



An
Bord
Pleanála

Inspector's Report

ABP-313553-22

Development

The development will consist of: (i) Demolition of dwelling and steel shed to the rear; (ii) construction of 2 separate apartment blocks yielding a total of 27 apartments together with all associated site works and services.

Location

No. 17 Richmond Avenue, Fairview, Dublin 3 (D03 TK54) and No. 19, Richmond Avenue, Fairview, Dublin 3.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

3657/21.

Applicant(s)

Vesada Private Limited.

Type of Application

Planning Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

Third Party.

Appellant(s)

1. Anne Marie Farren & Ors.
John Griffin.

Observer(s)

2. None.

Date of Site Inspection

18th day of July, 2023.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. No. 17 and No. 19 Richmond Avenue, the appeal site has a given site area of 890m² and its road frontage is situated c138m to the north of Richmond Road. In addition, the site is located under 2km as the bird would fly from Dublin City Centre, in Fairview, Dublin 3.
- 1.2. The site itself is comprised of two separate plots with No. 19 containing an attractive though much dilapidated two storey red with black detailed brick period dwelling that is setback from Richmond Avenue by a small pocket of open space that is surrounded by period railings sitting on granite plinths and a modest granite step that links to a limited in-depth concrete pedestrian footpath that terminates at a granite step that provides access to its raised front door.
- 1.3. The adjoining public domain consists of a modest in width footpath which is in poor repair. A single yellow line runs along the roadside carriage of No.s 17 and 19 Richmond Avenue in an easterly and westerly direction. To the rear of No. 19 Richmond Avenue there is a later addition and an overgrown garden area.
- 1.4. To the west No. 19 is adjoined by a single storey in poor repair shed type structure and the immediately to the west of that is the narrow frontage of No. 17 which contains a high locked gate. This gate provides access via a restricted in width linear strip of land to the rear of No. 17 and No. 19. The rear of No. 17 and 19 Richmond Avenue is overgrown and contains a barrel-vaulted shed structure that is in poor repair located in close proximity to their rear boundary. The site boundaries consist of varying in height walls.
- 1.5. The site is bound by a derelict development site to the immediate north and the modest residential cul-de-sac of Richmond Lodge to the west. In addition, a warehouse, motor forecourt and car wash bound the site to the south (Eagle Motors) and on the opposite side of Richmond Avenue is the Richmond Gardens residential scheme.
- 1.6. There are a number of on-street pay and display/permit parking on-street car parking spaces on Richmond Avenue. In addition, there is also a car sharing 'Gocar' provision located on Richmond Avenue.
- 1.7. Richmond Avenue is mainly characterised by residential development of varying architectural periods and quality. It also contains a number of other commercial uses.

2.0 Proposed Development

2.1. The planning application as lodged on the 8th day of October, 20221, sought planning permission for the following:

- Demolition of existing dwelling and existing steel shed to the rear of subject site.
- Construction of 2 no. separate apartment blocks yielding a total of 27 no. apartments (21 no. 1-bed units and 6 no. 2-bed units), comprising:
 - (i) Block 1 - 6 storeys in height consisting of 6 No. 1-bed units and 6 No. 2-bed units.
 - (ii) Block 2 - 5 storeys in height consisting of 15 No. 1-bed units.
 - (iii) Pedestrian access via Richmond Avenue.
 - (iv) Provision of 60 no. bicycle parking spaces.
 - (v) Communal open space including 2 no. roof gardens.
 - (vi) Substation and Plant rooms.
 - (vii) Bin Storage.
 - (viii) All associated engineering and site development works necessary to facilitate the proposed development.

According to the planning application form the floor area to be demolished is 890m² and the total gross floor area of new buildings is 1,970.5m². In addition, it indicates a proposed plot ratio of 2.2 and site coverage of 52.50%. Section 12 of the planning application form indicates that no car parking spaces are proposed. This application is accompanied by the following:

- A letter of consent from the owner of No. 19 Richmond Avenue to make this application.
- Design Statement.
- Building Lifecycle Report.
- Planning Statement.
- Engineering Assessment Report.
- Mobility Management Plan.

