



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312629-22

<b>Development</b>	Demolition of an existing apartment and construction of a two-storey apartment development comprising 3 no. apartments and associated site works
<b>Location</b>	19 and 19A Hillsbrook Drive, Perrystown, Dublin 12
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD21A/0300
<b>Applicant(s)</b>	Ashbrook Excellence Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Ashbrook Excellence Limited
<b>Observer(s)</b>	Mary Finnegan Maria Finnegan Ita Browne
<b>Date of Site Inspection</b>	27 <sup>th</sup> April 2023
<b>Inspector</b>	Ian Boyle

## **1.0 Site Location and Description**

- 1.1. The appeal site has an address at 19 Hillsbrook Drive, Perrystown, Dublin 12, D12 Y864. It is situated within an existing and mature suburban residential estate roughly halfway between Crumlin and Kimmage.
- 1.2. The site is approximately 0.04ha and has an irregular layout. It accommodates an existing dwelling (19 Hillsbrook Drive) and ground-level apartment (19A Hillsbrook Drive). It is situated near the corner of Muckross Avenue and Hillsbrook Drive. There is a low brick wall and hedge running along a partial section at the front and side boundary of the site, which is to the east and south, respectively.
- 1.3. Access is provided to the site via Hillsbrook Drive to the east. The property abuts 17 Hillsbrook Drive to the north and 46, 48 and 48 Muckross Avenue to the west. There is a large green space a short walking distance to the east. Perrystown Community Centre and large open space area / parks at Tymon and Bushey Park are within roughly 1.6km of the site.
- 1.4. The pattern of development in the surrounding vicinity is mainly suburban residential. It includes mainly terrace and semi-detached houses. However, there is a small strip of commercial units immediately west of the site facing onto Muckross Avenue. These are former houses converted to retail and other commercial uses, and include a newsagent, dental clinic and hair dressing salon.
- 1.5. Other commercial centres in the wider area are within walking distance and include Ashleaf Shopping Centre, which is to the north, and a smaller local centre on Whitehall Road West, which is to the south. The site is proximate to frequent public transport services, including Dublin Bus routes, which provide connections to Dublin City Centre and other destinations.

## **2.0 Proposed Development**

- 2.1. The development would include a total of 3 no. apartments comprising 2 no. studio apartments (c. 41sqm and 43 sqm, respectively) and a single 2-bedroom apartment (c. 85sqm), cycle parking, refuse storage, landscaped private and communal amenity areas; and associated site works. The proposal also includes keeping the existing driveway and the off-street parking arrangement for 19 Hillsbrook Drive.

- 2.2. [I note that the Applicant has provided an alternative design option as part of their First Party Appeal which provides two 2-bedroom apartments – a reduction of one apartment compared to the original proposal lodged with the Planning Authority. The revised design option is discussed further under Sections 6.0 and 7.0 below.]

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority refused permission on 4<sup>th</sup> November 2021, stating 5 no. reasons for refusal, including that the proposed development would:

1. Have an excessive residential density and represent overdevelopment of the site. The proposed design is of a poor layout and would be deficient in providing usable and functional private amenity space.
2. Be visually obtrusive and out of character in an established residential area, particularly having regard to the excessive width and blank facades of the proposed structure.
3. Result in an unacceptable loss of light, overshadowing and overbearing on neighbouring properties, and particularly on 48A Muckross Avenue. The front facing balcony, which sits forward of the established building line, would result in overlooking of 19 Hillsbrook Drive.
4. Potentially be prejudicial to public health as the proposed surface and foul water proposal indicates that the surface water discharge would connect directly to the existing foul water sewer, as well as lack of information regarding sustainable drainage.
5. Give rise to traffic hazard due to the lack of information submitted regarding car parking, manoeuvrability, boundary finishes and cycle parking.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Report**

- The site is zoned residential ('RES'). The proposed development would be acceptable in principle.

- The remaining level of private amenity space for the existing house (no. 19) would be acceptable.
- The proposed development does not meet the design requirements set out in Sections 11.3.2 (i) 'infill sites' and (ii) 'corner / side garden sites' of the South Dublin Development Plan (2016 - 2022). It is not in keeping with the character of Hillsbrook Drive and there are blank elevations which are significant in size and volume.
- The proposal includes two studio units, which is 66% of the total no. of units proposed. This is above the 50% maximum allowed for studio apartments under the Apartment Guidelines and is therefore contrary to same.
- The minimum required floorspace for each overall unit proposed is met. However, the minimum required floorspace standards and widths for individual rooms are not provided. The master bedroom for the 2-bedroom unit should be 13sqm with a width of 2.8m. However, it is 12.4sqm and has a width of 2.7m. [The site may be better suited to accommodating a maximum of two units on the site, subject to significant redesign.]
- The fenestration detail on the proposed elevations for Muckross Avenue (south) do not match the floorplans. The groundfloor plan indicates the groundfloor units are single aspect, meaning 66% of the units are single aspect, which is contrary to the Apartment Guidelines (SPPR4). All apartments should be capable of achieving dual aspect, particularly if two apartments were proposed instead.
- There are concerns regarding the provision and quality of internal storage space. In this instance, it is considered the storage requirement should not be relaxed. A redesign reducing the proposed development to two apartments instead may be more appropriate.
- It is unclear whether the proposal provides sufficient refuse storage.
- The total required communal amenity space under the guidelines is 16sqm. The applicant states that 37sqm of communal amenity space is provided. However, this is not apparent on the plans, and it is considered that no communal space has been provided. However, given the proximity of the

green space at Muckcross Green (100m away) and Perrystown Community Centre and parks at Tymon and Bushey Park, it is considered that the non-provision of communal space may be acceptable in this instance.

