



An
Bord
Pleanála

Inspector's Report

ABP-312284-21

Development	Demolition of existing dwelling house, removal of existing front boundary wall and construction of 53 no. apartments, car parking spaces, bicycle stands, bin storage, and all associated site works
Location	Coltsfoot, Dublin Road, Shankill, Dublin 18, D18F8W6
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21A/0861
Applicant	Whitfern Rock Ltd.
Type of Application	Planning Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Whitfern Rock Ltd.
Observers	<ol style="list-style-type: none">1. Tom and Marea McKenna2. John and Mary Kelly3. Gavin and Jillian Morris

4. Roy Parker
5. Residents of 25-40 Woodbank
6. Brian Kiely and Emma O'Brien
7. Mark and Christine Russell
8. Stephen and Marie Hedderman
9. Jason O'Sullivan and Deirdre Spillane
10. Jane and John Deehan
11. Deputy Richard Boyd Barrett TD and Cllr Melisa Halpin
12. Izabela Majer and Michal Krzyzowski
13. Rathmichael Woods Residents Association c/o Susan Barr
14. Daragh and Sarah O'Neill
15. Rebecca and Luke Hickey
16. Dermot and Anne Grumley

Date of Site Inspection

6th May 2022

Inspector

Margaret Commane

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1.0 Site Location and Description

- 1.1. The area surrounding the subject site, at Coltsfoot, Dublin Road, Shankill, Dublin 18, is a mature residential area featuring a mix of two and three storey detached and semi-detached dwellings and more recently developed 2 and 3 storey infill residential developments, in a variety of architectural styles. The subject site has an area of 0.35Ha and is located on the western side of the Dublin Road, which is heavily trafficked and has footpaths and cycle lanes in both directions. The site is located within 1km walking distance of the Shankill Dart Station and immediately proximate to Dublin Bus Routes No. 7D, 84, 84D, 143, 145 and 155, running along Dublin Road (part of the current Bray-Dublin City Centre Quality Bus Corridor).
- 1.2. More specifically, the subject site comprises of a c. 313sqm 4-bedroom detached bungalow, known as Coltsfoot. The dwelling is setback from Dublin Road by c. 46 metres and is served by a substantial amenity space to the front and rear, which features a number of large established trees/established hedgerows. The site is accessible off Dublin Road via an existing vehicular access in the south-eastern corner. There is a level difference across the subject site, falling by c. 2.8 metres from back (west) to front (east).
- 1.3. To the immediate north of the site is Kendor, a two-storey semi-detached dwelling on a deep plot served by a substantial amenity space to the front and rear. To the immediate south of the site lies 16 three-storey semi-detached and terraced dwellings, Nos. 25-40 Woodbank. More specifically, the rear gardens serving these dwellings flank the common boundary with the subject site. The site's western boundary is flanked by the M11 motorway. To the east, on the opposite side of Dublin Road, is Lurganbrae a single storey detached dwelling on a large plot surrounded by a substantial amenity space featuring a multitude of established trees/vegetation.

2.0 Proposed Development

- 2.1. Planning permission was sought for: - demolition of existing dwelling house; removal of the existing front boundary wall; construction of a new stone boundary wall with 2 no. pedestrian access points and a new vehicular site entrance onto the Dublin Road; and construction of 53 no. apartments in 3 separate blocks (Blocks A, B and C), ranging in height from 2 to 5 floors over basement, and a single storey modular

communal room located between Blocks B & C. Block A will front Dublin Road and comprise 20 no. apartments, consisting of 7 no. 1-bed apartments, 11 no. 2-bed apartments and 2 no. 3-bed apartments; as well as accommodating an MV substation, waste collection point and facilities management office. Block B will be located centrally on site and comprise 18 no. apartments, consisting of 2 no. 1-bed apartments, 15 no. 2-bed apartments and 1 no. 3-bed apartment. Block C will be located to the rear (west) of the site and comprise 15 no. apartments, consisting of 15 no. 2-bed apartments. It is also proposed to construct a single storey 28.5sqm multi-purpose communal room to serve residents centrally on site (between Blocks B and C).

- 2.2. The proposed basement (measuring 1855sqm) will be accessible via the new vehicular access point being created in the north-eastern corner of the site and via a separate bicycle access ramp will also be provided to the south of Block A and provide parking spaces for 38 no. cars, 132 no. bicycles (in 66 no. bicycle stands) and 5 no. mopeds/motorbikes. The proposed development will be contemporary in design and materials/finishes will consist of brick, render and composite cladding.
- 2.3. A summary of the key site statistics/details of the proposed development are provided in the table below:

Site Area	0.35ha
Demolition Works	313sqm
No. of Residential Units	53 no. apartments (9 no. 1-bed apartments, 41 no. 2-bed apartments and 3 no. 3-bed apartments)
Total Gross Floor Area	6,883sqm
Open Space	960sqm of open space, comprising 775sqm of communal open space, 149sqm of incidental open space and 36sqm of play space
Car Parking	34 no. resident car parking spaces (including 2 no. car share spaces), 4 no. visitor car parking spaces and 5 no. mopeds/motorbikes in basement parking area.
Bicycle Parking	132 no. resident bicycle parking spaces (in 66 no. bicycle stands) in basement parking area and 30 no.

	at grade visitor/resident bicycle parking spaces (in 15 no. bicycle stands).
Density	283 units per hectare
Height	2-5 storeys over basement (15.95 metres)
Site Coverage	63%
Plot Ratio	1.43
Dual Aspect Apartments	62%

3.0 Planning Authority Decision

3.1. Decision

On 23rd November 2021, the Planning Authority refused permission for the following 2 reasons:

1. *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, including hard and soft landscaping proposals, 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. The proposed development would, therefore, be contrary to Policy UD1 and to the objective 'to protect and preserve trees and woodlands' of the Dun Laoghaire Rathdown County Development Plan 2016-2022. Furthermore, the proposed development does not comply with the Dún Laoghaire Rathdown County Development Plan, 2016 – 2022, Appendix 9: Building Height Strategy, nor with the Urban Development and Building Heights Guidelines for Planning Authorities (2018). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

2. *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. Furthermore, the proposed development does not comply with Section 8.2.8.2 of the Dún Laoghaire Rathdown County Development 2016-2022 regarding Public/Communal Open Space - Quantity (i) Residential/Housing Developments. 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.*

3.2. Planning Authority Reports

3.2.1. Planning Report

- Having regard to the subject site's proximity to bus services running along the R837 Dublin Road and within 1.2km walking distance of Shankill DART/Railway Station, as well as 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. Plans and particulars submitted with this application do not include information in relation to the structural condition of the bungalow proposed for demolition. 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 Coltsfoot would be required, to demonstrate compliance with the provisions of Section 8.2.3.4(xiv) of the Development Plan.
- In terms of internal areas, the various floor areas requirements and storage space provision requirements outlined in the relevant Apartment Guidelines are satisfied by the subject proposal. 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 apartments also comply with the relevant Apartment Guidelines requirements.

- There are discrepancies in relation to communal amenity space provision across the Planning Report and plans submitted with the application. The quantum of communal open space provided would satisfy the Apartment Guideline requirements. However, the quantum of overall open space proposed would not accord with the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 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, the proposed development may be considered acceptable with regard to residential mix when considered in relation to the SPPRs. However, the significant predominance of provision of 2 bed units is a concern for the Planning Authority.
- The increased height proposed in this development has not been adequately justified, having regard to the Building Height Strategy included in the Development Plan and the Building Height Guidelines, or considered with respect of visual/residential amenities of neighbouring properties in this instance. The location of the subject site within the immediate vicinity of frequent bus services is noted, and in this regard the principle of increased building height may be considered at the subject site. However, the Planning Authority considers that Downward Modifier No. 1 (regarding residential living conditions), would also apply in this instance. Accordingly, having regard to the submitted proposal, the Planning Authority considers that the proposed development does not meet the criteria set out in the Development Plans Building Height Strategy. In light of the Building Height Guidelines, the Planning Authority is satisfied that the subject site may be capable of absorbing additional height, however, they have significant concerns regarding the provision of buildings with overall heights of up to four/five storey scale at this location impacting on adjoining property and the visual amenities of the area. The proposal also fails to have regard to the character of the site and surrounds and would result in overbearing/overlooking impacts on neighbouring

properties. Therefore, it is concluded that the proposed development does not meet the criteria set out in the Building Height Guidelines and would not accord with proper planning and sustainable development of the area and so should be refused.

- While a development of increased scale and density relative to the existing adjacent built form may be considered at the subject site due to its access to existing and proposed public transport services, the potential impact of the development as proposed, by reason of its overall massing and proximity to site boundaries is noted. Having regard to the nature and scale of the proposed development, and context of the subject site, it is considered that the proposed density of 140dpha is excessive in this instance.
- It is considered the proposed apartment blocks, by virtue of their overall massing, form and proximity to site boundaries (particularly the southern boundary), would be visually discordant within the existing context. 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. Concern is also noted in relation to the general layout of the proposed development, including the proportion of hardstanding provided throughout the site to facilitate east-west circulation within, in addition to the scale and layout of open spaces provided between the proposed blocks and minimal landscaping provided along side site boundaries. In the event that a grant of permission was to be considered, the overall massing and layout of the subject development as currently proposed, in addition to the potential for improve soft landscaping provision across the subject site should be fully considered.
- Concern is noted in relation to the proposed replacement boundary onto the R837 Dublin Road. It is considered that the height and detailing of stone piers would be overscaled and out of character with existing site boundaries in the vicinity of the site.
- Having regard to the setback distances between the proposed blocks and Woodbank dwellings to the south and Kendor to the north, serious concern is noted in relation to the massing of the apartment buildings as viewed from

existing adjacent properties, including private amenity space and attendant areas serving the same. Having regard to the layout and relative siting of the proposed development to adjacent properties, serious concern is also noted in relation to the cumulative visual impact of Blocks B and C when viewed from Kendor and the entirety of the development when viewed from Woodbank.

- Notwithstanding screening treatments proposed to the side elevations of upper floor level northern and southern balcony elements, concern is noted regarding the potential level of overlooking of adjacent properties from the remaining areas of these external, elevated amenity spaces. Therefore, it is considered that the development would adversely impact on the amenities of existing adjacent properties to the north and south of the subject site by reason of overlooking.
- Serious concerns remain in relation to the visual impact of the proposed of the proposed apartment blocks when viewed from adjacent residential properties and the amenity spaces serving the same by reason of proximity of proposed Blocks A, B and C to the north and south site boundaries. Nominal screening would be provided and/or retained along the northern boundary and a number of trees in the southeast area of the subject site indicated for removal are included in the proposed CGIs. The proposed development is considered to have an overbearing appearance.
- With regards to overshadowing/daylight impacts, the material submitted did not include daylight and sunlight analysis of internal areas of the proposed development or neighbouring properties. Also, the submitted Shadow (Daylight) Study Assessment does not include detail regarding the existing environment. A considerable portion of the rear garden area of Kendor would be subject to shadow cast at 12.00pm and 3.00pm on March 31st and it is considered the proposed development would result in undue overshadowing of this property and adversely impact on the amenities of the same as a result.
- It is considered that the height and massing of the development would set an undesirable precedent for any potential development in the immediate area.
- Notwithstanding the internal layout and opposing fenestration design, some concern is noted with regard to the resultant site layout and shadow impacts of

Blocks A and B as a result of the separation distance proposed between the blocks. Further to this, there are a no of balcony elements and windows which sit opposite/in close proximity to each other which give rise to concerns regarding overlooking and outlook. In the context of Apartments A01 and A02, having regard to the proximity of proposed Block A to the southern boundary, the glazing treatment proposed and recessed nature of the windows relative to the covered bicycle ramp, some concern is noted in relation to the level of daylight/sunlight of these ground floor units.

