shadow analysis has been provided.
- Although not part of the residential conservation area and somewhat rundown in appearance, the buildings form part of a coherent group of buildings and contribute to the character and setting of the conservation area. This is particularly the case with No.136 which has retained its original brick façade. No justification is provided for their demolition. While the site may have some redevelopment potential, the retention of the existing buildings would be preferable on both streetscape and sustainability grounds with possible provision of a contemporary extension above the main building.
- There are concerns that the proposal would be overbearing. No photomontages submitted.
- Insufficient detail has been provided on the likely impact on the surrounding area.

A refusal of permission for 2 no. reasons recommended.

3.2.2. Other Technical Reports

Transportation Planning Division requires further information on management and control of access via the laneway to the north and legal right of way to use same, whether part of the footpath is required to facilitate access to the units fronting onto North Strand Road, setdown/delivery areas, potential for overspill of parking into neighbouring areas and management of mobility requirements, additional bicycle

parking, management of bin storage area and preparation of a construction management plan.

Engineering Department – Drainage Division recommends further information on surface water management details and submission of a site specific flood risk assessment due to the site being in a high risk flood zone.

Environmental Health Officer notes that a Construction Management Plan will be required prior to commencement of works.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Objections to the proposal received by the planning authority are on file for the Board's information. The issues raised are comparable to the issues cited in the observations received and summarised in section 6 below.

4.0 Planning History

I am not aware of any previous planning applications on the site.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016

The site is within an area zoned Z3 the objective for which is to provide for and improve neighbourhood facilities.

Section 14.8.3 - these are areas that provide local facilities such as small convenience shops, hairdressers, hardware etc. within a residential neighbourhood and range from the traditional parade of shops to neighbourhood centres. They may be anchored by a supermarket type development of between 1,000 sqm and 2,500 sq.m. of net retail floorspace. They can form a focal point for a neighbourhood and

provide a limited range of services to the local population within 5 minutes walking distance. Neighbourhood centres provide an essential and sustainable amenity for residential areas and it is important that they should be maintained and strengthened, where necessary. Neighbourhood centres may include an element of housing, particularly at higher densities, and above ground floor level. When opportunities arise, accessibility should be enhanced.

Residential and live-work units are permissible in principle within the zone.

The site is bounded by mature residential areas zoned Z2, the objective for which is to protect and/or improve the amenities of residential conservation areas.

Policy SI13 - development of basements or any above-ground buildings for residential use below the estimated flood levels for Zone A or Zone B will not be permitted.

5.2. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

The submission by IN Architecture on behalf of the 1st party appellant, which is accompanied by supporting detail and documentation including revised plans, can be summarised as follows:

6.1.1. Reason for Refusal No.1 – Absence of Commercial Units

- The basement and ground floor residential units are designed specifically to be adaptable for part commercial or commercial uses as live-work units.
- The floor to ceiling heights at basement and ground floor are 2.7 metres. This is greater than or equal to the existing floor to ceiling heights in the vacant units. Heights of 3 metres could be achieved by dropping the ground floor entry level.

- A report which accompanies the appeal shows that the street has very few operating businesses. It is clear that full commercial uses do not work at this location with some commercial units already converted back to residential.
- The prevalence of vacant retail uses is noted. Permission was granted to change the ground floor of the adjoining unit from commercial to residential under ref. 4680/18.
- The ground and 1st floor plan of the front block is revised to show how commercial use can be facilitated within the existing plan layout. Should this not succeed a future application for their change of use could be considered or the Board could consider a condition requiring that these ground and basement units be used for mixed uses, either residential or office/retail/livework use as originally intended.
- The effect of the residential development with some ground floor mixed use or live-work units would be a positive addition to the area.
- The development is based on an award winning scheme in London.

6.1.2. Reason for Refusal No.2 - Demolition of terrace

- The existing buildings are in poor condition and cannot be reused due to age, degradation of the materials, multiple extensions and alterations that are structurally and aesthetically poor. A report by MTW Consultants submitted in support.
- The buildings are not listed for protection. They have been materially altered with no original features remaining.
- From a conservation point of view they have no additional value to the neighbouring residential conservation area.

6.1.3. Other Issues

- The proposed building design will add to and complement the Z2 area.
- The development complies with the relevant policy guidance for apartment schemes.
- The scheme has been designed to lessen its impact on existing amenities in the vicinity.

- Issues arising with regard to drainage and transport can be addressed by way of condition.

6.2. **Planning Authority Response**

None received.