- The proposed density (176 units per ha) (uph) is not acceptable. The density of the surrounding area is approximately 42dph. One additional dwelling on the site would provide a more appropriate density at 59uph.
- The first-floor balcony sits slightly forward of No. 19 Hillsbrook Drive and, therefore, would overlook this property. No innovative design solutions are proposed. This is not acceptable. The proposal would also result in an unacceptable overlooking of 48A Muckcross Avenue.
- The proposal would lead to negative overshadowing and overbearance on No. 48A Muckcross Avenue.
- In summary, the principle of residential development is acceptable in this location. However, the proposed development would have an unacceptable impact on the visual amenity of Hillsbrook Drive, as well as an unacceptable amenity impacts on adjacent occupiers, particularly No. 48A Muckcross Drive.
- Insufficient information has been provided regarding drainage and parking (see below).
- It is recommended that permission be refused.

### 3.2.2. Other Technical Reports

#### Water Services:

##### *Surface Water*

- Further Information requested, including details showing:
  - the surface water drain separate from foul drains/sewer and that it is only connected to a surface water drain or surface water sewer (the current proposal is for the surface water connection to be linked to a foul drain, which is not acceptable), and
  - additional SuDS to help attenuate surface water.

##### *Flood Risk*

- No objection. Standard conditions recommended.

Roads: Further Information requested, including details showing:

- Adequate space for safe access and egress for the proposed driveway from the public road. Swept path analysis required.
- Marked spaces for each residential unit proposed.
- Boundary finishes.
- Provision of bicycle parking.
- Bin storage area(s).

### 3.3. **Prescribed Bodies**

Uisce Éireann (formally Irish Water): No objection, subject to conditions. New water and wastewater connections would be feasible without infrastructure upgrade by Irish Water.

### 3.4. **Third Party Observations**

Several third party submissions were received by the Planning Authority. The main issues raised are as follows:

- Concerns regarding visual impact and design of the proposed development.
- The proposal would not be suited to the area, which is made up of family houses, and not apartments, and the proposed architectural design is not in keeping with the character of the area.
- No bicycle parking provided.
- Wastewater connections not addressed correctly.
- Proposal would result in direct overlooking of front gardens, living rooms and bedrooms.
- Residential density excessive.
- Would set a negative planning precedent.
- Established building line would be broken.

- If proposed residential Unit A becomes a commercial use in future, this would result in its amenity space becoming a delivery yard or store and, therefore, a nuisance for the surrounding residential area.
- Traffic issues and safety concerns (sightlines etc.)
- The proposed public bench would result in negative social behaviour.
- Insufficient details regarding refuse storage collection and the presence of multiple bins on the street could impede elderly people using the footpath.
- There are existing problems with low water pressure and drainage in the area and the proposed development would make exacerbate this.
- An extension to the existing dwelling (19 Hillsbrook Drive), or an additional 3-bed dwelling, would be more appropriate.
- The floor areas in the development description do not match the areas shown on the plans and drawings, and do not meet the minimum requirements.
- 50% dual aspect units should be provided.

## 4.0 Planning History

### ***Subject Site***

The appeal site has not been subject to any recent planning applications. I note that the Planner's Report states that there was an alleged unauthorised extension built at the side of the subject property, but that the enforcement file is closed / stature barred.

### ***Surrounding Area***

The surrounding area has been subject to various planning applications over the past number of years, including residential dwelling extensions and infill development, often on corner sites where properties are comparatively larger. This includes 42 Muckross Avenue where permission was granted in May 2007 for the demolition of a side garage and alterations and extensions to create a 2-bedroom apartment and new retail unit (Reg. Ref. SD07A/0252).

## 5.0 Policy Context

### 5.1. South Dublin Development Plan 2022-2028

#### 5.1.1. Zoning

The subject site is zoned 'RES – Existing Residential' under the *South Dublin County Development Plan 2022-2028* ('Development Plan'), which seeks 'to protect and/or improve residential amenity'.

Residential is listed as Permitted in Principle.