- Plans and particulars submitted with the application do not include details pertaining to construction waste/environmental management and noise/odour/pest control management. In the event of a grant of permission being considered, it is recommended that these items be addressed by way of condition. It is also recommended that a final Operational Waste Management Plan for the development be required by way of condition.
- A number of third party submissions noted concern in relation to noise and vibration from the construction of the proposed development/basement. In the event of a grant of permission being considered, it is recommended that construction methodology and noise mitigation measures pertaining to the same should be demonstrated by the applicant, with all requirements of the EHO ascertained and considered in full.
- Plans and particulars submitted with the application do not include detail in relation to an ecology survey of the subject site. Separately, concern is noted in relation to the potential impact on trees to be retained along the rear site boundary due to the proximity of proposed Block C to the same. Having regard to the extent of site clearance proposed to facilitate the development and the proximity of the development to site boundaries, in the event of a grant of permission being considered, these issues should be addressed to allow for a full assessment of the impact of the proposal on the receiving environment.
- Some discrepancies exist in the plans/particulars submitted, including figures provided for floor to ceiling heights and details regarding wrap around balconies. In the event of a grant of permission being considered, these items should be addressed accordingly.

3.2.2. **Other Technical Reports**

Drainage Planning (2/11/2021): Recommended that further information be requested in relation to the allowable discharge rate, the adequacy of the proposed network layout/attenuation volume, the inclusion of rainwater harvesting, green roofs proposed, the proposed pavement build-ups, the proposed polytunnel attenuation system, surface water runoff from the bicycle ramp and the proposed connection into the existing public surface water drainage network.

Transportation Planning (9/11/2021): Recommended that further information/revised drawings be requested in relation to: - cycle parking provision and access; car parking provision (provision of 60 no. car parking spaces to serve the proposed development sought); future electric charging points; any required setback arrangements to facilitate future BusConnects proposals along the Dublin Road (liaising with NTA necessary); visibility splays; a detailed Residential Travel Plan for the proposed development; a detailed Construction Management Plan; arrangements for refuse collection; emergency vehicle movements; a set-down area allowing for deliveries and maintenance vehicles; and revised drawings which demonstrate the following: - (i) provision of a STOP line and STOP sign to the rear of the footpath on the Dublin Road; (ii) provision of a continuous concrete footpath in front of the proposed vehicular entrance; and (iii) provision of buff coloured tactile paving.

Housing Dept. (1/11/2021): 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 (14/11/2021): The lighting design for the emergency route is acceptable but it was recommended that further information be requested in relation to public lighting designs for access pathways in to the buildings.

Parks and Landscaping Services: No report received

Building Control: No report received

Environmental Health Officer: No report received

Environmental Section: No report received

3.3. Prescribed Bodies

Irish Water (21/10/2021): No objection, subject to conditions

Iarnrod Eireann: No report received

Transport Infrastructure Ireland (13/10/2021): The following commentary was provided: - *'In the case of the above planning application, the Authority will rely on your planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to the following:*

- *The Authority will entertain no future claims in respect of impacts (e.g. noise and visual) on the proposed development, if approved, due to the presence of the existing road or any new road scheme which is currently in planning.'*

3.4. Third Party Observations

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

- Density.
- Height.
- Scale.
- Overlooking/loss of privacy.
- Overshadowing.
- Loss of light.
- Visual impact.
- Outlook.
- Overdevelopment.
- Proposed layout and design/building line.
- External finishes proposed.
- Unit mix.

- Proximity to site boundaries and adjacent properties.
- Impact on residential amenity.
- Impact on existing character.
- Undesirable precedent.
- Insufficient Part V provision.
- Proposed landscaping.
- Loss of existing trees.
- Impact on biodiversity.
- Surface water management.
- Flood risk.
- Impact of basement level with reference to impact of construction period on existing trees and wildlife, noise disturbance, impact on water table, and impact during operational period including ventilation outlets and noise.
- Demolition of the existing dwelling on site.
- Impact on built heritage of the area.
- Car parking provision and traffic.
- Lack of traffic calming measures.
- Traffic, pedestrian and cyclist safety.
- Emergency vehicle and refuse collection site access.
- Access to public transport.
- Impact of scheme layout on future widening of the Dublin Road at this location.
- Lighting of the proposed scheme/light pollution.
- Wind tunnelling.
- Environmental impact.
- Security and safety concerns.
- Construction phase impacts.

- Impact on existing infrastructure and services, including social/community infrastructure and drainage infrastructure.
- Lack of consultation with adjacent property owners.
- Omissions from/discrepancies in the plans and particulars submitted with the application.
- Contravention of the provisions of the Development Plan and Apartment Guidelines.

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 numerous applications on the site to the immediate south of the subject site, now known as Woodbank, Shanganagh, Dublin 18, and formally known as Site at Arisaig, Woodbank and Cremore, Dublin Road, Shankill, Dublin 18. The most recent of these, which is most pertinent to the current proposal, is as follows:

PA Reg. Ref. D13A/0683 (ABP Ref. PL06D.243091)

This application related to a proposal for the demolition of 3 no. existing 2 storey houses; the closing of three existing vehicular entrances onto Dublin Road and provision of one new vehicular entrance, as previously approved under Reg. Refs. D08A/0330, PL06D.231704 and D11A/0126; and the construction of a residential development with a revised design and internal site layout containing a total of 58 no. units, consisting of: 20 no. 4-bedroom three-storey semi-detached houses with terraces facing north and south; 20 no. 4-bedroom terraced three-storey houses with terraces facing north and south; 4 no. 2-bedroom, 6 no. 3-bedroom lower level duplex units and 2 no. 2-bedroom, 6 no. 3 bedroom upper level duplex units in 4 separate three storey blocks with balconies at all levels facing north south east and west with 2 car spaces to front of each house and 21 no. surface car parking spaces.

Permission was granted by Dun Laoghaire Rathdown County Council in February 2014. The Planning Authorities decision was the subject of a third party appeal and a

first party appeal against conditions (more specifically against Condition No. 18 which refers to the payment of a contribution in respect of water supply). The Board granted permission in August 2014.

4.3. Sites in the Vicinity

4.3.1. There has been a no. of recent infill applications in the vicinity of the subject site that are pertinent to the current proposal. These are summarised below.

Falmore, Falls Road, Dublin 18 (further west of the subject site, on the opposite side of M11 motorway)

ABP Ref. ABP-312347-21

This application related to a Strategic Housing Development proposal involving demolition of the existing three-storey house and associated structures; construction of 100 apartments in two blocks of three to six storeys over a basement/undercroft carpark, served by 101 car parking spaces, 4 motorcycle parking spaces and 224 bicycle parking spaces and 1,357sq.m. of communal open space; road upgrade works along Falls Road; works along Falls Road and Mullinastill Road to facilitate a foul water drainage connection and works along Falls Road to replacement the storm water connection to Stonebridge Road; provision of a pedestrian/cycle link along the eastern site boundary to facilitate a future potential connection to Parc na Silla; and provision of 2,468sq.m landscaped public open space in the southwest corner along Falls Road.

Permission was refused by the Board on 22nd April 2022 for the following reason:

1. *The proposed development, by reason of the overall design, scale, massing and height would be visually incongruous from Falls Road due to the loss of existing trees and hedgerows on site thereby detracting from the visual amenities of the area. The proposed development is considered to be contrary to Policy UD1 and Appendix 9 (Building Height Strategy) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Urban Development and Building Height Guidelines for Planning Authorities. Furthermore, the proposed development would not be sufficiently connected to local services and amenities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

Site of 1.03 Ha at Rathbeg, Stonebridge Lane, Shankill, Dublin 18 (further south-east of subject site)

PA Reg. Ref. D20A/0184

This application related to a proposal for demolition of an existing two-storey dwelling house known as 'Rathbeg' and ancillary outbuildings and sheds, and the construction of a residential development of 54 units consisting of 3 no. one bedroom apartments. 17 no. two bedroom apartments. 20 no. three bedroom upper level two storey duplex type townhouses in 4 no. 3 storey blocks with balconies and terraces facing north south east and west. 11 no. three bedroom 2 storey semidetached houses. 2 no. four bedroom three storey detached houses. 1 no. four bedroom three storey semi-detached house. All houses with private rear gardens with ancillary site works including parking for 82 cars, 1 no. communal bin store, 50 secure bicycle parking spaces and main vehicle access off Stonebridge Lane. Planning permission was granted by Dun Laoghaire Rathdown County Council on 12th February 2021.

Site to the south of Abingdon, Shanganagh Road, Shankill, Dublin 18 (further north-west of the subject site)

ABP Ref. ABP-308418-20

This application related to a Strategic Housing Development proposal involving construction of a Build to Rent (BTR) residential scheme comprising 193 no. apartments (12 no. studios; 110 no. 1 bed; 1 no. 2 bed (3 persons); and 70 no. 2 bed (4 persons)) within 4 no. blocks ranging in height from 5 to 8 storeys. The development will include a pavilion, open spaces, tree houses, meeting rooms and flexible workspace, BBQ facilities, resident's gym, and residential amenities areas; and will be served by a total of 120 no. car parking, 372 no. bicycle parking spaces and 6 no. motorcycle spaces. Permission was granted by the Board on 11th February 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 21st 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 front part of the site (easternmost part) is subject to an objective '*to protect and preserve trees and woodlands*' and Dublin Road is identified as a Core Bus Corridor.

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 12.3.3 Quantitative Standards for All Residential Development

Table 12.1 sets out the mix requirements for apartment developments. For schemes of 50+ units within existing built up areas, apartment developments may include up to 80% studio, one and two bed units with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios. A minimum of 20% 3+ bedroom units is required.

Section 12.3.5.2 Separation Between Blocks

‘All proposals for residential development, particularly apartment developments and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and open spaces. A minimum clearance distance of circa 22 metres, in general, is required, between opposing windows in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. In all

instances where the minimum separation distances are not met, the applicant shall submit a daylight availability analysis for the proposed development.'

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. Better alternatives to comprehensive demolition of, for example, a distinctive detached dwelling and its landscaped gardens, may be to construct structures around the established dwelling and seek to retain characteristic site elements.

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.

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 12.4.7 Motorcycle Parking

A minimum motorcycle parking rate of four or more spaces per 100 car parking spaces is specified.

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:

- National Policy Objective 2A identifies a target of half of future population growth occurring in the cities or their suburbs.

- National Policy Objective 3A directs delivery of at least 40% of all new housing to existing built-up areas on infill and/or brownfield sites.
- National Policy Objective 13 is that, in urban areas, planning and related standards including in particular building 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.
- National Policy Objective 33 prioritises the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35 promotes increased densities through measures including infill development, area or site-based regeneration and increased building height.

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?