6.3. **Observations**

Observations have been received from

- Karen Duffy
- Brian Cotter
- Neil Wilson
- Shane Wilson
- Des Smyth
- Sandra Ellison
- Michael Thompson
- Ciara O'Connor and Gavan Quinn
- Una O'Dowd
- Sofia Arkelid
- Paula Nolan
- Martina Milner

The submissions can be summarised as follows:

6.3.1. **Basement Level**

- The site is within Flood Zone A. No site specific flood risk assessment or justification test have been carried out. The basement level apartments are contrary to development plan requirements in a designated flood risk zone.
- No site investigation data has been provided on the basement excavation and impact on adjacent properties. There is potential for the works to cause

structural damage to adjoining properties and the sewer which exits onto Strandville Avenue under the side passage at 1 Strandville Avenue. Such details should not be addressed by way of condition.

- The basement is contrary to section 16.10.15 of the plan which discourages any significant underground or basement development or excavations below ground level in or adjacent to residential properties in Conservation Areas.
- It has not been demonstrated that the basement apartments would have sufficient daylight.

6.3.2. Amenities of Adjoining Property

- The proposal is contrary to the Z3 zoning objective and would detract from the character of the adjacent Z2 residential conservation area.
- The height and scale is out of character with surrounding buildings.
- It would result in loss of light to adjoining properties. The shadow analysis does not show any context and is not in accordance with BRE Guidelines.
- It would overlook adjoining property and be visually overbearing.
- The plans and drawings are not accurate in terms of interface with adjoining properties.
- It fails to contribute positively to improving neighbourhood facilities.
- Lack of parking and set down will result in overspill into adjoining areas.

6.3.3. Design

- It is not accepted that the existing buildings cannot be retained. Demolition is not the only option. Neglect should not be the basis for changing the streetscape fundamentally. The buildings have formed the streetscape and part of the community for close to 200 years. Their form, shape, detailing, design, materiality, history and presence give them an intrinsic value within the community.
- The scheme has no regard to the setting of North Strand Road.
- The current design requires encroachment beyond the red line boundary.

- The courtyard to the front of the block facing Strandville Avenue would be incongruous with the existing building line and would diminish the conservation area character and setting. The demolition of the corner building, in particular, would entirely alter the character of the Strandville Avenue streetscape.
- The ground floor fails to address the dimensions required for potential commercial uses.
- The potential for the courtyard to be used for bin and bicycle storage would be an eyesore. The proposed location of the bin store is contrary to the design standards for apartments with the bicycle storage in the basement not practical or sufficient.
- The scheme does not meet the requirements set out in the new apartment guidelines.
- Whilst the appellant suggests that the scheme could serve as live-work units, it has not been demonstrated how this would be realised.
- There are issues with residential units fronting onto the public footpath.

6.3.4. **Other Issues**

- The report on commercial units in the area which have closed is misleading. The demographics of the area are changing. An appropriate development will see the emergence of commercial and community uses in a high footfall area with increased purchasing power. The removal of neighbourhood facilities would run contrary to the established land use zoning and animation of street frontage that is needed on North Strand.
- No mention made of the right of way necessary to execute the development.
- There was no mention of live-work units in the original application.
- The plot ratio has not been calculated correctly and should be 2.25 not 1.73.
- The laneway leading east from North Strand Road is a private access to 3 properties, only, and is not a public right of way. The proposal includes this land as an entrance to the development.

7.0 Assessment

I consider the issues arising in the case can be assessed under the following headings:

- Principle of development and compliance with zoning objectives
- Impact on Amenities of Adjoining Property and Visual Impact
- Apartments – Qualitative Standards
- Car Parking
- Other Issues
- EIA – Preliminary Screening
- Appropriate Assessment

7.1. Principle of Development and Compliance with Zoning Objectives

- 7.1.1. The site comprises of 3 no. two storey units on the eastern side of North Strand Road and is zoned Z3, the objective for which is to provide for and improve neighbourhood facilities. Retail, residential and live-work units are permitted in principle in the zone. Section 14.8.3 of the plan notes that such centres provide local facilities and can form a focal point for a residential neighbourhood. The plan states that it is important that they be maintained and strengthened where necessary. Housing at higher densities at upper levels may be included.
- 7.1.2. The extent of the Z3 zoning along North Strand Road is quite limited and is largely contained within 3 terraces on the eastern side of the road extending from the south side of Xavier Avenue to the redeveloped Strand Cinema building. As noted on day of inspection a range of commercial uses are provided for including a post office, convenience store, pharmacy, restaurant/take away, cycle shop and gym. A number of units including the 3 no. ground floor units within the appeal site are vacant.
- 7.1.3. The proposed development seeks to remove the commercial component at ground floor level and provide for a 100% residential development. I note that 2.7 metre floor to ceiling heights are to be provided at basement and ground floor level. The apartment guidelines recommend that designers should consider 3.0 metres on the

ground floor of multi-storey buildings, which the agent for the appellant states can be achieved by dropping the ground floor entry level.