#### 5.1.2. Green Infrastructure (Chapter 4)

Section 4.2.2 relates to sustainable water management, and includes:

*Policy GI4: Sustainable Drainage Systems*

*Require the provision of Sustainable Drainage Systems (SuDS) in the County and maximise the amenity and biodiversity value of these systems.*

- **GI4 Objective 1:** *To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.*

#### 5.1.3. Housing Policy (Chapter 6)

Section 6.7 relates to **quality of residential development**, and includes:

*Policy H7 Residential Design and Layout*

*Promote high quality design and layout in new residential developments to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.*

- **H7 Objective 1:** *To promote a high quality of design and layout in new residential development and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development in accordance with the standards*



*set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) and the accompanying Urban Design Manual – A Best Practice Guide and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020), or as may be updated and Chapter 12: Implementation and Monitoring.*

- **H7 Objective 4:** *To ensure that residential development provides an integrated and balanced approach to movement, placemaking and streetscape design in accordance with the requirements of the Design Manual for Urban Roads and Streets, DTTAS and DEHLG (2013, updated 2019).*

#### **Policy H8: Public Open Space**

*Public Open Space Ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provide for active and passive recreation and enhances the visual character, identity and amenity of the area.*

- **H8 Objective 1:** *To ensure that public open space in new residential developments complies with the quantitative and qualitative standards set out in Section 8.7 of Chapter 8: Community Infrastructure and Open Space and Chapter 12: Implementation and Monitoring.*

#### **Policy H10: Internal Residential Accommodation**

*Ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long-term needs of a variety of household types and sizes.*

- **H10 Objective 1:** *To promote the provision of high-quality houses and apartments / duplexes within sustainable neighbourhoods by achieving the appropriate quantitative and qualitative standards, in accordance with Ministerial Guidelines and as set out in Chapter 12: Implementation and Monitoring.*

#### **Policy H11: Privacy and Security**

*Promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.*

- **H11 Objective 4:** *To ensure that opposing balconies and windows at above ground floor level have an adequate separation distance, design or positioning to safeguard privacy without compromising internal residential amenity.*

**Policy H13: Residential Consolidation**

*Promote and support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.*

- **H13 Objective 1:** *To promote and support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.*
- **H13 Objective 2:** *To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.*
- **H13 Objective 3:** *To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.*
- **H13 Objective 5:** *To ensure that new development in established areas does not unduly impact on the amenities or character of an area.*
- **H13 Objective 7:** *To support and facilitate the replacement of existing dwellings with one or more replacement dwellings, subject to the protection of existing residential amenities and the preservation of the established character (including historic character and visual setting) of the area (see Policy NCBH 22: Features of Interest and Chapter 12: Implementation and Monitoring).*

**Policy QDP10: Mix of Dwelling Types**

*Ensure that a wide variety of housing types, sizes and tenures are provided in the County in accordance with the provisions of the South Dublin County Council Housing Strategy 2022-2028.*

- **QDP10 Objective 1:** *To ensure that all new residential developments provide for a wide variety of housing types, sizes and tenures in line with the South Dublin County Housing Strategy 2022-2028.*

#### 5.1.4. Implementation and Monitoring (Chapter 12)

Chapter 12 sets out development standards and criteria that arise out of the policies and objectives of the County Development Plan to ensure that development occurs in an orderly and efficient manner.

- **Section 12.5.3** is in relation to **Density and Building Heights**. It states that *inter alia* development proposals for increased building heights and densities shall be accompanied by a contextual analysis by which the suitability or otherwise of different density and height levels can be assessed with reference to the receiving environment of the proposed development (see Section 5.2.7 and Appendix 10).
- **Section 12.6.8** is in relation to **Residential Consolidation**. It sets out the criteria for developing 'infill sites' and 'corner / side garden sites'. In relation to the latter, it is policy for a proposed development on corner and / or side garden sites to be innovative in its design appropriate and to respond to its context. It also seeks that 'the architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings.
- **Appendix 12** of the Development Plan is entitled '**Our Neighbourhoods**'. It has key objectives specific to particular Neighbourhood Areas, which includes the aspiration to deliver compact, sustainable and connected neighbourhoods.

#### 5.2. National and Regional Planning Policy

- *Sustainable Urban Housing: Design Standards for New Apartments, 2022*
- *Design Manual for Urban Roads and Streets, 2019*
- *Project Ireland 2040 National Planning Framework, 2018*

- *BRE Guide 'Site layout Planning for Sunlight and Daylight', 2011*
- *Urban Design Manual: A Best practice Guide, 2009*
- *Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009*
- *Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007, and*
- *Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019*

### 5.3. **Natural Heritage Designations**

No natural designations apply to the subject site or its vicinity.

### 5.4. **EIA Screening**

- 5.4.1. Having regard to the nature and small scale of the proposed development in an established urban and serviced area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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**

- 6.1.1. A First Party Appeal has been made by Studio 304 Architecture Ltd on behalf of the Applicant.
- 6.1.2. The appeal submission includes an alternative design option, which seeks to address the concerns and reasons for refusal set out by the Planning Authority in their Decision to Refuse Permission. A revised set of drawings and design statement were received with the appeal submission and are on the file. I note that the amended design provides for two 2-bedroom apartments, instead of three apartments as per the original application lodged with the Planning Authority. The

original application comprised a single 2-bedroom apartment and two studio apartments.