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. There are no Natura 2000 sites within the boundary of the appeal site nor are there any Natura 2000 sites directly abutting the appeal site it or within the immediate context of the site. The Rockabill to Dalkey Islands SAC (Site Code 003000) is located c. 2.6km to the north-east of the appeal site.

5.6. EIA Screening

5.6.1. An Environmental Impact Assessment (EIA) Screening report was not submitted with the application. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units; and
- Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere ('business district' means a district within a city or town in which the predominant land use is retail or commercial use).

5.6.2. It is proposed to provide 53 dwellings on the subject site which is well below the threshold of 500 dwelling units noted above. The site has an overall stated area of 0.35Ha and is located within an existing built-up area, but not in a business district given the predominance of residential uses. The site area is, therefore, well below the applicable threshold of 10ha. The site to which this appeal pertains currently comprises a dwelling and an area of open space associated with the existing dwelling featuring on site and is surrounding by residential uses. The provision of additional residential development on site would not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural heritage or cultural heritage and the proposed development is not likely to have a significant effect on any European Site (as concluded below under Section 7 of this report) and there is no hydrological connection present such as would give rise to significant impact on nearby watercourses. 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 proposed development would use the public water and drainage services of Irish Water and Dun Laoghaire Rathdown County Council, upon which its effects would be marginal.

5.6.3. 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 BG Architecture on behalf of the applicant. The appeal includes the following revised plans, in response to the Planning Authority's reasons for refusal of planning permission and the commentary of the Drainage Planning Section, for the consideration of the Board:

- Drawings No. 200679-PL-300_Rev B, PL-201_Rev C, PL-102_Rev C, 200679-PL-004_Rev A and 200679-PL-005_Rev A, prepared by BG Architecture; and
- Drawings No. 21-05-CV-005 and 21-05-CV-006, prepared by Odon Engineering.

These revised plans included the following amendments/additional information:

- Removal of Block B's 3rd floor, resulting in a 4-unit reduction in apartment nos. and a 3.2 metre reduction in the proposed building height;
- Information regarding drainage proposals in response to the Drainage Planning Section's commentary;
- An indication of how a future bus lane/increased public footpath can be provided accommodated along the frontage; and
- An amenity study of the proposed balcony orientations.

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

- The adjoining Woodbank development and Kendor are both significantly taller (2/3 storey) structures than the existing 'Coltsfoot' bungalow. With regards to height, massing and proximity, the subject site is aligned to the previous granted application on adjoining sites.
- With regards to the Council's recommendation that 60 car parking spaces should be provided to serve the development, the applicant contends that proposed car parking provision is consistent with the Apartment Guidelines and the proposed development can also provide 2 no. Go-Car (or equivalent) spaces which is equivalent to replacing 30 privately owned vehicle spaces. The

Draft Development Plan 2022-2028 states that in Parking Zone 2 deviations from the standard car parking requirements may be considered having regard to certain criteria, including proximity to high frequency public transport, availability of car-sharing and bike/e-bike sharing facilities and the range of services available in an area.

- The applicant is prepared to provide any necessary setback required to facilitate any future proposal to widen the Dublin Road to facilitate cycle and bus lanes as required by the Planning Authority. Drawing No. 200679-PL-004, which accompanies the appeal, outlines how any future requirement for an additional bus lane along Dublin Road can be accommodated, subject to agreement with the NTA. The building line of Block A has taken into account the future re-alignment of Dublin Road.
- The tree symbol identifying the group of trees which the 'to protect and preserve trees and woodlands' objective relates to is located along the western boundary in the 2016-2022 development plan. These trees are clearly identified on the Tree Survey as being retained.
- The proposed development is consistent with RSES RPO 4.3 and Section 1.2.5.1 of the 2016-2022 development plan which encourage consolidation and densification of existing urban and suburban built form.
- The subject site is well served by public transport, including being within 970 metres of the Shankill DART Station and fronting the Bray-Dublin City Centre Quality Bus Corridor. The apartment guidelines recommend increased densities within 500 metres walking distance of a bus stop and/or within 1km of a light rail stop or rail station.
- In relation to communal and public open space provision, the subject proposal suitably addresses the requirements as set out in the Apartment Guidelines. The proposed 'emergency road' along the norther boundary is so designed so as to facilitate communal integration amongst residents. The landscape proposed is of exceptionally high quality with regards to both materials proposed and overall design. The 960sqm of communal open space would equate to 25% of the overall site area which requires with the 10% minimum required in the development plan.

- With regards to the building height strategy, the applicant argues that the subject site cannot be categorised as a residual suburban area on the following grounds: - the building height strategy has been overtaken by the NPF and RSES; the Dublin MASP identifies a clear boundary for 'Dublin City and Suburbs' (including the whole of Shankill) which is the primary focus for sustainable compact growth/development; and the precedents established by the 2008 Woodbank permission and the recent permission for the 5 to 8 storey BTR scheme at Abingdon (500 metres to the north-east). The height of the proposed development is not excessively high relative to its immediate surrounds. The degree of impact on adjoining properties is considered acceptable, having regard to both the national imperatives around consolidation/intensification and the local height precedents.
- Drawing No. 200679-PL-201 accompanying the appeal highlights the proposed reduction in height to Block B in relation to the ridge height of the adjoining Woodbank development. The adjoining 4 blocks of townhouses units, Nos. 29-32 and 33-36 Woodbank, measure approximately 24 metres in length and represent a significant mass in the context of the subject site. The height difference between these townhouse units and the parapet height of Block B is approx. 2286mm, which does not reflect an overbearing mass in this location.
- With reference to the over scaling of the stone entrance piers proposed along the replacement front boundary treatment, this can be easily addressed by way of a reduction in height to align with other existing piers featuring along Dublin Road.
- The applicant strongly disagrees that the subject site lies within an 'architecturally sensitive area', as suggested by DLRCC. There are only 4 buildings listed on the register of Protected Structure in the 1km stretch of Dublin Road between the Loughlinstown and Corbawn Lane roundabouts. The area in general is non-descript infill suburban development consisting of eighties, nineties and early twenties developments.
- With regards to density, the applicant is of the opinion that with a 4-unit reduction in the number of apartments proposed, the subject proposal meets requirements of SPPR1 of the Building Height Guidelines.

- It is proposed to remove the 3rd floor level of Block B, thus mitigating against the concerns over height and massing within the middle of the development.
- The proposed development has been carefully designed to mitigate against any impact or loss of amenity to adjoining dwellings. All primary windows to habitable rooms are on an east-west orientation and all glazing facing north or south contain either opaque glazing or Kalwall type translucent wall panels. Private amenity space/balconies have been designed to remove any overlooking of adjoining properties, as well as adopting generous separation distances.
- In relation to the shadow cast from Block B into Kendor's rear garden, the proposed reduction of height by 1 floor will mitigate against overshadowing.
- In relation to Section 8.2.3.3 of the Development Plan (pertaining to separation distances), great care has gone in to the design of window/balcony positions to ensure windows/balconies are not directly opposing each other. There are no directly opposing habitable room windows in the context of Blocks A and B, contrary to the Planning Authority's suggestion.
- Additional information is provided in relation to drainage in response to the commentary of the Drainage Planning Section.

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

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

- The principal of residential development is not being argued but rather the specifics of the proposed development which it is contended constitutes overdevelopment of the site.

- Appropriate regard has not been had to the impacts on the residential amenity of neighbouring properties.
- Loss of privacy for neighbouring properties caused by overlooking resulting from the height of the development, its proximity to its boundaries, single aspect nature of the design and limited amount of open space serving the development.
- The proposal will significantly overbear upon/overshadow Kendor to the north due to its orientation, proximity to the common boundary, height, scale and massing.
- Proposed development is inconsistent with the character/leafy nature of the area and will seriously diminish the value/style of the area.
- Local amenities are unable to accommodate such a volume of residents, particularly in combination with increase in residents arising from other recent developments.
- The proposed building height is inappropriate in the context of the surrounding area, which extends to a maximum of 3 storeys, and it will hinder available sunlight to existing neighbouring dwellings, including the Woodbank development.
- The nature, density, height, scale and design of the proposed development is unsuitable. The density proposed is 3 times that recommended/5 times that of the Woodbank development/3 times that of the Rathbeg development and contrary to the notice wording, the building extends to 5 storeys mainly. With regards to design, the proposal involves 3 unimaginative, monolithic, bland and repetitive 5 storey blocks which ignore the established building line.
- The proposed development contravenes the provisions of the Development Plan and the Building Height Guidelines.
- The proposed development will add to the traffic congestion currently occurring in the area and will cause a traffic hazard in the context of neighbouring property to the north given the creation of additional traffic movement entering/existing the site and the close proximity of the basement ramp to the site's front boundary/the absence of traffic calming measures. Car parking provision is

inadequate given the suburban location and the site's proximity to public transport and will cause overspill in the surrounding area.

- There is risk of damage/disruption to neighbouring properties during construction.
- The precedent referred to in the appeal (Reg. Ref. D08/0330) has not been developed and has no relevance or bearing on the matter at hand. Also, this application involved a much larger site than the subject site. Similarly, the recent grant of permission at Abington (ABP Ref. ABP-3084018-20) is not relevant to the subject proposal as it involves a much larger site.
- The proposal includes little amenity space/insufficient playspaces for prospective residents.
- Lighting proposed communal amenity and parking areas would have a negative impact on Woodbank residents due to light pollution.
- The underground works will increase the risk of flooding due to the high water table in this area.
- The development would result in the destruction of trees/shrubs, impacting upon the environment, wildlife and visual amenity. The proposed tree removal is contrary to the '*to protect and preserve Trees and Woodlands*' objective applying to the subject site. The planting of Fastigate Oak trees along the boundary will further shadow/enclose neighbouring rear gardens and these trees grow and spread over time. The maintenance of such trees should be the responsibility of the apartment management company.
- The proposed development would have an adverse impact on the proposed Dublin Road road improvements.
- The proposed development will reduce the value of adjacent properties.
- The minimal change made to the plans as part of the appeal submission do not go far enough in addressing the issues that exist regarding adjoining properties.
- There will be an acoustic impact/noise pollution arising from the proposed development.

- The sections included with the application drawing set have not included the lean-to extensions featuring to the rear of a no. of the Woodbank dwellings to the south.
- Providing public access to the subject site has security implications for neighbouring properties.
- Verified views have not been submitted with the application.
- The appellant's description of the area as featuring 'non-descript infill suburban development' is refuted. The subject site is within an architecturally sensitive area.
- The proposed development provides a poor level of internal amenity and privacy for future residents given the closeness of balconies and habitable room windows.
- Ventilation of the proposed basement will cause pollution of neighbouring properties.
- A more appropriate proposal for the subject site would be a row of houses with gardens that mirror the Woodbank development.
- The number of Part V units proposed is inadequate.
- The height of Blocks A, B and C and the Woodbank houses will cause a '*wind tunnel effect*'.
- Runoff from the proposed hard surfaces not gathered by the development drainage systems will leech into neighbouring gardens creating unfavourable conditions.
- There are no provisions for emergency access on site.

6.4. Further Responses

- None.