- 7.1.4. The agent for the appeal states that the scheme is designed to permit flexibility in use with the units fronting onto North Strand Street intended to facilitate either residential or office/retail/livework use. To suggest that this element may not have been fully understood by objectors is somewhat disingenuous in view of the nature and extent of the development as given in the public notices which refers to 20 no. apartments, only, with the plans and drawings that accompany the application making no reference to such flexibility.
- 7.1.5. In the appeal submission the agent for the appellant puts forward the option of part commercial use at ground floor level with either a future application or the attachment of a condition requiring them to revert back to '*either residential or office/retail/livework as originally intended*' should the commercial element not be successful. I submit that such an approach is not acceptable. Again, in referring to the public notices accompanying the application which are required to give the nature and extent of the development, 20 no. apartments, only, are proposed. The suggested uses as '*originally intended*' comprise of different use classes for which different considerations arise at assessment stage and cannot be considered to be appropriately covered in terms of the nature and extent of the development as given. To allow such an approach would also give rise to lack of clarity as to what is actually being permitted. I also consider that the plans which accompany the appeal submission do not provide for any amendments to the units in the block fronting onto North Strand Street save being labelled as '*live-work units*' and spaces therein being labelled '*home office studio*'. This level of detail is not sufficient.
- 7.1.6. On this basis I consider that the proposed development as originally submitted and described in the public notices is that which should be appropriately assessed. The residential scheme without any commercial provision at ground floor level and absence of any meaningful active frontage to North Strand Street is in direct conflict with the zoning provisions for the area which stress the importance of maintaining and strengthening the neighbourhood facilities. Whilst it is argued by the agent for the appellant that commercial units experience difficulties in the area, to allow a further 3 no. ground floor units to be lost would exacerbate the issues arising in terms of attractiveness of the area for commercial uses. The potential for modern

unit(s) at ground floor level within the scheme may actually have a positive impact in this regard. To allow for the removal of the commercial element in its entirety would, in my opinion, undermine the zoning provisions for the site and would militate against the maintenance and strengthening of the neighbourhood facilities.

- 7.1.7. On this basis I consider that the development as proposed would contravene materially the zoning objective for the area and I would concur with the planning authority's 1st reason for refusal.

7.2. Impact on Amenities of Adjoining Property and Visual Impact

- 7.2.1. The site is within an area characterised by a tightly grained urban fabric. It is bounded by a lane immediately to the north which provides access to 3 no. dwellings with Strandville Avenue bounding the site to the south comprising of mainly single storey cottages, many of which have been extended. Xavier Avenue to the north is a cul-de-sac of two storey terraced dwellings. These areas comprise a residential conservation area and are zoned Z2 in the current city development plan. The units which comprise the site do not form part of the said conservation area and are not protected structures. Whilst I would accept the view that the buildings form part of a coherent group of buildings, I submit that they are a somewhat discrete unit by reason of their position at the junction of Strandville Avenue and their separation from the three units to the north by reason of the narrow access lane inbetween. Although No. 136 retains its access from Strandville Avenue with its original brick finish, it is separated from No.1 by its rear yard area which is bounded to the cul-de-sac by a wall topped with barbed wire. A report accompanying the appeal submission suggests the retention and extension of the structures is not viable. I do not consider that their retention is imperative to the character and setting of the residential conservation area adjoining and, in principle, I have no objection to their demolition.
- 7.2.2. The proposal entails two interconnected blocks. The 1st (block 1) with frontage onto North Strand Road is 4 storey over basement with the top level recessed. The 2nd (block 2) is 4 storey over basement stepping down to 2 storey to the east in proximity to the dwellings on Strandville Avenue. This latter block is set back from Strandville Avenue so as to provide for a courtyard with bicycle store.