6.1.3. The main grounds of appeal can be summarised as follows:

- It is maintained that the original proposal submitted at application stage is consistent with planning policy and all design parameters. However, should the Board consider that a reduced density and alternative design is required, such an option is set out as part of the appeal documentation submitted.
- The appeal responds to each reason for refusal and areas identified in the Planner's Report which required further information, including drainage and access details.
- The reasons for refusal were unwarranted and could have been addressed as further information.
- The key issues are density, respecting the existing building line, private amenity space, active façade (avoidance of blank gable end walls) and protection of residential amenities.
- Irish Water has confirmed feasibility of connection for the proposed development.
- In conclusion, it is submitted that the reasons for refusal cited by the Planning Authority can be overcome through the proposed amended design.

## 6.2. Planning Authority Response

- The Planning Authority confirms its Decision. The issues raised in the appeal have been covered in the Planner's Report.

## 6.3. Observations

The observations made include those from residents at 15 Hillsbrook Drive and 17 Hillsbrook Drive (directly north of the site), and 27 Brookdale Downs, Rathfarnham, Dublin 17. They raise the main following concerns:

- The amended design is significantly different from the original proposal. As the revised design has been made directly to An Bord Pleanála this precludes

some third parties from submitting an observation to the Planning Authority and becoming involved in the planning process. This warrants a new planning application as the revised scheme is very different.

- The new second-floor balcony at the rear of the proposed Unit B would overlook a number of houses adjacent the subject site, including Nos. 11, 13, 15 and 17 Hillsbrook Drive. The previous proposal had the balcony at the front of the building and this was opposed by residents. The new balcony would still constitute haphazard development.
- The subject property is suburban in nature and not capable of accommodating the proposed apartments without breaking the established building line along Hillsbrook Drive. Such a projection beyond the building line would detract from the streetscape. It would also be the only such occurrence of this in what is an extensive surrounding residential estate.
- The proposed development would be completely incongruous and not in keeping with the character of the surrounding area. It would set a damaging precedent if permitted.
- No shadow survey has been completed.
- Traffic safety concerns as the proposal would interfere with line of sight on Hillsbrook Drive.
- The level of car parking is insufficient as only one car space is proposed for two 2-bedroom apartments.
- Insufficient communal bin storage and cycle parking facilities.
- There would be no management company for the proposed development.
- Water pressure in the area is already very low and the proposal would exacerbate this.
- The greatest impact would be on 19 Hillsbrook Drive itself. Currently nos. 19 and 19A appear to be in single ownership. However, this would not be the case if the proposed development were to proceed. No. 19 would lose a large part of its amenity space, front garden, gateway and driveway.

- If proposed Unit A changes its use in the future to commercial, this would result in its amenity space becoming a delivery yard or store, which would be detrimental for the surrounding residential area in terms of nuisance and general amenity impacts.

#### 6.4. Further Responses

The Applicant lodged a further submission to the Board (received 31 March 2022), which is in response to the third party observations. The following main issues were raised:

- The proposed balcony for Unit B would be screened and the use of louvres would prevent overlooking of any neighbouring properties. This may be conditioned to safeguard any privacy issues arising.
- Each apartment will have 1.3sqm allocated for bin storage, which is sufficient for 3 no. 180 litre bins. This will be enclosed in a purpose-built timber enclosure. The details of this could be conditioned to safeguard any visual or amenity issues arising.
- Water pressure is not a planning issue. A confirmation of feasibility for water and wastewater for the scheme has been provided by Irish Water (see appendix attached to original appeal).
- Two of the third parties have already made objections to the Planning Authority on the original proposal. They have also lodged observations to the Board against the revised scheme. The Planning Authority considers the revised design to be similar in nature to that of the initial application.
- A single marked car parking space is provided, which is 6m in depth. The new driveway is in a similar position to that of the existing one. However, it is slightly further away from the corner with Muckross Avenue.
- It is considered that a shadow survey would not be necessary as the neighbouring properties are to the north and east of the subject property. There would be no undue overshadowing.

## **7.0 Assessment**

### **7.1. Introduction**

#### Amended Design

- 7.1.1. The Applicant has submitted an amended design as part of their appeal which comprises two 2-bedroom apartments. The proposed units are 74sqm and 80sqm, respectively. This equates to a reduction of one residential unit compared to the original proposal. The amended design is discussed in further detail below.

#### Planning Issues

- 7.1.2. I consider the main planning issues in determining this appeal are:

- Design, Layout and Scale
- Visual Impact
- Loss of Light, Overlooking and Overbearance
- Wastewater and Drainage
- Traffic and Parking
- Other Issues
- Appropriate Assessment

### **7.2. Design, Layout and Scale**

- 7.2.1. The Planning Authority's first reason for refusing permission is that the proposal would constitute overdevelopment of the site, be of an excessive density and that its design and layout is deficient. The Planner's Report indicates that to overcome such concerns the development may be better suited to two residential units, subject to a significant redesign.
- 7.2.2. The original application sought permission for a single apartment block comprising 3 no. apartments. The residential split was for 2 no. studio apartments (c. 41sqm and 43 sqm, respectively) and a single 2-bedrom apartment (c. 85sqm). The proposed scheme also included cycle parking, refuse storage, private and communal amenity areas and associated site works.