- A Quality Housing Assessment.
- Sunlight Analysis.
- Document titled Landscape Rationale – Proposed External Materials for Richmond Avenue.
- Outline of Construction & Demolition Management Plan.
- Flood Risk Assessment.
- Photomontages.

2.1.1. On the 21st day of March, 2022, the applicant submitted their further information response. This revised apartment scheme resulting in the redesign of Block 1 and 2 resulting in a 23-unit apartment scheme following the omission of four apartment units, the eastern portion of Block 2 being reduced from five storeys to two storeys. For clarity, the key statistics from the plans, particulars and schedules of accommodation incorporating the further information revisions are summarised in Table 1 and 2 below:

Table 1: Summary of Residential Unit Mix for the 23 Apartment Units Proposed

Unit Type	Studio	1-Bed	2-Bed	3 plus Bed
Ground	-	4	1	-
First	-	4	1	-
Second	-	2	2	-
Third	-	3	1	-
Fourth	-	1	2	-
Fifth	-	1	1	-
Total	0	15	8	0
Percentage of Total	0%	65%	35%	0%

Table 2: Key Statistics

Site Area	0.089 hectares (890m ²). Site Coverage - 52.50% (468m ² / 890m ²). Plot Ratio – 2 (1815m ² / 890m ²).
Demolition	Existing Dwelling at No. 19 Richmond Avenue: 95m ² ground floor and 65m ² first floor totalling 160m ² . Steel Shed at No. 17 Richmond Avenue: 160m ² . Total Demolition: 320m².
Proposed Floor Area	Block 1: Total Floor Area - 956m² comprising of: Ground Floor Level - 157m ² . First Floor Level - 155m ² . Second Floor Level - 155m ² . Third Floor Level - 155m ² . Fourth Floor Level - 157.5m ² . Fifth Floor Level - 157.5m ² . Roof - 19m ² . Block 2: Total Floor Area - 826m² comprising of: Ground Floor Level - 208.5m ² . First Floor Level - 197.5m ² . Second Floor Level - 169m ² . Third Floor Level - 128.5m ² . Fourth Floor Level - 104.5m ² . Roof - 18m ² . Bicycle Parking / Plant - 35m ² .
Residential Units	23 apartment units as set out in Table 1 above. Residential Density: 104.59 units per hectare
Building Height	Existing Dwelling addressing Richmond Avenue: Ridge Height of 13.98m (Ground level of 4.410m). Existing Shed to be demolished: Ridge Height of 11.85m (Ground level of 5.3m). Block 1 (Six Storeys) fronting Richmond Avenue: Roof Level Maximum Height of 27.65m. Ridge Height of 24.35m. Parapet Height of 19.5m. Block 2 (Five Storeys) Rear of Site (adjoining Convent Avenue):

	Roof Level Maximum Height of 25.05m. Ridge Height of 24.75m Parapet Height of 18.69m. Bicycle Storage Structure: 3.175m.
Aspect	2: Single (8.69%) 16: Dual (69.56%) 5: Triple (21.73%)
Open Space	Communal Open Space provided 350m ² . Private Amenity Space provided 146m ² .
Car Parking Spaces	None.
Bicycle Parking	60 bicycle parking spaces

2.1.2. This further information response is accompanied by the following documents:

- Report titled 'Additional Information Response'.
- Daylight & Sunlight Assessments.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By order dated the 14th day of March, 2022, the Planning Authority decided to **grant** permission for the proposed development subject to 21 no. mainly standard conditions with the exception of the following:

Condition No. 3: Sets out that the development approved comprises of 21 no. apartment units.

Condition No. 12: Requires the planting bed along the southern elevation of Block 1.