7.0 Assessment

As part of the grounds of appeal, the appellant submitted the following revised plans, in response to the Planning Authority's reasons for refusal of planning permission and the commentary of the Drainage Planning Section, for the consideration of the Board:

- Drawings No. 200679-PL-300_Rev B, PL-201_Rev C, PL-102_Rev C, 200679-PL-004_Rev A and 200679-PL-005_Rev A, prepared by BG Architecture; and
- Drawings No. 21-05-CV-005 and 21-05-CV-006, prepared by Odon Engineering.

These revised plans included the following amendments/additional information:

- Removal of Block B's 3rd floor, resulting in a 4-unit reduction in apartment nos. and a 3.2 metre reduction in the proposed building height;
- Information regarding drainage proposals in response to the Drainage Planning Section's commentary;
- An indication of how a future bus lane/increased public footpath can be accommodated along the frontage; and
- An amenity study of the proposed balcony orientations.

The applicants ask that they be read in conjunction with the original reports submitted with the planning application. 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, this assessment is based on the plans and information received by Dun Laoghaire Rathdown County Council on 29th September 2021 as amended by further plans and particulars received by the Board on 20th December 2021.

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

- Principle of Development/Demolition of Existing Dwelling.
- Density.
- Development Layout, Urban Design, Building Height and Visual Amenity.
- Residential Amenity of Adjoining Properties.

- Residential Amenity of Proposed Development.
- Access, Traffic and Parking.
- Open Space Provision and Tree Conservation.
- Flooding.
- Other Matters.
- Appropriate Assessment.

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 of the site has been established, with a single 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 and the established residential amenities of properties in its vicinity. These matters are considered in turn below.

7.1.2. The existing detached dwelling/associated outbuildings would be demolished to accommodate the proposed development. In the Planners Report, the Planning Authority notes that the plans and particulars submitted with this application do not include information in relation to the structural condition of the bungalow proposed for demolition and 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 Coltsfoot would be required, to demonstrate compliance with the provisions of Section 8.2.3.4(xiv) of the Dun Laoghaire Rathdown Development Plan 2016-2022. Section 8.2.3.4(xiv) relates to demolition and replacement dwellings and states that the Council will sometimes state a preference to retain existing houses that, while not Protected Structures, do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character and/or accommodation type. For all applications relating to replacement dwellings, provision of a strong justification/rationale by the applicant is required.

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 a similar policy pertaining to demolition/replacement dwellings features in the recently adopted Dun Laoghaire Rathdown County Development Plan 2022-2028, at Section 12.3.9 more specifically. It states that 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 simply on the grounds of replacement numbers only, but will be weighed against other factors (the construction of structures around the established dwelling is preferred over demolition). Further to this, the recently adopted Development Plan also includes a policy (Policy Objective CA6) in Section 3.4.1.2 which seeks retrofit/reuse of existing buildings rather than their demolition/reconstruction for energy conservation reasons. Therefore, the proposed demolition of the existing dwelling still requires consideration in the context of the subject application.

7.1.4. Having reviewed the material accompanying the application, I would concur with the assessment of the Planning Authority 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. In fact, having upon visiting the site, it would appear that the existing dwelling on site is currently occupied. However, contrary to the inference of 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 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 is 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. An Architectural Design Statement and Energy Statement, both prepared by BG Architecture, have however been submitted with the application. The Architectural Design Statement refers to the house as likely dating from the 1930s and confirms it is neither a Protected Structure nor within an Architectural Conservation Area. The Energy Statement outlines that the new development on site will achieve a minimum BER rating of A3. The energy rating or the embodied energy of the existing house has not been stated by the applicant.

7.1.6. 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. The buildings proposed to be demolished are not assigned a specific conservation status and in providing for a sustainable redevelopment of the site, their removal would not be contrary to planning objectives or materially contravene the Development Plan with respect to rehabilitation and renovation of houses. Also, having regard to the higher BER/standard of accommodation that could potentially be achieved by an infill development, on balance, I consider dwelling demolition/construction of a replacement residential development to be broadly in compliance with the Development Plan provisions.

7.1.7. Consequently, I am satisfied that 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, as well as the energy efficiency/quality of accommodation capable of being achieved by a new residential development on 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.

7.2. Density

7.2.1. Both the Planning Authority, in the Planners Report, and third party observers on the appeal contend that while a development of increased scale and density relative to the existing adjacent built form may be considered at the subject site due to its access to existing and proposed public transport services, it is considered that the proposed density is excessive in this instance given the potential impact of the development as proposed. Third party observers also note that the proposed density is 3-5 times the density of developments developed/approved at Woodbank/Rathbeg. The applicant argues that the proposed development is consistent with RSES RPO 4.3 and Section 1.2.5.1 of the 2016-2022 development plan, which encourage consolidation and densification of existing urban and suburban built form, and the Apartment Guidelines 2020 recommend increased densities on sites such as this which are within 500 metres walking distance of a bus stop and/or within 1km of a light rail stop or rail station.

7.2.2. 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.

7.2.3. In this regard, the appeal site is currently well served by public transport as it fronts on to Dublin Road which is a part of the Bray-Dublin City Centre Quality Bus Corridor served by Bus Routes No. 7D, 84, 84D, 143, 145 and 155 and is also located within 1km walking distance of the Shankill Dart Station. Moving forward, the Bus Connects Network Spine/Branch Route E1 is proposed to run along Dublin Road and Peak Time Route P11 and Local Route L11 will run along Shanganagh 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.

7.2.4. The 49 apartments proposed on this 0.35ha site, equates to a density of 140 units per hectare, 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 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.

7.3. Development Layout, Urban Design, Building Height and Visual Amenity

7.3.1. At present, the subject site comprises a detached bungalow orientated to front Dublin Road to the east and associated amenity/parking areas. The site is not within any designated historic landscape or subject to any development plan objectives relating to protected views or prospects. There are no structures or features of historic importance such as Protected Structures Conservation Areas in the immediate vicinity. The proposed development includes three apartment blocks (A-C) and a single storey multi-purpose communal room. The blocks are arranged in a row in the site and adopt the following heights, as per the revised plans accompanying the appeal submission:

- Block A to the east fronting Dublin Road is 5 storeys over basement;
- Block B located centrally on site is 4 storeys over basement; and
- Block C to the west (rear) of the site is 5 storeys over basement.

7.3.2. The site is surrounded by existing residential developments. To the north is Kendor, a two-storey semi-detached dwelling on a deep plot served by a substantial amenity space to the front and rear, and to the south is the Woodbank residential estate, which comprises of 58 no. 3-storey semi-detached dwellings, terraced dwellings and duplex units. More specifically, immediately south of the subject site lies 16 no. three-storey semi-detached and terraced dwellings, Nos. 25-40 Woodbank, the rear gardens of which flank the common boundary with the subject site. To the east, on the opposite side of Dublin Road, is Lurganbrae a single storey detached dwelling on a large plot surrounded by a substantial amenity space featuring a multitude of established trees/vegetation.

7.3.3. The Planning Authority's first refusal reason states that the proposed development, by reason of its height, scale and overall layout, including hard and soft landscaping proposals, 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 would not comply with the Dún Laoghaire Rathdown County Development Plan, 2016 – 2022, Appendix 9: Building Height Strategy, nor with the Urban Development and Building Heights Guidelines for Planning Authorities (2018). 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, 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 relating to the suitability of the height, scale and design of the proposed development. They contend that the proposal involves 3 unimagative, monolithic, bland and repetitive 5 storey blocks and comprises overdevelopment of the subject site.

7.3.4. The applicants argue that the height of the proposed development is not excessively high relative to its immediate surrounds and is appropriate having regard to the precedents established by the 2008 Woodbank permission (Reg. Ref. D08A/0330) and the recent permission for the 5 to 8 storey BTR scheme at Abingdon (500 metres to the north-east). Upon review of the precedents detailed, it would appear that the context/site involved at Abingdon (considered in application ABP Ref. ABP-308418-20) differs greatly from that involved in the subject application. The Abingdon site, at 1.42Ha, is considerably larger than the subject site and has a limited amount of sensitive abutments. With regards to the 2008 Woodbank permission, I note this application was assessed against a different location and national planning policy framework. Further to this, this permission was never acted upon. Irrespective of this, each planning application is considered on its individual merits and the Planning Authority/Board are not bound by previous decisions pertaining to neighbouring or similar sites/situations. The subject application requires consideration on its individual merits.

Layout, Massing and Design

7.3.5. 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.

7.3.6. As outlined above, the applicant is proposing to construct three blocks on site, with landscaped areas/play spaces proposed to the front of the site and between the proposed blocks to provide communal space for residents. The proposed layout requires extensive removal of trees, with the only trees being maintained on site located tight to the site's western (rear) boundary, adjacent to the N11. Vehicular access in the north-eastern corner of the site to a basement car park would create a car-free environment at-grade on site. A pedestrian route would be provided to the north of Blocks A and B and a ramped access to the basement level for cyclists would be provided adjacent to the southern boundary of Block A.

7.3.7. In terms of site layout, the 3 no. blocks have a combined length of c. 64 metres adjacent to the northern boundary and c. 57 metres adjacent to the southern boundary; and adopt minimum separation distances of between c. 4.86 and c. 6.45 metres and between c. 1.01 and c. 2.64 metres, from the northern and southern boundary, respectively, with limited setbacks adopted at upper floor level. A minimum separation distance of 8.2 metres is provided between Blocks A and B and 19.4 metres provided between Blocks B and C, with the proposed communal room featuring in the interim space between these two blocks. The proposed development equates to a site coverage of 63%. I consider the proposed development, by virtue of the layout, bulk and massing of 3 blocks and the expanse of built form proposed would be out of character with the context of the site and would constitute overdevelopment of the subject site. This is exacerbated by the limited opportunities that exist for meaningful vegetation/tree planting to be introduced to soften the mass/bulk of the proposed blocks due to the limited setbacks adopted from the front and side boundaries and between the proposed blocks. As previously discussed, the appeal is accompanied by revised plans which, among other things, removes Block B's 3rd floor resulting in a 3.2 metre (1 storey) reduction in its proposed building height. The applicant contends that

this amendment sufficiently mitigates against concerns raised over height and massing. I do not consider this amendment sufficient to resolve massing/bulk issues and instead deem a much greater reduction in built form/considerable amendments to the development layout to resolve these issues.

7.3.8. With regards to building line/streetscape presentation, the existing bungalow on the site is set-back from the Dublin Road frontage by c. 46 metres, the intervening space featuring a landscaped garden. A number of observers have raised specific concerns that the proposed development ignores the established building line. To the south of the site, No. 40 Woodbank is set-back from the site's front boundary by a c. 14.5 metres and houses within this development located further south generally follow a similar building line. There is a line of mature trees/an area of open space along the roadside boundary of the Woodbank residential estate which provides a soft edge to the street at this location. To the north of the site, Kendor (and the 3 dwellings immediately north of it) is set-back from the site's front boundary by a c. 36 metres. On the opposite side of Dublin Road, the buildings featuring in the section of road between Seaview Park and Rathmichael Lawns adopt setbacks from Dublin Road of between 8 and 50 metres. The dwelling immediately opposite the subject site, Lurganbrae, adopt a setback of c. 50 metres, more specifically. The proposed development adopts a minimum setback of 7.8 metres from the site's front boundary.