- 7.2.3. I note the comments in the First Party Appeal in that the Applicant felt the reasons for refusal cited by the Planning Authority were unwarranted and could have been addressed by way of providing further information. In my opinion, and in having regard to the Planner's Report, it is clear to me that the Planning Authority had several fundamental concerns with the proposed development. This included *inter alia* that the scheme constituted overdevelopment of the site, that it provided a poor standard of internal accommodation and that it failed to blend in appropriately with its receiving environment.
- 7.2.4. I consider that further information should only be sought in a scenario to provide additional details to a Planning Authority where the proposal is broadly acceptable, or else involve modifications to its overall design. However, in this case, given the significant concerns raised on several aspects of the proposal, and the requirement for its redesign, I consider it appropriate that the Planning Authority did not request further information.
- 7.2.5. The Applicant submits to the Board in the opening paragraphs of their appeal that the original proposal – i.e., the version submitted at planning application stage – is consistent with all relevant planning policy and design parameters. It is argued that this version of the proposed development would not represent any inappropriate amenity impact and, therefore, should be granted permission. There is limited detailed information contained in the appeal to support this statement however, and I note that the Applicant has not specifically addressed the reasons for refusal set out in the Council's Decision.
- 7.2.6. I note also the Applicant states that should the Board consider an alternative design is required, such an option has been included as part of the appeal. The revised design reduces the size, scale and volume of the proposed development. It also makes a series of specific design changes in an attempt to address the concerns cited by the Planning Authority. Having regard to this, I consider it appropriate to assess the proposed development on its revised design only.
- 7.2.7. I highlight for the attention of the Board that an amended set of drawings, correspondence from Irish Water and updated design statement are included as part of the appeal submission. A summary housing quality assessment is also set out on Page 4 of the design statement.

- 7.2.8. The alternative proposal comprises two 2-bedroom apartments which equates to a reduction of one apartment compared to the original proposal. The proposed units are 74sqm and 80sqm, respectively, and for a 3-person occupancy. The proposal is for a single two-storey block. The existing single storey flat is to be demolished.
- 7.2.9. The scale of the building would generally match that of other houses on the street and of the surrounding vicinity. The building would have an overall ridge height of c. 8m and not exceed that the height of adjacent dwellings. It adopts a contemporary design with concrete tiles on the roof and uses a combination of roughcast and smooth render on its external walls to match the other houses in the area. The fenestration pattern is relatively uniform, but also provides a degree of visual interest through different window sizes and a variation across the building's solid to void relationship. The proposed materials and finishes are generally acceptable, in my opinion, and appropriate in this context.
- 7.2.10. In terms of residential density, the revised scheme provides 2 no. units on a site with a stated area of 0.036ha which equates to approximately 83uph. This includes the house at 19 Hillsbrook Drive, but not the existing apartment, which is to be demolished. Such a residential density would be higher than that of the wider surrounding area, which mainly comprises traditional terrace and semi-detached suburban housing. However, having regard to the provisions of the Development Plan regarding provision of infill housing, including Policy H13, which is to promote and support residential consolidation and sustainable intensification at appropriate locations, I consider this to be an acceptable density. H13 Objective 3 is particularly relevant, in my opinion, and this is to favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to meeting the appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.
- 7.2.11. The Sustainable Residential Developments in Urban Areas - Guidelines for Planning Authorities (2009) (para. 5.9) highlights that the provision of additional dwellings within inner suburban areas has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. However, they also state that 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 privacy of adjoining dwellings, the protection of established character and the

need to provide residential infill. Therefore, I consider the principle of the proposed development on the site is acceptable, but that this is subject to adherence with the applicable development management standards.

7.2.12. In relation to the provision of private amenity space, I note that the revised scheme meets / exceeds the minimum standard of 6sqm for each proposed apartment unit. This is provided in the form of a garden at ground level (13.5sqm) at the rear of the development and a first-floor terrace / balcony (6sqm), which is also at the back of the scheme. The balcony at the front of the original development proposal, (i.e., the one facing east directly onto Hillsbrook Avenue and considered unacceptable by the Planning Authority) has now been removed from the scheme.

7.2.13. I note that adequate storage space is provided for each apartment, 5.1sqm and 5.3sqm respectively. Furthermore, no individual storage room within either apartment exceeds 3.5sqm, which is also in accordance with the Apartment Guidelines. This information is shown on the drawings and housing quality assessment submitted as part of the appeal.

7.2.14. In summary, I consider that the revised proposal is acceptable in terms of its design, layout, size and scale and that it would be consistent with the provisions of the Development Plan in relation to promoting and supporting residential consolidation and sustainable intensification at appropriate locations, including H13 Objective 1, H13 Objective 2, and H13 Objective 3.

### **7.3. Visual Impact**

7.3.1. The Planning Authority's second reason for refusal is that the proposal – i.e., the version submitted at application stage – would have excessive width and significant blank facades resulting in a visually obtrusive design that would not be consistent with the established character of the surrounding residential area.