Condition No. 15: Requires all balconies and terraces to be enclosed by obscure glazed balustrades with all balustrades to the terraces being 1.5m above finished floor level with the southern side of projecting balconies serving Apartments 6, 9 and 12 in Block 2 being fitted with opaque glazing to

at least 1.8m in height in the interest of visual and residential amenities.

Condition No. 17 reads: *“The development hereby approved shall incorporate the following amendments:*

a) Apartment 10 as a residential unit shall be omitted. The area of the bedroom and bathroom shall be omitted and the proposed living space area shall be retained but further reduced by its western elevation being pulled back to match the elevation of the western windows to Apartment 12. This reduced area shall then be taking into the area of Apartment 12 and the overall become a two bed unit.

b) With the amendment required above the terrace at third floor would be directly accessible from the lobby at third floor and this shall serve as communal open space. The area of the terrace north of the revised Apartment 12 shall be provided for the sole use of the revised Apartment 12 with an obscure glazed partition between it and the communal terrace.

c) The west façade to the modified residual space formerly part of Apartment 10 and now to be part of Apartment 12 shall be clad in self-coloured render as shown in the Southwest Elevation drawing.

d) Apartment 15 and associated service core at fourth floor level shall be omitted.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings. Reason: In the interests of visual and residential amenity.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **final report** is the basis of the Planning Authority's decision, and it can be summarised as follows:

- The separation distance from the revised windows at second and above floors of Block 1 to the east elevation of Block 2 would be sufficient to prevent undue overlooking.
- Block 1 receives adequate levels of lighting.
- Overall Block 1 revisions are minor and include amendments to the window arrangement that subject to dense planting is deemed to be acceptable.
- Of concern only half of the area of the third and fourth floor of Block 2 requested to be omitted has been.
- Block 2 as viewed from Richmond Lodges would be legible as a five storey and the use of white render does not conceal the block which would be overly bulky when viewed from Richmond Lodge.
- Apartment 10 should be omitted.
- The reduction in scale of Block 2 would improve conditions for any future development of the site to the north.
- No significant daylight and sunlight issues arise.
- Subject to the suggested revisions the proposed development would represent a satisfactory redevelopment of an underutilised light industrial site in a predominantly residential area at a density and heights suitable for its location within the inner suburbs close to public transport, employment, and social/community facilities.
- No AA issues arise.
- Concludes with a recommendation to grant permission.

The **initial report** can be summarised as follows:

- The demolition of the existing shed to the rear of the site does not present any issues in principle.

- No. 19 Richmond Avenue though having an attractive front façade is not of such merit as to warrant its protection.
- The construction of two buildings accommodating the proposed 27 apartments is considered appropriate.
- The breakdown of one bed units fails to comply with the Design Standards for Sustainable Communities.
- The density is high but reflective of the small site area.
- The sunlight analysis does not appear to take account of No. 15 Richmond Avenue.
- Concerns are raised about Block 1's potential to give rise to considerable overshadowing and overlooking issues for properties in their vicinity.
- Block 1 is considered to be a positive architectural intervention into the street.
- The six-storey block proposed would not be excessive in its context.
- The schemes permitted at No. 9 and 15 Richmond Avenue are to the rear three storey in height.
- The proposed scheme is seeking to gain further floor area at the expense of any future development adjacent to it.
- The building line established by the adjoining derelict residential scheme should be respected.
- The depth of Block 1 to the rear is considerably beyond that of the adjacent derelict blocks and would impose unduly on the amenity of future residents of any subsequent scheme by way of overbearing and overshadowing.
- Block 2 is likely to give rise to additional overshadowing on the roadway and properties of Richmond Lodge.
- The five storeys would be overbearing against the context of Richmond Lodge as well as would have an undue impact on its residential amenities.
- It is considered that the proposed scheme would have a significant detrimental impact on Third Party properties and therefore a number of revisions are recommended which would also result in the loss of seven units.