7.3.9. While I consider there to be scope for the building line of the existing dwelling on site to be abandoned in the context of an infill development on the subject site, having regard to the differing building line featuring to the immediate north and south of the subject site as well as varying building lines featuring on the opposite side of Dublin Road, the proposed building line is not considered appropriate in this instance due to its relationship with the northern/southern abutments and the proposed development's presentation to the Dublin Road. Block A sits forward of both immediately abutting properties and extends to a maximum height of 15.9 metres (5 storeys) along its eastern elevation, with limited setbacks adopted from the front and side elevations at fourth floor level. Therefore, it will have any imposing presence on the Dublin Road streetscape. Further to this, due to the limited setback adopted from the site frontage and the majority of the site frontage being occupied by vehicular, cycle and pedestrian paths, there is limited opportunities for meaningful landscaping/tree planting to be introduced to soften views of the proposed development within the streetscape and tie

the development in with the leafy character of the surrounding properties. A more appropriate approach in regard to building line adoption for an infill development on the subject site would be to provide a greater setback from Dublin Road and provide a transition between the building lines featuring to the north and south. Given the layout of the development and the proximity of the proposed blocks to each other, there is no scope to request increased setbacks/site frontage redesign to provide a more appropriate building line. In fact, it is likely that the development's setback from the Dublin Road frontage will need to be reduced further as a result of the Dublin Road road improvement works required to accommodate the Bus Connects roll out.

7.3.10. The palette of materials proposed would be acceptable in my view. I am satisfied that the use of a yellow/buff-coloured brick and grey render as the primary hard finishes, harmonising with dark grey composite horizontal cladding, alongside glazed 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. While I consider the palette of materials to be suitable, I find the building design to be lacking in terms of articulation/modulation and unsuitable in terms of massing. Upon review of the plans submitted, the footprint of the proposed blocks remains the same across levels 1 to 4 in the context of Block A, levels 1 to 2 in the context of Block B and levels 1 to 5 in the context of Block C, with only slight setbacks adopted at upper floor levels of Blocks A and B. The same fenestration pattern is also adopted across the majority of floors. Further to this, due to the limited setbacks adopted from the front and side boundaries, as well as the extent of the site occupied by vehicular/pedestrian/cycle paths, there is limited opportunities for meaningful vegetation/tree planting. As a result, there is no variety in the scale or breaking down of the mass of the proposed blocks and the development instead has an imposing presence when viewed from the adjacent properties/surrounding area.

7.3.11. In light of the above, I am of the opinion that the block arrangement and layout fails to respond appropriately to the context of the site and is at odds with the established pattern of development in this suburban area, which is very much defined by two and three-storey residential properties substantially set back from the roadside and screened by mature trees and boundary planting. The proposals would present an incongruous form and intensity of development more appropriate to a central urban

location than the subject suburban setting. Having regard to the foregoing, I consider that the overall layout and block arrangement would not provide for a high-quality logical response in redeveloping this site from an urban design perspective, having regard to the development's cramped layout and its failure to integrate successfully with the established character of the area/promote a sense of place. Consequently, the proposed development would fail to comply with the provisions of Policy Objective PHP35 Healthy Placemaking of the Dun Laoghaire Rathdown County Development Plan 2022-2028.

Building Heights and Scale

- 7.3.12. The existing building on site features a maximum height of 6.3 metres according to the details submitted with the application. Proposed Block A (at 5 storeys over basement) extends to a maximum height of 15.9 metres, Block B (at 4 storeys over basement) to 12.855 metres and Block C (at 5 storeys over basement) 15.95 metres. The proposed development would be substantially higher than the surrounding existing buildings in the immediate area, which consist of c. 9 to 10.85 metre-high two and three storey semi-detached and terraced houses.
- 7.3.13. The policy basis for my assessment of the proposed building heights is informed by both local and national planning policy.

Local Planning Policy

- 7.3.14. 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.

7.3.15. While the proposed development (at 4-5 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.

National Planning Policy

7.3.16. In terms of national policy, I have assessed the development against the 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines), 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.

7.3.17. 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

- 7.3.18. 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 fronts on to Dublin Road which is a part of the Bray-Dublin City Centre Quality Bus Corridor served by Bus Routes No. 7D, 84, 84D, 143, 145 and 155 and is also located within 1km walking distance of the Shankill Dart Station.
- 7.3.19. 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. Additional planned services in this area by way of BusConnects, will be supported by providing for developments such as this, which will support a critical mass of population at this accessible location within the metropolitan area, in accordance with national policy for consolidated urban growth and higher densities.
- 7.3.20. 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 architectural 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. In addition, there are no structures or features of historic importance such as Protected Structures or Conservation Areas in the immediate vicinity. The proposed development's appropriateness in terms of visual amenity is assessed in more detail in the next section of this report.

7.3.21. 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 such provision given the limited size and the narrow nature of the subject site. The appeal submission is accompanied by a drawing indicating how a future bus lane/increased public footpath can be provided accommodated along the site frontage. While this would make a positive contribution in terms of place-making in the context of the delivery of new streets, it has other negative implications in terms of site layout/urban design and traffic safety.

7.3.22. 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 south (see Section 7.4 below). Following on from reasons outlined above with respect to failure to integrate with the surrounding character, 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

7.3.23. 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 make a positive contribution to the urban neighbourhood and streetscape along Dublin Road. The block arrangement and limited variation adopted in terms of building footprint/building heights/articulation would create a development monolithic in appearance and would provide for limited open spaces through the site.

- 7.3.24. In terms of how the development responds to the overall natural environment, I note the extensive loss of trees required to facilitate the proposed access and buildings. The extensive loss of a soft boundary along the Dublin Road frontage would be out of character with the adjoining area. I am satisfied that the development does not respond appropriately to the existing built and natural environment and the height and siting of the blocks, particularly Block A, would not positively contribute to the urban neighbourhood and streetscape.
- 7.3.25. 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 Engineering Services Report, prepared by Odon Engineering, accompanying the application includes a brief assessment of potential flood risk arising from the proposed development, which is addressed further below in section 7.8.
- 7.3.26. With regard to the consideration of the criteria relating to legibility, the proposals would not make a substantive positive contribution to the improvement of legibility in the wider urban area, particularly as the pedestrian and cycle route to the north and south serve the subject development only. However, this is considered appropriate in this instance given the limited size/nature of the subject site.
- 7.3.27. 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

7.3.28. 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 7.4 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/overshadowing/daylight & sunlight have been adequately addressed as part of the proposed development.

Section 3.2 Criteria: Specific Assessments

7.3.29. With regard to micro-climatic effects, one of the observations received contends that the height of Blocks A, B and C, in combination with that of the Woodbank residential development will cause a 'wind tunnel effect'. The proposed development is 4-5 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. Evidence to the contrary has not been submitted by observers to the application.

7.3.30. Daylight/sunlight will be considered in Section 7.4 and 7.5 of this report.

7.3.31. 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

Conclusion

7.3.32. Overall, 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 applicant has submitted revised plans as part of their appeal which, among other things, removes Block B's 3rd floor resulting in a 3.2 metre (1 storey) reduction in its proposed building height. The applicant contends that this amendment sufficiently mitigates against concerns raised over height and massing. I do not consider such a

mitigation measure would alleviate my concerns in this regard. 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 four to five storey development has a detrimental impact on the character and visual amenity of the area and the mass/design/layout 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.

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

Visual Impact

- 7.3.34. I now turn my attention to consideration of the proposed development's potential visual impact on the immediately surrounding area.
- 7.3.35. The site is not within any designated historic landscape or subject to any development plan objectives relating to protected views or prospects. There are no structures or features of historic importance such as Protected Structures or Conservation Areas in the immediate vicinity. I note the application is accompanied by photomontages, prepared by Precision Surveys, as well as a small number of CGI images. Third party observers are critical of the absence of verified views from the application material and

claim that had views of the proposed development from prominent sites within the area been provided, the negative visual impacts/overdevelopment would have been clear to see. I consider the application to contain sufficient elevations/sections/images/information to allow a thorough assessment of the proposed development from a visual amenity/development suitability perspective. In the immediate area, the development would be most visible from the approaches on Dublin Road to the north and south and from the abutting residential sites to the north and south, with only intermittent views of the proposed buildings from local vantage points in the neighbouring areas due to the narrow width of the subject site and the leafy nature/relatively flat topography of the immediately surrounding area.

7.3.36. The proposed development would change the site from a low-rise dwelling to a higher-density apartment scheme with buildings of between 4 and 5 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 Dublin Road approaches to the site, as well as the sites to the immediate north and south.

7.3.37. The area surrounding the subject site features residential land uses. Immediately north of the site is Kendor, a two-storey semi-detached dwelling, and to the south is No. 40 Woodbank, which comprises a 3-storey semi-detached dwelling. The proposed development at four to five storeys will be the highest building along this stretch of Dublin 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 sharp contrast in scale between the 5 storey Block A and the immediately adjacent two and three storey semi-detached dwellings and the limited setbacks adopted at upper floor levels. Having examined the development in the context of the built form/architectural styles of the surrounding area and given its position within the site i.e. sitting forward of the neighbouring properties to the north and south, 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 Dublin Road and the immediate abutments, through the

adoption of a more generous front setback with more comprehensive soft landscaping proposals such that the development would make a positive contribution to the character and identity of the area.

7.3.38. I consider that the proposed development would be excessively visually dominant on the streetscape at this location having regard to the foregoing. My concerns in this regard are such that I recommend a refusal of permission in this instance.

7.4. Residential Amenity of Adjoining Properties

7.4.1. 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 second 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. A no. of third party observations also make reference to the negative impacts of overshadowing resulting from the proposed development and contend that the minimal changes made to the plans as part of the appeal submission do not go far enough in addressing the issues that exist regarding adjoining properties residential amenity.

Properties to the North

7.4.2. The site is bounded to the north by Kendor, which features a two-storey semi-detached dwelling on a deep plot surrounded by a substantial amenity space to the front and rear.

7.4.3. Turning my attention firstly to potential overlooking of this property. Blocks B and C and the part of Block A siting opposite the neighbouring dwelling feature a number of north-facing balconies and habitable room windows located proximate to the common boundary. Overlooking from some these windows and balconies is restricted by way of translucent panels. However, given the close proximity of the proposed development to the common boundary, I would contend that opportunities for overlooking of Kendor's rear private amenity space from the bedroom windows associated with Apartments A14, A24, A34, B11, B21 and B31; the kitchen/living/dining room windows associated with Apartments C11, C21, C31 and C41; and the balcony associated with Apartment B11. 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.