7.3.2. I have reviewed the previous proposal and agree that it would likely have been an incongruous form of development which would have had an unacceptable impact on the visual amenity of Hillsbrook Drive and its surrounding network of streets. The proposal was poorly designed, in my view, and would have resulted in significant visual impacts on the adjacent residential properties and streetscape in general.

- 7.3.3. The revised proposal is an improvement on its predecessor, however, certainly in general design, appearance and visual amenity terms. The proposed apartment block has been modified in size and volume so that it is now more in keeping with the character of the surrounding area. The proposal respects the existing front and rear building lines established by nos. 13 to 19 Hillsbrook Drive and does not project forwards past this. It matches the roof profile of adjacent houses and the previous bulky and unwieldy gable ends have been omitted from the new design.
- 7.3.4. The proposed fenestration arrangement is relatively uniform and omits any elaborate designs or overly intricate features, which is also positive, in my view. The introduction of ground floor windows along Muckross Avenue (south elevation) are generally acceptable and the double aspect corner window at first floor level helps provide a contemporary and attractive aesthetic to the overall appearance of the scheme.
- 7.3.5. In summary, I consider the proposed development whilst innovative, and somewhat unusual in its design and appearance, would be appropriate and respond well to its receiving context. The proposed development would be in keeping with the character of the surrounding area and in accordance with the Development Plan, including the criteria outlined in Section 12.6.8 ('residential consolidation').

#### **7.4. Loss of Light, Overlooking and Overbearance**

- 7.4.1. The Planning Authority's third reason for refusal is that the proposal would result in an unacceptable loss of light and overshadowing of adjoining properties and be overbearing when viewed from the rear habitable room windows and outdoor amenity space associated with 48A Muckross Avenue.
- 7.4.2. The Applicant has sought to address these concerns through the amended design by including a first-floor balcony at the rear (west) side of the apartment block. The proposed balcony is recessed back into the building by approximately 1.7m. Its inclusion would create a partial void at first floor level in the western elevation of the building. This device would help break up and reduce the massing of the proposed development, in my opinion, particularly when viewed from the west. The change would, therefore, allow the scheme to integrate more appropriately within its broader receiving environment.

- 7.4.3. In relation to the potential overlooking of adjoining properties, I note that there are no proposed windows at first floor level facing west – apart from the glazed sliding doors which provide access to the balcony. The presence of the balcony itself would prevent views from inside the apartment down into the adjacent property. There are also no north facing windows either at ground or first floor levels. Therefore, the only real potential for overlooking would be from the first-level balcony itself and into the rear private amenity space associated with 48A Muckross Avenue. To address this, the balcony is proposed to be screened with privacy louvres and fins which would assist in preventing direct views into this property.
- 7.4.4. I have scaled the louvres on Drawing PA05 to be approximately 1.7m in height and consider that this would likely impede views for those seated on the terrace, and for most people of average height when standing. I also note that the external space associated with 48A Muckross Avenue appears to be a small yard area which is offset at an oblique angle to the appeal site. I consider that the mitigation proposed in this instance would help address potential adverse overlooking and that residential amenity would not be unduly diminished by the proposed development. The Board may wish to condition the requirement for louvres for the balcony to safeguard against any privacy issues arising, however.
- 7.4.5. Furthermore, the balcony is fully recessed into the building so that it does not protrude outwards. The rear building line of 19 Hillsbrook Drive extending westwards has been respected, such that direct overlooking of properties to the north would not be possible. The previous front facing balcony which sat forward of the established building line facing Hillsbrook Drive, and therefore faced directly onto the street, has also been omitted from the amended design.
- 7.4.6. The proposed development is consistent with the established building line facing towards Hillsbrook Drive (east). It also does not protrude past the rear building line created by these houses, and I note some of the houses appear to have single storey extensions, thus, taking up some of the rear garden space. The likelihood of the proposed development causing an unacceptable increase in overshadowing for properties to the north is therefore limited, in my opinion.
- 7.4.7. I note that the Planning Authority also raised concerns that the original version of the proposal had only a minimal setback from the dwellings on Muckross Avenue and

that this, together with the excessive depth of the apartment block, would result in an unacceptable loss of light and overshadowing of adjoining/adjacent properties.

Section 12.6.8 of the Development Plan 'Residential Consolidation' requires that residential consolidation proposals should be guided by the quantitative performance approaches and recommendations of the BRE Guidelines for Site Layout Planning for Sunlight and Daylight, 2011 (Dot Point 10 refers). To this end, I note that the Applicant has not provided any shadow diagrams or an assessment against the BRE Guidelines.