On foot of this report the Planning Authority sought **further information** on seven items. These items can be summarised as follows:

- Item 1: Seeks that a daylight and sunlight study based on best practice guidelines for Block 1 and 2 be provided with this including the relationship with the development site to the immediate south (No. 15 Richmond Avenue) as well as demonstrate how the proposed habitable rooms meet the recommended Average Daylight Factors set out in BS 8206 2 2008 Lighting for Buildings including but not limited to the recommended 2% ADF target for any combined kitchen/dining/living room areas.
- Item 2: Seeks that the proposed scheme be revised to address the potential adverse impacts on the site to the immediate north (No.s 21 to 31 Richmond Avenue) and the residential scheme of Richmond Lodge. This includes consideration of:
- Omitting Apartments 8, 11 & 14 from Block 2.
 - Omission of Apartments 10 & 13 from Block 2.
 - Provision of floor to ceiling clear glazing on west facing windows to living rooms of Apartments 5, 7, 9 & 11 of Block 1.
 - Provision of floor to ceiling fixed obscure glazing to the living rooms of Apartments 1 & 3.
 - Provision of roof terrace above Apartment 5 and 7 with all terraces enclosed by obscure glazed balustrades to a height of 1.5m above finished floor level.
- Item 3: Daylight and Sunlight Impact Analysis on adjoining Third Party properties is sought.
- Item 4: Sunlight/Shadow Assessment of open amenity space is sought.
- Item 5: Seeks a number of privacy concerns to be addressed for units in both blocks.
- Item 6: Compliance with SPPR1 and SPPR2 of the Design Standards for New Apartments, 2020, is sought.

Item 7: Clarity on drawings of Block 1 and Bloc 2 is sought alongside the applicant is requested to ensure all materials are consistent in its description of the scheme.

3.2.2. **Other Technical Reports**

Drainage: No objection subject to standard safeguards.

Transportation: No objection subject to safeguards. The following points are noted:

- There is a requirement of 1.5 car parking spaces per dwelling under the Development Plan for residential development at this location. Notwithstanding, they are open to the consideration of car-free dependent residential scheme with access to public transport at this location subject to it being supported by a robust resident Mobility Management Plan/Residential Travel Plan to support future residents.
- The bicycle parking provision meets local and national standards.
- It is unclear how the bin storage will be managed as the internal access road is only 2.5m to 3.4m in width and therefore cannot accommodate vehicular movements.
- Both blocks are located within 45m of the public road within which emergency fire access could be provided within requiring any vehicle to enter onto the site.
- Construction and Demolition Management Plan requires agreement.
- Concludes with no objection to the proposed development subject to five conditions.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

3.4.1. During the Planning Authority's determination of this planning application, they received several observations from residents of properties at Richmond Lodge, Richmond Avenue, Convent Avenue and Cadogan Road. The substantive concerns raised were potential for adverse residential and visual amenity impact; overdevelopment of the site; the applicants' consent to make this application is questioned; no provision for car parking on an already busy street; inappropriate

height; the demolition of No. 19 is objected to and it is requested that it is preserved as one of the remaining original houses of Richmond Avenue; through to it is requested that the application be refused as per the Planning Authority's refusal reasons for P.A. Ref. No. 4353/19 and P.A. Ref. No. 2340/19.

4.0 Planning History

4.1. Site

- **ABP-306562-20 (P.A. Ref. No. 4353/19)**

No. 17 Richmond Avenue, Drumcondra, Dublin 3.