- 7.2.3. North Strand Road is a wide, busy arterial route, which can reasonably absorb the increase in height as proposed. The photomontage accompanying the appeal submission is noted in this regard. However, I submit that the impact of the proposal on the residential conservation area, specifically Strandville Avenue, is problematic. Over and above the setback to allow for a below ground level amenity space which undermines the prevailing building line along the terrace, the proposal by reason of its bulk and massing would have an overbearing impact. I consider that this is evident in the the elevation drawings accompanying the application and the 3D model views provided with the appeal submission. The proposed modulation and the stepping down to two storeys in proximity to No.1 is not successful. On this basis I do not consider that this elevation would contribute positively to the residential conservation area's character and quality and would adversely impact on same. I would, therefore, concur with the planning authority that the proposal would be contrary to the development plan provisions in this regard.
- 7.2.4. In terms of the residential amenities of adjoining property I note that whilst the scheme has been designed to limit the extent of overlooking, notably to the rear gardens of the dwellings on Strandville Avenue, windows serving habitable rooms are proposed on the northern elevation of Block 2 which has a setback of less than 5 metres from Nos. 133a, 133b and 133c, all of which have windows in their southern elevations. The latter is also served by a small private amenity space to the front.
- 7.2.5. In addition, no information has been provided as to the impact on existing daylight and sunlight and extent of overshadowing of adjoining properties that would arise with the development in situ. The shadow diagrams provided with the appeal provide an assessment for the 19th November, only, and are lacking any contextual detail to allow for interpretation. They cannot be considered to be in accordance with established practice in terms of appropriate assessment in line with the guidance set out in BRE Report "Site Layout Planning for Daylight and Sunlight"; and British Standard BS 8206-2:2008 Lighting for Buildings – Part 2 Code of Practice for Daylighting. I would accept that the redevelopment of the site at appropriate densities and height in such an infill city site in line with prevailing national and local policies will, most likely, result in a change in the outlook for neighbouring properties especially within such a tightly grained urban area, however it is reasonable that any proposal be accompanied by the appropriate studies to allow for a proper

assessment as to the extent of change on existing residential amenities and to adjudicate on whether it is acceptable. On this basis I do not consider that there is sufficient information before the Board to allow it to make a reasoned decision in this regard.

7.3. Apartments – Qualitative Standards

7.3.1. 20 no. apartments are proposed comprising of:-

5 no. 1 bed apartments

6 no. 2 bed apartments

6 no. 2 bed duplexes

3 no. 3 three bed apartments

7.3.2. The unit mix accords with SPPR 1 of the Apartment Guidelines and the provisions of the city development plan. As calculated from the plans provided the units comply with the minimum floor areas as set out in SPPR 3. The minimum widths and aggregate floor areas as set out in Appendix 1 are attained. All units are dual aspect which exceeds the 33% minimum requirements of SPPR 4. The minimum floor to ceiling heights comply with the requirements of SPPR 5 with the lower ground and ground floor levels having floor to ceiling heights of 2.7 metres . The maximum number of units per floor per core as required by SPPR6 is not exceeded. No detail is given as to how the minimum storage requirements set out in Appendix 1 are met save for the utility rooms provided in the 2 bed lower ground floor units in block 1.

7.3.3. The apartments at lower ground floor level in block 1 are served by south facing terraces. The duplex units on the ground and 1st floor levels and the apartments at lower ground floor and 2nd floor levels are served by balconies/terraces to the front and rear. In all instances the depth of the private amenity spaces, at 1 metre, falls short of the 1.5 metre minimum requirement. The two units at 3rd floor level are served by roof terraces fronting onto North Strand Road. None of the units in block 2, namely the 5 no. 1 bed and 1 no. 3 bed are to be served by private amenity space.

7.3.4. No assessment of daylight or sunlight assessment accompanies the application, thus, how the scheme fairs with respect to the quantitative performance approaches

outlined in guides like the BRE Report “Site Layout Planning for Daylight and Sunlight”; or British Standard BS 8206-2:2008 Lighting for Buildings – Part 2 Code of Practice for Daylighting is unclear. I would note, in particular, the lower ground floor units in both blocks with specific regard had to the bedrooms.

- 7.3.5. A courtyard in excess of 650 sq.m. is to be provided at lower ground level. Whilst it is generous in area, I would query whether it would contribute to meeting the amenity needs of residents due to its below ground location, seeming lack of privacy and potential for overlooking from Strandville Avenue.
- 7.3.6. The proposed bicycle store located in the south-western most corner of the site to be provided at lower ground floor level falls materially short of what is required by the guidelines which stipulates a minimum of 30 spaces for such a 20 dwelling unit scheme. In addition, how it is to be accessed from street level is unclear. I note that the refuse storage area is to be provided directly above at furthest remove from the dwelling units. I note that the duplex units in block 1 with own door access to North Strand Road do not have access to the courtyard area or bicycle and refuse storage areas.
- 7.3.7. I consider that there are outstanding matters that would require resolution to ensure that the amenities for prospective occupants are to an acceptable level. At this juncture, and on the basis of the information provided, the proposal would comprise of a substandard development will inadequate amenities.