- 7.4.8. Notwithstanding this, I have carried out a physical inspection of the appeal site, and its surrounding vicinity, and viewed the technical drawings accompanying the application. I am satisfied that due to the revised design and height of the proposed development, which is two-storeys (with an overall, approximate eaves height of 5.5m) and which is therefore similar to the existing, prevailing height in the area, there would no significant daylight or overshadowing impacts caused by the proposed development.
- 7.4.9. In relation to the properties west of the appeal site, I note that the majority of these are in commercial use. However, the property directly west, which is 48A Muckross Avenue, has a small private amenity space which would likely experience a degree of overshadowing as a result of the proposed development. The open space appears to be an enclosed yard of sorts and have limited amenity value, in my opinion, given its small size, irregular shape and positioning north of the house it is associated with.
- 7.4.10. I note also that existing houses (Nos. 48A and No. 19 Hillsbrook Drive) currently cast a shadow on the space for large parts of the day as the sun-path moves along its axis from east to west. Furthermore, the presence of the existing single storey flat on the appeal site with, what appears to be a relatively tall boundary treatment between the sites, indicates the existing level of sunlight entering the space is unlikely to be significantly affected by the presence of the proposed development. I consider that the potential loss of light and overshadowing caused by the new scheme would be acceptable, having regard to its proposed height, size and scale, the existing (low) quality of the space, and the need to provide new homes within an area identified for residential development/compact growth and to provide increased densities within zoned, serviced and accessible sites. I consider that the potential

impact on existing residents would not be significantly adverse and that it is mitigated as part of the revised design in so far as is reasonable and practical.

7.4.11. In summary, I consider the proposal is consistent with H13 Objective 5 of the Development Plan, which is to ensure that new development in established areas does not unduly impact on the amenities or character of an area, and also with H13 Objective 7, which is to support and facilitate the replacement of existing dwellings with one or more replacement dwellings, subject to the protection of existing residential amenities and the preservation of the established character.

7.4.12. I conclude that the proposed development would not unduly injure the residential amenities of the area or of property in the vicinity, by way of visual impact, overlooking, loss of daylight or sunlight, or otherwise, and that it would provide an acceptable form of development in this established residential area.

## **7.5. Wastewater and Drainage**

7.5.1. The Planning Authority's fourth reason for refusal is that the proposed approach for surface and foul water discharge directly via the existing foul water sewer was considered unacceptable. The Planning Authority also stated that additional SuDS measures should be incorporated as part of the proposed scheme to help attenuate surface water.

7.5.2. The Appeal includes a revised drainage layout which shows the surface water connecting to the surface water drain only (Drwg No. PA06 refers.) A new surface manhole would also be positioned in front of the building and no surface water discharge would be through the public sewer network.

7.5.3. The amended layout includes additional Sustainable Urban Drainage Systems (SuDS) measures to assist with reducing surface water runoff and, therefore, would help to lower flow rates to the public system. The new measures are permeable surfacing / paving at the front and rear parts of the property, water butts for collecting rainwater, filter drains and a large planter box.

7.5.4. I consider that these additional features would assist in managing and attenuating rainwater runoff from the site and would be in accordance with the relevant local policy in this regard, including GI4, Objective 1.

- 7.5.5. In summary, I am satisfied the proposed amended design would be acceptable in terms of its drainage proposals and would not be prejudicial to public health and safety.

## **7.6. Traffic and Parking**

- 7.6.1. The Planning Authority's fifth reason for refusal states that given the lack of information submitted in relation to car parking, manoeuvrability, boundary finishes and cycle parking, the proposed development could give rise to traffic hazard.
- 7.6.2. Many of these issues are addressed within the first party appeal, or can be dealt with by way of condition, in my opinion. I note that one onsite car parking space is provided to cater for the two apartments. Observers have raised concerns that this is inadequate to cater for the level of car parking which would be generated by the scheme and that an overspill of cars onto the street would likely occur were the development to proceed.
- 7.6.3. The Board could consider refusing permission for the proposed development on the basis that there is insufficient car parking provided as part of the proposal. However, I consider this would be unnecessary and unwarranted, and that there are mitigating circumstances due to the site's suburban location within a short walking distance of both frequent public transport and proximity to services which would fulfil many occasional and day to day needs.
- 7.6.4. Table 12.26 of the Development Plan sets out parking rates for residential development. Given the infill nature of the site, 2 no. car parking spaces would normally be required for the proposed development (one per each two-bedroom apartment). However, I note that the car parking rates are 'maximum standards' and that the Development Plan states that the appropriate level of parking provision should be based on public transport accessibility in the area, amongst other factors. I also note that the Apartment Guidelines (Section 4.23) state that in suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net, planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.