On appeal to the Board planning permission was **refused** for a development described as the demolition of the existing warehouse structure and construction of a new 40 no. bedroom student accommodation development comprising of 33 no. single bedrooms, 4 no. twin bedrooms and 3 no. disabled bedrooms, across ground to fourth floor, all with associated communal kitchens/living/dining areas, mechanical plant rooms, laundry rooms, with access from Richmond Avenue. All with associated landscaping, cycle parking, bin storage, mechanical plant at roof level, signage, lighting, and site development works, for the following reasons and considerations:

"1. The position of the proposed building to the rear of the site with the street frontage of the plot being used solely as pedestrian access would result in a poor level of streetscape presence on an already piecemeal street rendering the proposed development a backland development. The proposed development would be contrary to principles of good streetscape design and would not make a positive contribution to the built environment in terms of design quality, scale, height and relationship to adjacent buildings as required under Section 16.10.7 of the Dublin City Development Plan 2016-2022. Furthermore, the location of the waste storage and access adjacent to the gable of number 19 Richmond Avenue would have a serious and undue impact on the amenities of that dwelling. The proposed development, by itself and by the precedent established for this street, would seriously injure the residential amenities of the area and would be contrary to both the policies and objectives of the current Dublin City Development Plan and the proper planning and sustainable development of the area.

2. The proposed development, in its position on this site, proximity to shared boundaries and the location of windows serving habitable rooms, would result in

significant overlooking of adjoining sites at inadequate distances which would have both a serious and undue impact on existing residential amenities in the case of number 19 Richmond Avenue and a serious and undue impact on the future amenities of any development at number 15 Richmond Avenue as well as impacting on the potential layout and design of any scheme at that site and which may in turn impact negatively on the residential amenities of occupants of the proposed student housing. The proposed development would, therefore, seriously injure the residential amenities of the area and would be contrary to both the policies and objectives of the current Dublin City Development Plan and the proper planning and sustainable development of the area.”

Decision Date: 04/08/2020.

- **P.A. Ref. No. 2177/09:** Planning permission was **granted** subject to conditions for a development consisting of the demolition of two-storey high industrial shed to rear and extension of granted basement (P.A. Ref. No. 4155/08) to facilitate additional 11 car parking spaces and construction of a new 4-storey over basement residential development with setback penthouse, with terraces and balconies comprising of 2x1bed units, 4x2bed units and 1x3bed units giving a total of 7 apartments including bicycle parking and bin stores, with landscaping and all associated site works to rear of No.19 Richmond Avenue, Fairview, Dublin 3. Decision date: 1st day of December, 2009.

- **P.A. Ref. No. 4155/08:** Planning permission was **granted** subject to conditions for a development consisting of the demolition of existing house and construction of a new 5-storey residential development inclusive of basement and set back penthouse level with terraces and balconies comprising 2x1 bed units, 7x2 bed units and 1x3 bed unit giving a total of 10 apartments. Car parking will be in the basement and accessed via adjoining basement car park (ref: 2573/03) and will accommodate 16 no. car parking spaces along with bicycle parking and bin stores, with landscaping above and all associated site works. The 2-bed penthouse apartment will be constructed on top of no. 21 Richmond Avenue, Fairview, Dublin 3 which would be accessed vis this proposed scheme. Decision date: 15th day of October, 2008.

4.2. **Site: Other**

P.A. Ref. No. 0348/21: SHEC: Construction of 27 no. apartments (21 no. 1-bed and 6 no. 2-bed units) granted on the 10th day of November, 2021.

4.3. **Setting**

- **ABP-317442-23 (P.A. Ref. No. 3539/23).**

Convent Avenue, Dublin 3, known as ‘Pete's Antiques’. The site is c3m to the north of the subject appeal site, is adjacent to Richmond Lodge and the grounds of St. Vincent's Hospital.

Concurrently on appeal with the Board is a First Party Appeal against the decision of the Planning Authority to refuse planning permission for a development described as the construction of 37 apartments and all associated site works. Demolition of warehouse building on site and removal of brick boundary wall fronting Richmond Lodge and steel fencing fronting Convent Avenue.