- 7.4.4. With regards to the potential overbearing impact, the proposed development involves the replacement of an existing bungalow with 3 no. substantial 4 & 5 storey apartment blocks in a linear formation. In the context of the northerly abuttal, Block A adopts a minimum setback of c. 4.86 metres from and spans a length of c. 33 metres along Kendor's southern boundary; Block B adopts a minimum setback of c. 6.45 metres and spans a length of c. 20.5 metres along Kendor's southern boundary; and Block C of c. 5.9 metres and spans a length of c. 10.5 metres along Kendor's southern boundary. In terms of height, Block A, B and C extend to a maximum height of 15.9 metres, 12.855 metres and 15.95 metres, respectively. Upon review of the plans submitted, the footprint of the proposed blocks remains the same across levels 1 to 4 in the context of Block A, levels 1 to 2 in the context of Block B and levels 1 to 5 in the context of Block C, with only slight setbacks adopted at upper floor levels of Blocks A and B.
- 7.4.5. 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 Kendor and adopts very limited setbacks/steps down in height adjacent to the common boundary. The overbearing impact of the proposed development is exacerbated by the same fenestration pattern being adopted across the majority of floors. Due to the emergency access road/pedestrian pathways needing to be provided, limited opportunity exists for the introduction of trees/screen planting along the northern boundary to help mitigate the proposals overbearing impact. The 1 storey reduction in the height of Block B adopted in the plans accompanying the appeal does little to reduce the proposal's overbearing impact in my view.
- 7.4.6. In terms of potential overshadowing, the application was accompanied by a Shadow (Daylight) Study Assessment, prepared by BG Architecture. This report illustrated that

there will be a considerable increase in overshadowing of Kendor's rear amenity space as a result of the proposed development, in particular Blocks B and C. As previously discussed, the appeal is accompanied by revised plans which, among other things, adopt a 1 storey reduction in Block B's height in response to concerns raised regarding impacts on the residential amenity of adjacent properties. The applicant contends that the proposed reduction in height will mitigate against overshadowing in the context of Kendor's rear garden and the appeal submission includes 2 excerpts from revised shadow analysis' which they claim illustrate this fact. I am not convinced, particularly in the absence of a comprehensive revised Shadow (Daylight) Study Assessment, that such a reduction in building height goes far enough to address overshadowing issues.

7.4.7. Given the east-west orientation of Kendor, it is not considered that the proposed development will negatively impact on the level of daylight/sunlight received by the existing dwelling to the north.

Properties to the South

7.4.8. The site's southern boundary is flanked by 16 three-storey semi-detached and terraced dwellings known as Nos. 25-40 Woodbank. More specifically, the rear gardens serving these dwellings flank the common boundary with the subject site.

7.4.9. With regards to potential overlooking, Nos. 25-40 Woodbank feature upper floor level north-facing windows which have an outlook across the subject site and rear gardens which abut the common boundary. Blocks A, B and C feature a number of north-facing balconies and habitable room windows located proximate to the common boundary. Overlooking from some these windows and balconies is restricted by way of translucent panels. However, given the close proximity of the proposed development to the common boundary, I would contend that opportunities for overlooking of Nos. 25-40 Woodbank's rear private amenity spaces and upper floor windows from the bedroom windows associated with Apartments B12, B13, B22, B23, B32, C12, C22, C32 and C42; and the balconies associated with Apartment A13, A23, A33, A41, B32, C12, C22, C32 and C42. 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.

7.4.10. Turning our attention to potential overbearing impact. In the context of the southerly abuttal, Block A adopts a minimum setback of c. 1.01 metres from and spans a length of c. 19.5 metres along Woodbank's northern boundary; Block B adopts a minimum setback of c. 1.93 metres and spans a length of c. 17.3 metres along Woodbank's northern boundary; and Block C of c. 2.64 metres and spans a length of c. 20.3 metres along Woodbank's northern boundary. In terms of height, Block A, B and C extend to a maximum height of 15.9 metres, 12.855 metres and 15.95 metres, respectively. As discussed previously, upon review of the plans submitted, the footprint of the proposed blocks remains the same across the majority of floor levels, with only slight setbacks adopted at upper floor levels of Blocks A and B.

7.4.11. I consider that the proposed development will have an unreasonable overbearing impact on the neighbouring property to the south due to the existing site context/orientation and layout of the adjacent properties and the design/layout/height of the proposed development which is 1-2 storeys taller than Woodbank and adopts very limited setbacks/steps down in height adjacent to the common boundary. The overbearing impact of the proposed development is exacerbated by the same fenestration pattern being adopted across the majority of floors and the limited palette of materials/finishes utilised in the building design. Due to the limited setbacks provided, limited opportunity exists for the introduction of trees/screen planting along the southern boundary to help mitigate the proposals overbearing impact. The 1 storey reduction in the height of Block B adopted in the plans accompanying the appeal does little to reduce the proposal's overbearing impact in my view.

7.4.12. A number of observers have raised concerns about overshadowing of the adjacent Woodbank dwellings resulting from the proposed development. Given the orientation of adjacent dwellings to the south of the proposed development and the separation distances that exist between the proposed development and these dwellings, I do not consider the proposed development would result in any negative impacts on the residential amenity of adjacent properties by way of overshadowing. This is confirmed by the Shadow (Daylight) Study Assessment, prepared by BG Architecture, accompanying the application.

7.4.13. In terms of potential impacts on daylight to windows, I am not satisfied that daylight and sunlight considerations have informed the proposed layout and design in terms of separation distances and offsetting of the proposed blocks. The Shadow (Daylight) Study Assessment, prepared by BG Architecture, accompanying the application looks solely at the overshadowing of amenity spaces. In the absence of a daylight/sunlight assessment of neighbouring windows, I will rely on BRE 209: Site Layout Planning for Daylight and Sunlight and BS 8206-2:2008 (Part 2: Code of practice for daylighting) in considering this item. Sections 3.2.7 of BRE 209: Site Layout Planning for Daylight and Sunlight states that the guidance is met if daylight to windows in existing schemes shouldn't adversely affected if the proposed building doesn't breach the 25 degree plane from those window. According to the plans submitted with the application/appeal, the proposed blocks adopt a minimum separation distance 13 metres from the rear façade of the adjacent Woodbank dwellings (however, I note that upon review of google earth images/having visited the subject site, it would appear that a no. of rear extensions have not been accurately reflected in the drawings). The proposed development extends to a maximum height of 15.95 metres. I am not satisfied that this is sufficient to maintain the required 25 degree plane from the north-facing windows of the properties to the immediate south, particularly given the limited separation distances adopted at upper floor levels.

Properties to the East and West

7.4.14. To the east of the subject site, on the opposite side of Dublin Road, is a single storey detached dwelling known as Lurganbrae. Given the orientation of this adjacent dwelling, the extremely generous separation distance that exist between the proposed development this dwelling, the large plot size of this neighbouring property and the established trees/vegetation featuring thereon, I do not consider the proposed development would result in any negative impacts on the residential amenity of this adjacent property by way of overlooking, overshadowing or overbearing.

7.4.15. The subject site's western boundary is flanked by the M11 motorway.

Public Lighting

7.4.16. The submitted Outdoor Lighting Report and Public Lighting layout, both prepared by Martin Hanley Traffic & Transportation Consulting Engineers, outline lighting proposals for the development and consider light impacts on surrounding residential

areas. I note third party observers to the appeal have raised concerns regarding potential light pollution to surrounding residential properties from the proposed development. Further to this, the Public Lighting Section in their commentary on the proposed development recommended that further information be requested in relation to public lighting designs for access pathways in to the buildings. I am satisfied that any potential adverse impacts on residential amenities of adjacent properties as a result of light spill, as well as the provision of appropriate lighting to serve residents of the proposed development, could be dealt with by way of condition should the Board be inclined to grant planning permission.

Construction Impacts

7.4.17. Potential impacts on residential amenities during construction, relating to dust, noise, and construction traffic during the construction period, 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.

7.5. Residential Amenity of Proposed Development

7.5.1. The third party observers to the appeal contend that the proposed apartments a poor level of internal amenity and privacy for future residents, particularly given the closeness of balconies and habitable room windows. Further to this, the Planning Authority raised a number of concerns regarding certain aspects of the proposed apartment blocks and the residential amenity afforded future residents. 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

- 7.5.2. The proposal would entail the provision of 49 no. apartments (8 no. 1-bed apartments, 38 no. 2-bed (4P) apartments and 3 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. Section 12.3.3 of the Dún Laoghaire Rathdown County Development Plan 2022-2028, more specifically Table 12.1 contained therein, specifies a mix requirement for apartment developments involving 50+ units within existing built up areas. In light of the 4-unit reduction proposed by the applicant (resulting in a 49-unit scheme), this requirement is not applicable in this instance.

Floor Areas and Apartment Layout

- 7.5.3. As detailed in the accommodation schedule/floor plans accompanying the application and appeal submission, the 1-bed units would have a floor area of between 51sqm and 55sqm, the 2-bed (4P) units would have a floor area of between 76sqm and 81sqm and the 3-bed unit would have a floor area of between 90sqm and 110sqm. 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.
- 7.5.4. Having reviewed the proposed floor plans, despite achieving the minimum floor areas/widths specified in the Apartment Guidelines, I am not satisfied that the apartments are suitably laid out internally to provide an adequate level of residential amenity to future residents. There are a number of apartments across the 3 blocks that feature translucent panels on their northern or southern façade to restrict overlooking of adjoining residential properties from the habitable rooms they serve. More specifically, 32 of the 49 apartments proposed feature translucent panels which equates to 65% of the overall units proposed. Of these 32 apartments, there are 3

apartments that are particularly poorly laid out. These are Apartments A01, A02 and A03 featuring at ground floor level of Block A. In addition to featuring translucent panels on their northern and southern facades, these apartments also abut the bicycle ramp to the basement (in the context of Apartments A01 and A02) and the vehicular ramp to the basement (in the context of Apartment A03). Both ramps are roofed and the associated roofs will project over the habitable room windows featuring on the northern and southern facades of these apartments. Given the glazing treatment proposed to the 32 apartments in question, as well as the recessed nature of the apartments relative to the covered ramps in the context of Apartments A01, A02 and A03, I have considerable concerns in relation to the outlook afforded the proposed apartments as well as the level of daylight/sunlight received by them.

7.5.5. 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. The BRE standards state that numerical targets should be applied flexibly (specifically average daylight factor values of 1% to bedrooms, 1.5% to living rooms and 2% to kitchens) and that natural light is only one factor to be considered in layout design. The application was accompanied by a Shadow (Daylight) Study Assessment, prepared by BG Architecture. However, this did not include a daylight and sunlight assessment of the proposed apartments and looked instead at the overshadowing resulting from the proposed development.

Dual Aspect/Floor to Ceiling Heights/ Apartments per Core

7.5.6. 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 2.85 metres and a maximum of 5 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/appeal, I deem 28 apartments (57%) to constitute dual or triple aspect units (with the majority of single aspect apartments proposed are east or west facing). This

differs from the figures provided by the applicant in the application/appeal material. The reason for this being that I do not consider windows comprising of a translucent panel to provide an aspect in the context of SPPR 4. At 57%, the proposed development complies with the requirements of SPPR 4.

Storage

7.5.7. As detailed in the accommodation schedule/floor plans accompanying the application and appeal submission, the 1-bed units would be provided with 4sqm of storage, the 2-bed (4P) units by 6sqm or 7sqm of storage, and the 3-bed unit by 9sqm of storage which complies with the numerical storage requirements specified in Appendix 1 of the Apartment Guidelines, 2020. However, upon review of the plans, it would appear that the majority of storage spaces serving the proposed apartments (particularly those featuring in Blocks A and C), is provided in the form of a 4sqm or 6sqm individual storage room within the apartment which is contrary to the following stipulation set out in Paragraph 3.31 of the guidelines: - *'as a rule, no individual storage room within an apartment should exceed 3.5 square metres.'* However, I am satisfied that compliance with this aspect of the requirements could be addressed by way of condition should the Board be inclined to grant planning permission.