7.4. Car Parking

Limited parking is available along North Strand Road and is subject to pay and display. Unrestricted on street parking is available along Strandville Avenue and was noted to fully subscribed on day of inspection. Notwithstanding, this cannot override the default policy as set out in the apartment guidelines to minimise, substantially reduce or wholly eliminate in certain circumstances for higher density development comprising wholly of apartments in more central locations served by public transport. I consider that a no parking scheme would be appropriately applied at this site which is within walking distance of the city centre and centres of employment and is served by public transport. I note that as part of the Bus Connects programme the area will be served by both the D and H spines. It is also in proximity to the DART at Connolly and Drumcondra stations.

7.5. Other Issues

- 7.5.1. As noted by the parties to the appeal and in view of the residential component proposed a basement level a Flood Risk Assessment would normally be required. Contrary to the agent for the applicant's view this would more appropriately be addressed prior to a decision being made and not left to conditions. As noted from the details available on www.floodinfo.ie the flood maps for the area are currently under review.
- 7.5.2. I would also consider it appropriate that the application be supported by a statement as to how the proposal would not contravene the provisions of section 16.10.15 of the development plan which discourages any significant underground or basement development or excavations below ground level in or adjacent to residential properties in Conservation Areas. The applicant would be required to ensure that adjoining residential properties are not impacted by the construction of the basement if permitted.
- 7.5.3. I note that access to the scheme is to be accommodated from the access lane to the north. It is disputed that the applicant has consent to use same. This access arrangement could be omitted by way of condition should the Board be disposed to a favourable decision.

7.6. EIA – Preliminary Screening

- 7.6.1. The development subject of this application falls within the class of development described in 10(b) Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended. EIA is mandatory for developments comprising over 500 dwelling units or over 10 hectares in size or 2 hectares if the site is regarded as being within a business district (business district meaning a district within a city or town in which the predominant land use is retail or commercial use).
- 7.6.2. The number of dwelling units proposed at 20 units is well below the threshold of 500 dwelling units noted above. With a site area of 0.065 hectares, located in in north Dublin City, it is materially below the applicable threshold of 10 hectares.
- 7.6.3. The site is zoned Z3 - neighbourhood facilities in the current Dublin City Development Plan in which residential is permitted in principle. The site comprises of a number of buildings in a terrace providing for a mix of commercial and residential uses. There is a mix of uses in the vicinity including residential, retail and

commercial. The buildings to be demolished are not protected structures and the site is not within a conservation area or architectural conservation area. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The site is not within a European site. The issues arising from the proximity/connectivity to a European Site can be adequately dealt with under the Habitats Directive.

7.6.4. Having regard to

- the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- the location of the site on lands within north Dublin City on lands zoned for neighbourhood uses under the provisions of the Dublin City Development Plan 2016 and the results of the strategic environmental assessment of the Dublin City Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC).
- the location of the site which is served by public infrastructure, and the existing pattern of development in the area.
- the location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development,” issued by the Department of the Environment, Heritage and Local Government (2003),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

7.6.5. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report was not necessary.

7.7. **Appropriate Assessment**

Having regard to the nature and extent of the development and the location of the site on fully serviced lands and to the distance to the nearest European Sites it is concluded no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

Having regard to the foregoing I recommend that permission for the above described development be refused for the following reasons and considerations.

9.0 **Reasons and Considerations**

1. The site is within an area zoned Z3 zoning in the current Dublin City Development Plan, the objective of which is to provide for and improve neighbourhood facilities. It is considered that the proposed development, which is entirely residential in nature, would contravene materially the said zoning objective, would militate against the maintenance and strengthening of the neighbourhood facilities as required by section 14.8.3 of the said plan and would, therefore, be contrary to the proper planning and sustainable development area of the .
2. Having regard to the location of the site adjoining a residential conservation area and to the established built form and character of Strandville Avenue it is considered that by reason of the design and layout and, in particular the building line and elevation treatment onto Strandville Avenue, the proposed development would be out of character with the streetscape and would constitute a visually discordant feature that would be detrimental to the distinctive architectural and historic character of the area which it is appropriate to preserve. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The Board is not satisfied on the basis of the information provided with the application and appeal that the proposed development would not have an adverse impact on the residential amenities of adjoining residential properties due to overlooking and overshadowing or provide for an adequate level of amenities for prospective occupants. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Pauline Fitzpatrick
Senior Planning Inspector

April, 2022