Of note on the 31st day of May, 2023, the Planning Authority decided to **refuse** permission for the proposed development for the following stated reasons:

“1. The proposed residential development designed for older residents would result in 32% of units not meeting the recommended Target Illuminance while 30% would fail to provide adequate sunlighting. In combination with the high percentage of single-aspect residential units (65%) including 24% of single-aspect north-facing units and the poor quality, including unacceptable location, of communal amenity space being located only at roof level with poor sunlight penetration the proposed development would fail comply with the provisions of the Dublin City Development Plan 2022 – 2022, in particular Appendix 16 (Daylight Sunlight); Section 15.9.3 (Dual Aspect) and Sections 15.9.8 and 15.9.9 (Communal Amenity Space and Roof Terraces) thereby providing future occupants of the scheme with a substandard level of residential amenity. The proposed development would be contrary to the Z1 land-use zoning objective of the site 'To protect, provide and improve residential amenities'; would seriously injure the amenities of property in the vicinity and would, therefore, be contrary to the provisions of the current development plan and the proper planning and sustainable development of the area.

2. The proposed development, by reason of its excessive height (4-storey max); its close proximity to the rear garden of No. 5 Richmond Lodge and the number of windows facing that garden, would result in significant overbearance and undue overlooking of that dwelling's private open space. The development would, therefore,

be contrary to the Z1 land-use zoning objective of the area 'To protect, provide and improve residential amenities'; would seriously injure the amenities of property in the vicinity and would, therefore, be contrary to the provisions of the current development plan and the proper planning and sustainable development of the area.

3. The proposed development, by reason of its height and proximity to houses to the south on Richmond Lodge and in the number of units which would face toward the existing houses, through overlooking, overbearing and loss of privacy, would seriously injure the residential amenities of the area and would, therefore, be contrary to the current Dublin City Development Plan and the proper planning and sustainable development of the area."

- **P.A. Ref. No. 3295/21:**

- **No. 15 Richmond Avenue**

The Planning Authority **granted** permission for a development consisting of 35 no. residential units. The east block provides 27 no. apartment units (15 no. 1 bed, 12 no. 2 bed) and the west block provides 8 no. apartment units (4 no. 1 bed, 4 no. 2 bed duplex) accessed from Richmond Avenue. This entrance will provide access and egress for pedestrians only to the development. The development also communal open space, balconies/terraces associated with individual apartment units, associated secure bicycle and bin storage, hard and soft landscaping and all other associated site works and services above on an overall site area of 1,102.6m². This development also includes the demolition of 1109.8 m² of existing floorspace (Note: warehouse and shed buildings). Final Grant Decision Date: 11th day of January, 2022.

- **P.A. Ref. No. 2340/19:**

- **No. 15 Richmond Avenue**

The Planning Authority refused permission for demolition of garage premises at No. 15 Richmond Avenue, Drumcondra, Dublin 3, currently in use as garage, vehicle recovery yard and replacement with the following. A) The erection of 22 no. apartments in 2 no. five storey over basement interconnected blocks comprising of 22 no. 2 bed roomed apartments (12 no. with balconies fronting onto Richmond Avenue, and 8 no. fronting onto landscaped area to rear). B) 2 no. commercial units accessed off Richmond Avenue. C) Associated off street car parking facility with ramped access off Richmond Avenue at basement level. D) Associated bike store/bin store again at

basement level. E) All associated site works on site. The stated single reason for refusal reads:

“1. Having regard to the overall design and layout of the proposed development, it is considered that the proposed development would cause significant overlooking of adjacent property and adversely affect the existing residential amenities of the area. It is further considered that the proposed development would provide for a poor standard of residential amenities for proposed occupants of the development with regard to privacy, sunlight, and daylight. As a consequence, the proposal would therefore be unacceptable and would set a precedent for other such substandard developments in the area. The proposed development would therefore, seriously injure the amenities of property in the vicinity, be contrary to the provisions of the City Development Plan 2016-2022, and to the proper planning and sustainable development of the area.”

Decision date: 18th day of April, 2019.

- **P.A. Ref. No. 2575/03:**

Rear of 21 and 29 Richmond Avenue and, Site to Side Of 31 Richmond Avenue, Fairview, Dublin 3.