Private Amenity Space

7.5.8. Turning to private amenity space. As detailed in the accommodation schedule/floor plans accompanying the application and appeal submission, the 1-bed units would be served by 5sqm balconies, the 2-bed (4P) units by balconies of 7sqm and 15sqm and the 3-bed units by balconies of 9sqm and 12sqm, all of which have a minimum depth of or exceeding 1.5 metres, thus complying with the quantitative requirements set out in relation to private amenity space. However, I am not 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.'*

7.5.9. Having reviewed the proposed floor plans, it would appear that balconies serving Apartments A02, A03, A13, A14, A23, A24, A33, A34, A41, B01, C01, C03, C11, C13, C21, C23, C31, C33, C41 and C43 would be overlooked by habitable room windows/balconies associated with neighbouring apartments within the development

due to their orientation/proximity to each other and in the context of Apartment B01 due to the minimal separation distance that exists between Blocks A and B (c. 8.3 metres). Screening has been introduced to parts of some of the proposed balconies. However, this has been designed to restrict overlooking of adjacent residential properties to the north and south as opposed to apartments within the development. Additional screening would be required to address overlooking issues within the proposed development. With regards to the overlooking of Apartment B01's terrace, while I find the 22 + metre separation distance requirement under Section 12.3.5.2 of the recently adopted Development Plan to be quite onerous, I am not satisfied that the separation distance adopted between the proposed blocks in this instance is sufficient to appropriately restrict potential overlooking from the window associated with Bedroom 1 of Apartment A03. Given the limited setback that is provided from the front boundary, there is no opportunity for blocks to be repositioned on site/this separation distance to be increased in a bid to reduce potential overlooking and instead the west-facing window associated with Apartment A03's Bedroom 1 would need to be omitted or screening be introduced to the terraces eastern boundary.

Communal Facilities/Amenity Space

7.5.10. A 28.5sqm multi-purpose communal room to serve residents is provided centrally on site (between Blocks B and C) which is welcomed. In accordance with Appendix 1/paragraph 4.13 of the Apartment Guidelines, a minimum of 333sqm of communal amenity space would be needed to serve the proposed apartments and in light of the no. of 2+ bedroom apartments proposed, this is required to contain a small play space (about 85–100 sq. metres) to serve the specific needs of toddlers and children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building. The proposed development complies with the broad numerical communal amenity space requirements, providing 811sqm (478sqm in excess of the requirement) of communal amenity/play spaces (I do not consider the incidental open space identified in the plans accompanying the application to constitute communal open space). However, the 36sqm play area proposed falls short of the requirement specified in this regard. Upon review of the plans accompanying the application, I consider there to be sufficient space for the proposed play space to be extended or for an additional play space to be provided on site to comply with this aspect of the requirements. Therefore, if the

Board is inclined to grant planning permission, it is recommended that a condition requiring the same be attached to the Board's Order.

7.5.11. From a qualitative perspective, I am satisfied that the proposed communal amenity space is appropriately overlooked and conveniently located relative to the 3 apartment blocks proposed. However, upon review of the Shadow (Daylight) Study Assessment, prepared by BG Architecture, which accompanies the application I would have concerns regarding the extent of shadows cast on the proposed communal open space areas. I note that the diagrams contained therein (which I note deal with a sample of hours rather than all) indicate shadow cast on the communal amenity spaces on 21st June at 8am, 21st June at 6pm, 21st March at 8am, 21st March at 6pm, 22nd September at 8am, 22nd September at 6pm and all times assessed for 21st December is significant. Further to this, I consider the communal open space areas proposed to be quite piecemeal/fragmented as they compromise the spaces around the series of circulation paths providing entry to the buildings/basement ventilation areas and the space between the proposed blocks and the site boundary, rather than site-specific designed open space areas.

7.5.12. Having regard to the foregoing, in my view the proposed communal open space area proposed will not comprise a good quality space for residents' use. Further to this, as will be discussed in detail in Section 7.7 of this report, I have concerns about the open space strategy adopted in the context of the proposed development from a character/tree retention perspective.

Conclusion

7.5.13. In conclusion, I am not satisfied that the proposed development would provide quality apartments which provide a suitable level of amenity for future residents. While the proposed development complies with a number of the numerical standards set out in the Apartment Guidelines, a number of qualitative issues were uncovered upon review of the drawings. While some of these qualitative issues could be dealt with by way of condition (including the provision of additional screening to balconies and omission of the west facing window associated with Apartment A03's Bedroom 1/screening of Apartment B01 terrace), a number of them require an extensive redesign to overcome. When the various qualitative issues are considered

cumulatively, I think it is clearly illustrated that the proposed development comprises overdevelopment of the subject site. Therefore, it is recommended that the proposed development is refused in this instance due to the poor level of residential amenity offered future residents of the development. I note this constitutes a new issue which was not previously raised in the Planning Authority's refusal reasons.

7.6. Access, Traffic and Parking

Access/Traffic

7.6.1. The proposed development looks to provide a vehicular/pedestrian access (the vehicular entry point measuring 7.1 metres wide) off Dublin Road in the north-eastern corner providing access to a basement car park/a set-down area within the frontage/an emergency access route provided along the northern boundary and a 2 metre wide cycle access in the south-eastern corner providing access to a cycle ramp to the proposed basement.

7.6.2. A no. of the observations received on the appeal contend that the proposed development will add to the traffic congestion currently occurring in the area and will cause a traffic hazard in the context of neighbouring property to the north given the creation of additional traffic movement entering/existing the site and the close proximity of the basement ramp to the site's front boundary/the absence of traffic calming measures. They also contend that the proposed development would have an adverse impact on the proposed Dublin Road road improvements required to facilitate the Bus Connects roll out. Further to this, the Planning Authority's Transportation Planning Division raised concerns about/recommended that further information be sought in relation to (among other things) any required setback arrangements to facilitate future BusConnects proposals along the Dublin Road; visibility splays; arrangements for refuse collection; emergency vehicle movements; a set-down area allowing for deliveries and maintenance vehicles; and revised drawings which demonstrate the following: - (i) provision of a STOP line and STOP sign to the rear of the footpath on the Dublin Road; (ii) provision of a continuous concrete footpath in front of the proposed vehicular entrance; and (iii) provision of buff coloured tactile paving. To address the concerns raised by the Planning Authority's Transportation Planning Division, the applicants have submitted an amended plan (Drawing No.

200679-PL-004_Rev A, prepared by BG Architecture) with their appeal that illustrates how a future bus lane/increased public footpath can be accommodated along the site's frontage.

7.6.3. The application is accompanied by a Traffic & Transport Assessment, prepared by Martin Hanley Consulting Engineers, which, among other things, estimates traffic generated by the subject proposal using the computer modelling package TRICS. It estimates that the net increase in movements generated by the proposed development as originally lodged will be 2 arrivals and 13 departures in the AM peak, with 11 arrivals and 3 departure in the PM peak. In this regard, the report concludes that the proposed junction to the development will operate well within capacity for all design years. Having regard to the standard of the road network in the area, the availability of public transport services, the material submitted with the application, and the Planning Authority reports, it is my view that the proposed development will not cause increased congestion and is appropriate in this regard. However, I am of the opinion that the proposed development will endanger public safety by reason of traffic hazard as will be discussed in the subsequent sections.

7.6.4. Based on the plans originally submitted with the application, Block A's basement ramp entrance will be setback 15.5 metres from the site's front boundary, which is quite minimal. Further to this, the access to the basement car parking area (at 7.1 metres) has an overly generous width. In light of this, I would share the concerns of the observers that the proposed development would cause a traffic hazard given the close proximity of the basement ramp to the site's front boundary/the absence of traffic calming measures, as well as having concerns due to the span of the vehicular entrance and the fact that pedestrian priority is not maintained in the context of pedestrians traversing the adjacent footpath. As indicated by the drawings accompanying the appeal, the setback to Block A's basement entrance may require further reduction in order to accommodate the road improvement works required to Dublin Road to facilitate the Bus Connects roll out (which is a must in the context of the proposed development). This will further exacerbate the traffic hazard issues created by the proposed development.

7.6.5. The proposed development in its current format constitutes a traffic hazard that cannot be fully addressed without significant redesign of the basement access/interface with Dublin Road. Given the layout of the development and the proximity of the proposed blocks to each other, there is no scope to request increased setbacks/site frontage redesign and resolve these traffic hazard issues by way of condition. Having regard to the aforementioned reasons, I contend that the proposed development would constitute a traffic hazard and would endanger public safety by reason of traffic hazard. Therefore, it is recommended that planning permission be refused in this instance. I note this constitutes a new issue which was not previously raised in the Planning Authority's refusal reasons.

Car Parking

- 7.6.6. The material submitted with the application identifies that the proposed development will be served by the following car parking provision: - 34 no. resident car parking spaces (including 2 no. car share spaces), 4 no. visitor car parking spaces and 5 no. mopeds/motorbikes provided in basement parking area.
- 7.6.7. A number of the observations received on the appeal contend that the car parking provision is inadequate given the suburban location and the site's proximity to public transport and will cause overspill in the surrounding area. Further to this, the Planning Authority's Transportation Planning Division raised concerns about/recommended that further information be sought in relation to (among other things) car parking provision. More specifically, they are of the view that the proposed development should be provided with 60 no. car parking spaces, that the 3 disabled parking spaces are not suitably dimensioned and that a minimum of 5 electric vehicle charging points should be provided.
- 7.6.8. Pursuant to Sections 12.4.5.6 and 12.4.7 of the recently adopted Development Plan, the subject proposal (involving 49 apartments as per the appeal submission) would generate a requirement of 52 car parking spaces and 2 motorcycle parking spaces, respectively. It is worth noting that the recently adopted Dún Laoghaire Rathdown County Development Plan 2022-2028 sets out less restrictive car parking requirements for the subject site than those set out in the Dún Laoghaire Rathdown

County Development Plan 2016-2022 which the application was originally assessed against. The proposed development achieves a resident car parking rate of 0.7 car parking spaces per apartment.

7.6.9. The Apartments Guidelines (2020) state that, in central and/or accessible urban locations, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The subject site is deemed to be in a central and/or accessible urban location as it is proximate to Dublin Bus services running along Dublin Road (which is a Quality Bus Corridor). In addition to its proximity to public transport services, the subject site is also within close proximity (a 750metres-1kilometre radius/c. 9-13 minute walking distance) of the Shankill neighbourhood centre which offers a choice of education, childcare, community/cultural, healthcare, religious and retail facilities, as well as recreational grounds/sports clubs. Further to this, the Traffic & Transport Assessment, prepared by Martin Hanley Consulting Engineers, accompanying the application has indicated that 2 no. of the car parking spaces can accommodate car share/club vehicles. It is considered that 1 no. car sharing vehicle could replace up to 15 no. private cars. The provision of car share/club spaces on site could be required by way of condition, should the Board be inclined to grant planning permission.

7.6.10. While the concerns of the observers/Planning Authority's Transportation Planning Division are noted, it is my view that having regard to the site's central and/or accessible urban location/proximity to public transport, its proximity a range of services and amenities, and the proposed provision of car share/club spaces on site, I am satisfied that sufficient car parking has been provided in this instance and complies with the provisions of the development plan and the Apartments Guidelines and would not result in overspill onto the surrounding road network. I am satisfied that the dimensions of the disabled parking spaces proposed and electric vehicle charging points provision can be easily dealt with by way of condition, should the Board be inclined to grant planning permission.