- 7.6.5. The site is within less a 100m distance of a small strip of shops and commercial uses on Muckross Avenue. This includes a newsagent, dental clinic and hair dressing salon. There is a larger commercial centre within a 7-minute walking distance south on Whitehall Road West. This includes a further newsagent / shop, medical centre, pharmacy, post office, estate agents, and various bar / restaurant / takeaway uses. Ashleaf Shopping Centre is within an 8 - 9 minute walk north of the site. This is a Level 3 retail centre according to Table 9.2 'Settlement Hierarchy and Retail Hierarchy' of the County Development Plan. It contains a department store (Dunnes Stores), various ancillary food stores and other cafés, restaurants, shops, amenities and facilities. A footpath with public streetlighting connects the site to each centre.
- 7.6.6. The subject property is also within a short distance of several frequent bus routes serving the area. These travel along Whitehall Road (5mins walk), Whitehall Road West (6mins walk), and Kimmage Road West (9mins walk). Many services connect to Dublin City Centre and other employment and services destinations in the wider surrounding area.
- 7.6.7. During my site inspection, I observed there was no obvious pressure for on-street car parking demand on the adjoining residential street network (roughly mid-day, 25<sup>th</sup> April 2023). However, I acknowledge that this was at a time when some residents would likely be at work or outside the home and when demand for car parking on the street would likely be less. I also noticed that a sizeable proportion of cars were parked on the street rather than within the driveways of houses.
- 7.6.8. Having regard to the above, I consider that the demand for travel generated by the proposed development would be relatively low and that a reduced car parking provision would be in accordance with national and local policy provisions.
- 7.6.9. The Proposed Site Layout Plan (revised version) shows a single cycle parking space at the front of each apartment. Section 12.7.1 of the Development Plan (Table 12.23) requires 1 no. long stay bicycle space per bedroom and 1 no. short stay space per two apartments. This equates to a total requirement of 7 no. cycle parking spaces. These are minimum standards, and I note that the Development Plan states any deviation from this is at the discretion of the Planning Authority and should be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement / enlargement. No such information or justification

has been provided as part of the application or appeal. However, I consider that this matter could be addressed by way of condition requiring the Applicant to show a potentially larger number of bicycle parking spaces provided within the site, together with the layout, demarcation and security provisions clearly identified. The information should be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

7.6.10. In relation to the issue of vehicular manoeuvrability and access / egress for car parking purposes, I note that the parking space would be approximately 6m in length with the driveway entrance pillars roughly 3.8m apart. I also note that vehicular movements within the estate are likely to be relatively infrequent and that potential for vehicular traffic conflicts caused by the proposed development would, therefore, be limited and the risk of a collision low. This site is in an urban area where speed is naturally limited and a low traffic environment. I do not consider that a detailed technical assessment, such as a swept path analysis, would be required in this instance for these reasons. In terms of forwards visibility, I note that the Council's internal Roads Department specified in their internal report that boundary walls and pillars at vehicle access points should be limited to certain heights. This can be addressed via condition.

7.6.11. In conclusion, and in having regard to the above, and particular circumstances applying to the subject property, I am satisfied that the proposed development would not give rise traffic hazard or be prejudicial to public health.

## **7.7. Other Issues**

### Water Pressure

7.7.1. Third parties have raised a concern that the proposed development would exacerbate an existing problem regarding low water pressure in the area.

7.7.2. However, there is no indication that the proposal could not be adequately served by the existing public water supply. Irish Water have not objected to the proposal, and I confirm that they have provided a confirmation of feasibility for new water and wastewater connections without the need to upgrade infrastructure in the area.

### Third Party Representation

- 7.7.3. I note the contention made by some observers stating that the amended design option is significantly different from the original proposal, but as it has been made directly to An Bord Pleanála this precludes some third parties from making an observation to the Planning Authority and, therefore, becoming involved in the full planning process.
- 7.7.4. I have reviewed the plans and particulars of the amended design which form part of the first party appeal and considered the changes in design, layout, scale and elevational appearance. I do not believe that the proposed new version of the scheme is so vastly different when compared with the initial design, such that permission should be refused purely on this basis, or that third party rights have been undermined in some way. The scheme is for a similar size residential apartment scheme, which follows a roughly similar layout, scale, and design format, but has one less housing unit.
- 7.7.5. I am satisfied that the revised proposal submitted at appeal stage has not unduly prevented parties from having adequate opportunity to make representations as part of the planning process.

### **7.8. Appropriate Assessment**

Having regard to the nature and small scale of the proposed development, which is for an infill apartment development and ancillary site works, the location of the site in an urban and serviced area, the separation distance to the nearest European site, no Appropriate Assessment issues arise. Therefore, it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

### **8.0 Recommendation**

- 8.1. I recommend that planning permission be granted for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the South Dublin Development Plan 2022-2028, including the residential zoning for the site, and to the nature, design and layout of the proposed residential development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would provide an acceptable standard of amenity for future residents and be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 3<sup>rd</sup> February 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>A privacy screen / louvres shall be provided along the western side of the proposed first-floor balcony to screen this private amenity space from public view. Revised drawings indicating the design shall be submitted to and agreed with the planning authority prior to the commencement of the development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, including boundary treatments, shall be</p>

	<p>submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>Surface water drainage arrangements for the proposed development shall comply with the requirements of the Planning Authority.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
6.	<p>The number, layout, design and demarcation of the bicycle spaces / storage to be provided within the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
7.	<p>a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>b) This plan shall provide for screened bin stores, which shall accommodate not less than three standard-sized wheeled bins within the curtilage of each house plot.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>

8.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developers or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

[I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.]

---

Ian Boyle  
Senior Planning Inspector

2<sup>nd</sup> May 2023