Planning permission was **granted** subject to conditions for a development consisting of the demolition of existing buildings at 21 and 29 Richmond Avenue, the alteration of existing vehicular access off Richmond Avenue, the construction of 2 no. three storey blocks plus penthouse to rear of site containing 12 one bed apartments, 24 two bed apartments in total over basement car parking providing car spaces, plant, bicycle and bin storage access via a vehicular ramp off Richmond Avenue with landscaped internal courtyards, and construction of a three storey block over basement at 21 Richmond Avenue containing 8 two bed apartments and 29 Richmond Avenue containing 2 one bed apartments and 2 two bed apartments with associated site works.

- **P.A. Ref. No. 3483/22:**

No.s 9 and 9A Richmond Avenue

Planning permission was **granted** by the Planning Authority for a development consisting of 28 no. residential units (25 no. 1 bed, 3 no. 2 bed) in 2 no. apartment buildings ranging in height from 3-6 storeys (east block fronting Richmond Avenue 6 no. storeys, west block to rear of site 3 no. storeys). The east block provides 22 no. apartment units (22 no. 1 bed), and the west block provides 6 no. apartment units

(3no. 1 bed, 3 no. 2 bed duplex). All units are intended to provide housing accommodation for the elderly. Access to the development would be from Richmond Avenue. The development proposes the demolition of approx. 595 m² of floorspace comprising single storey industrial units. Decision date: 16th day of March, 2023.

5.0 Policy Context

5.1. National

- **Project Ireland 2040 - National Planning Framework**

Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and sets out a ten-year National Development Plan (NDP). This document encapsulates the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040, and within this framework Dublin is identified as one of five cities to support significant population and employment growth.

The NPF supports the requirement set out in the Government's strategy for '*Rebuilding Ireland: Action Plan for Housing and Homelessness*,' 2016, in order to ensure the provision of a social and affordable supply of housing in appropriate locations.

National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF. Of note NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Other NPOs of relevance to this appeal include NPOs 3(a) which seeks to provide 40% of homes in existing settlement footprints; 3(b) which seeks to provide 50% of new homes in the five largest cities, including Dublin; 4 which seeks attractive, liveable, and well-designed urban places; 13 which sets out development standards; 27 which deals with the matter of transport alternatives) and 35 which deals with the matter of increased densities.

Overall, the NPF seeks densification, compact growth, and efficient use of serviced land at appropriate locations.

- Relevant Section 28 Ministerial Guidelines, include:

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022).
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).
- Best Practice Guidelines for Delivering Homes, Sustaining Communities – Quality Housing for Sustainable Communities (2007).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009).
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, including the associated Technical Appendices (2009).
- Other planning guidance and strategy documents of relevance:
 - Climate Action Plan (2023).
 - Places for People – National Policy on Architecture (2022).
 - Housing for All – A New Housing Plan for Ireland (2021).
 - Part V of the Planning and Development Act 2000 - Guidelines (2017).
 - Rebuilding Ireland - Action Plan for Housing and Homelessness (2016).
 - Building for Everyone: A Universal Design Approach (2012).
 - Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (2011).
 - British Standard (BS) 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting (2008).

5.2. Regional Planning Policy

- 5.2.1. The ‘Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019-2031’ supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region.
- 5.2.2. RPO 3.2 of the RSES is considered relevant to this appeal. It promotes compact urban growth and sets out a target of at least 50% of all new homes should be built within or

contiguous to the existing built-up area of Dublin city and its suburbs, while a target of at least 30% is required for other urban areas.

5.2.3. The site is also located within RSES defined Dublin metropolitan area, where it is intended to deliver sustainable growth through the Dublin Metropolitan Area Strategic Plan (MASP).

5.2.4. Key principles of the MASP include compact sustainable growth, accelerated housing delivery, integrated transport, and land use, through to the alignment of growth with enabling infrastructure.