Cycle Parking

7.6.11. With regards to cycle parking provision, the development is served by 132 no. resident bicycle parking spaces (in 66 no. bicycle stands) provided at basement level

(accessible via a designated cycle ramp to the south of Block A) and 30 no. at grade visitor/resident bicycle parking spaces (in 15 no. bicycle stands).

7.6.12. The Planning Authority's Transportation Planning Division raised concerns about/recommended that further information be sought in relation to (among other things) cycle parking provision and access. More specifically, they are of the view that:

- some of the bicycle parking spaces provided should be increased in size to accommodate cargo bike;
- 50% of all short-term cycle parking (surface level) shall be covered;
- and that the cycle ramp should be at a gradient not exceed 7% (1:14), the length of its landing at the lower end be increased, a radiused transition into the basement be provided and a 2.4 metre minimum basement head clearance be provided.

7.6.13. The quantum of bicycle parking provided is in excess of the Apartment Guidelines (2020) standards and exceeds the standards set out in Section 12.4.6 of the recently adopted Development Plan/'Standards for Cycle Parking and Associated Cycling Facilities for New Developments' (2018). From a qualitative perspective, the majority of the proposed resident spaces are located within the basement parking area serving the development, which is considered to be an appropriate location in terms of shelter, accessibility and passive surveillance. With regards to the visitor/resident spaces provided at surface level, there are a couple of issues with regards to this aspect of the development. Firstly, the proposed at-grade visitor/resident spaces are scattered throughout the communal amenity space serving the development proximate to the apartment block entries which is considered to an appropriate location in terms of accessibility and passive surveillance. However, in terms of design, upon review of the applicable drawings submitted/as highlighted by the with the application and the appeal, it would not appear that the at-grade cycle parking storage area is not sheltered. Secondly, there are discrepancies across the drawings/material lodged with the application in relation to the proposed at-grade visitor/resident spaces. More specifically, at grade bicycle parking spaces are shown on some, but not all, of the drawings submitted and they are not referenced in the the Traffic & Transport Assessment, prepared by Martin Hanley Consulting Engineers. Further to this, where shown, in some instances 28 no. are detailed and in others 30 no.

7.6.14. I am satisfied however, that this lack of shelter/the discrepancies outlined can be appropriately dealt with by way of condition of planning permission, should the Board be so minded to grant permission for the proposed development. I am also satisfied that the provision of cargo and the recommended alterations to the cycle ramp to the basement can be easily dealt with by way of condition, should the Board be inclined to grant planning permission.

7.7. Open Space Provision and Tree Conservation

7.7.1. Refusal reason No. 1 refers to the proposed development, by reason of its overall layout including hard and soft landscaping proposals, among other things, not integrating satisfactorily with the existing area as well as being contrary to the objective '*to protect and preserve trees and woodlands*' of the Dun Laoghaire Rathdown County Development Plan 2016-2022 applying to the subject site. Further to this, refusal reason No. 2 contends that the proposed development does not comply with Section 8.2.8.2 of the Dún Laoghaire Rathdown County Development 2016-2022, regarding Public/Communal Open Space - Quantity (i) Residential/Housing Developments. Concerns regarding the proposed development's inconsistency with the character/leafy nature of the area and the resulting destruction of trees/shrubs are also raised by third party observers.

7.7.2. Although the Dun Laoghaire Rathdown County Development Plan 2016-2022 has expired in the intervening period since this application was determined, I note the objective '*to protect and preserve trees and woodlands*' continues to apply to the subject site and minimum public open space requirements for residential developments continue to feature in the recently adopted Dun Laoghaire Rathdown County Development Plan 2022-2028, at Section 12.8.3.1 more specifically. Therefore, public open space provision and tree conservation still require consideration in the context of the subject application.

7.7.3. 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. 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.

- 7.7.4. The proposed development is devoid of public open space (I note that the plans/material originally submitted with the planning made reference to public open space being provided, however, this open space is deemed to constitute communal open space). While arguments can be made for such an approach, given the small size and elongated shape of the subject site, the open space strategy adopted is not considered appropriate in this instance having regard to the leafy character of the area the site is located within and the objective '*to protect and preserve trees and woodlands*' applying to the site.
- 7.7.5. The open space areas proposed are quite piecemeal/fragmented as they compromise the spaces around the series of circulation paths providing entry to the buildings/basement ventilation areas and the space between the proposed blocks and the site boundary, rather than site-specific designed open space areas. The application was accompanied by a Tree & Hedgerow Survey, Assessment, Management, Mitigation & Protection Measures Report, prepared by Gannon + Associates. A total of 29 no. trees were surveyed in October 2020. In the context of the 29 no. trees featuring on the site, it was proposed to retain 8 no. or 27% of the total featuring along the sites rear (western) boundary with all other trees surveyed on site being removed to accommodate the proposed development. More specifically, it was proposed to remove 14 Category B trees, 5 Category C trees and 5 Category U trees proposed for removal to facilitate the proposed development.
- 7.7.6. The applicant contends that the group of trees which the '*to protect and preserve trees and woodlands*' objective relates to is located along the site's western boundary, as indicated by the position of the tree symbol included on Zoning Map 10 of the 2016-2022 development plan, and that these trees have been retained as clearly identified on the tree survey material as being retained. I would form a contrary view to the applicant in this regard, with my interpretation being that this objective applies to the entirety of the subject site and not just trees featuring along the site's western boundary. The revised position of the tree symbol (to the eastern side of the site) on Zoning Map 10 included in the recently adopted 2022-2028 development plan, would suggest this interpretation is correct.

7.7.7. The Landscape Plan, prepared Gannon + Associates, accompanying the application illustrates that it is proposed to plant 22 additional trees as part of the subject proposal. However, upon closer inspection it would appear that these 22 trees comprise a mix of species varying in height from 1.5 metres to 4 metres. The proposed trees are much smaller in height/make much less of a contribution to the leafy character of the site than the existing trees proposed for removal and they are not considered sufficient to negate the loss of a significant number of established trees on site.

7.7.8. Based on the arboricultural material/landscape proposals submitted with the application and my own site visit, I am not satisfied that the open space strategy adopted and the level of tree retention/loss resulting from the proposed development is acceptable in this instance, having regard to the leafy character of the area and the the 'to protect and preserve trees and woodlands' objective applying to the subject site. The majority of existing trees currently featuring on site, which mostly comprise Category C trees, are to be removed to facilitate the proposed development. The retained trees on site and proposed planting are insufficient to screen the proposed development and reduce its visual impact when viewed from the surrounding area.

7.7.9. Having regard to the foregoing, it is recommended that the Board refuse planning permission in this instance on the basis of the inappropriateness of the open space strategy adopted and the tree retention/loss resulting from the proposed development.

7.7.10. The appropriateness of communal amenity space provided as part of the proposed development has been considered previously in Section 7.5 of this report.

7.8. **Flooding**

7.8.1. The third party observers on the appeal raise concerns regarding the increased risk of flooding caused by the proposed underground works, particularly given the high water table in this area.

7.8.2. In terms of assessing a potential flood risk, I would note that the Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009) which sets out a sequential test for assessing flood impact. The appeal site is located in an area designated Flood Zone C in accordance with these guidelines. The proposed residential development is a highly vulnerable development in accordance with the

Table 3.1 of the guidelines and having regard to Table 3.2 of the guidelines the proposed residential development would be appropriate on the appeal site which is situated in Flood Zone C.

7.8.3. The Engineering Services Report, prepared by Odon Engineering, accompanying the application includes a brief assessment of potential flood risk arising from the proposed development. It concludes that the site is not within a fluvial or tidal flood risk zone. Having examined the OPW website (www.floodinfo.ie) and the Strategic Flood Risk Assessment/Flood Zone Map No. 10 contained within the Dun Laoghaire Rathdown County Development Plan 2022-2028, I find the assessment provided regarding potential tidal and fluvial flooding in the Engineering Services Report, prepared by Odon Engineering, to be accurate and also find their to be little or no risk of pluvial or ground water flooding. Upon review of the OPW website, I also note there is no recorded history of flooding on the appeal site.

7.8.4. I am satisfied that, given its small scale and location within an established residential area in a Flood Zone C area, the proposed infill development would not give rise to an increased risk of flooding on the site or other properties in the vicinity.

7.9. Other Matters

7.9.1. *Development Contributions* – I refer to the Dún Laoghaire Rathdown County Council Development Contribution Scheme 2016-2020. The Part V units to be provided as part of the development fall under the exemptions listed in the development contribution scheme. It is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000. In relation to the Section 49 Supplementary Development Contribution Schemes (LUAS Line B1 and Glenamuck Distributor Road), it is noted that the subject site is located outside the applicable catchment areas.

7.9.2. *Part V* – Given the number of units proposed and the size of the site, the applicant is required to comply with the provisions of Part V of the Act of 2000, which aims to ensure an adequate supply of housing for all sectors of the existing and future population. The applicant's Part V proposals (as originally submitted with the application) comprise the provision of five apartments (10%) to Dun Laoghaire-

Rathdown Council, at ground, first and second floor levels of Blocks A and C in the proposed development. One of the observers contends that the number of Part V units proposed is inadequate for the purposes of complying with Part V obligations. The application included a letter from Dun Laoghaire Rathdown County Council advising that the applicant has engaged in Part V discussions with the Council. I note that an agreement in principle to comply with Part V requirements has been reached. A no. of specific details regarding this agreement are yet to be agreed with the Planning Authority. I am satisfied that Part V requirements, including the unit distribution and location within the development, as well as the number of apartments to be provided, are matters that can be finalised with the Planning Authority by means of condition, should the Board decide to grant permission for the proposed development.

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 proposed development, by virtue of its layout, massing, design and height 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. Further to this, the inappropriateness of the open space strategy adopted and the extent of tree retention/loss involved in the proposed development would be contrary to the '*to protect and preserve trees and woodlands*' objective applying to the subject site. 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.

2. Having regard to the design and layout of the proposed development, including the siting, height and massing of the proposed blocks, the limited separation distances provided to front/side boundaries and between blocks and the extent of tree retention/loss 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 south of the site, by way of overbearing and overlooking as well as overshadowing in the context of Kendor and daylight impacts in the context of Nos. 25-40 Woodbank.
3. The quality of the internal layout of the proposed apartments, specifically as a result of the glazing treatment utilised proximate to the northern and southern boundaries and the recessed positioning of Apartments A01, A02 and A03 relative to the covered vehicular/bicycle ramp, in addition to the design/location of balconies and positioning of windows giving rise to overlooking between apartments and the overshadowed/fragmented nature of communal amenity space serving the development would fail to provide an adequate level of residential amenity for future occupants of the scheme and would be contrary to guidelines issued to the Guidelines for Planning Authorities on the Design of New Apartments, 2020.
4. It is considered that the proposed development in its current format constitute a traffic hazard and would endanger public safety by reason of traffic hazard due to the close proximity of the vehicular basement ramp to the site's front boundary, the absence of traffic calming measures at the vehicular access/egress point, the span of the proposed vehicular entrance and the fact that pedestrian priority is not maintained in the context of pedestrians traversing the adjacent footpath. This

traffic safety issue will be further exacerbated by the road improvement works required to Dublin Road to facilitate the future BusConnects roll out.

Margaret Commane
Planning Inspector

12th July 2022