5.3. Local

5.3.1. According to Dublin City Development Plan 2022-2028 the area of the appeal site forms part of a parcel of land zoned: 'Z10 – Inner Suburban and Inner City Sustainable Mixed-Uses'. The zoning objective for such land is *“to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses.”*

5.3.2. Section 14.7.10 of the Development Plan sets out that: *“the purpose of this zoning is to promote mixed-use in order to deliver sustainable patterns of development in line with the principles of the 15-minute city. The concept of mixed-use will be central to the development or redevelopment of these sites and mono uses, either all residential or all employment/office use, shall not generally be permitted. In order to ensure that a mixed-use philosophy is adhered to on Z10 zoned lands, the focus will be on delivering a mix of residential and commercial uses. There will be a requirement that a range of 30% to 70% of the area of Z10 zoned lands can be given to one particular use, with the remaining portion of the lands to be given over to another use or uses”*. It also states that: *“the primary uses supported in this zone are residential, office and retail, with ancillary uses also facilitated where they deliver on the overall zoning objective”*; and, *“that there will be a requirement that for any significant scheme (on Z10 zoned lands greater than 0.5ha in size) seeking to increase densities and/or height, a masterplan is prepared (see also Appendix 3: Achieving Sustainable Compact Growth)”*.

5.3.3. It is also of note that the land adjoining the rear of No.s 17 and 19 Richmond Avenue is zoned 'Z1 – Sustainable Residential Neighbourhood'. The stated land use for such lands is: *“to protect, provide and improve residential amenities.”*

- 5.3.4. Section 14.6 of the Development Plan deals with the matter of Transitional Zone Areas.
- 5.3.5. Policy QHSN2 of the Development Plan sets out that the Planning Authority will have regard to various Ministerial Guidelines.
- 5.3.6. Policy QHSN10 of the Development Plan sets out that the Planning Authority will seek to promote sustainable densities with due consideration for design standards and the surrounding character. It refers to Appendix 3 of the Development Plan which it sets out provides guidance on urban density, compact growth, building height, plot ratios and site coverage.
- 5.3.7. The Development Plan includes several policies addressing and promoting apartment developments. These include policies: QHSN36, QHSN37, QHSN38 and QHSN39.
- 5.3.8. Section, 4.5.4 and Policy SC15 to SC17 of the Development Plan set out the Planning Authority's strategy and criteria when considering appropriate building heights, including reference to the performance-based criteria contained in Appendix 3.
- 5.3.9. Other relevant sections of the Development Plan include the following:
- Section 4.5.2 - Approach to the Inner Suburbs and Outer City as Part of the Metropolitan Area (Policy SC8).
 - Section 4.5.3 – Urban Density (Policy No.s SC10, SC11, SC12 and SC13).
 - Section 4.5.9 – Urban Design & Architecture (Policy No.s SC19, SC20, SC21, SC22 and SC23).
 - Section 8.5.1 - Climate Change through Sustainable Mobility.
 - Section 9.5.1 – Water Supply and Wastewater.
 - Section 9.5.4 – Surface Water Management and Sustainable Drainage Systems (SuDS).
 - Section 15.4 – Key Design Principles.
 - Section 15.5 – Site Characteristics and Design Parameters.
 - Section 15.8 - Residential Development.
 - Section 15.9 – Apartment Standards.

5.4. **Other – Development Plan Appendices**

5.4.1. The following are relevant:

- Appendix 1 sets out the Housing Strategy.
- Appendix 2 sets out the Retail Strategy.
- Appendix 3 'Achieving Sustainable Compact Growth'.
- Appendix 5 'Transport and Mobility' expands on the Sustainable Movement and Transport Framework'.
- Appendix 16 outlines guidance and standards in relation to 'Sunlight and Daylight'

5.5. Natural Heritage Designations

5.5.1. The appeal site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA. There are no watercourses at or adjacent to the site.

5.5.2. The European Site designations in proximity to the appeal site include:

- South Dublin Bay and River Tolka Special Protection Area (Site Code: 004024) is located c1.07km to the south east of the appeal site as the bird would fly.
- South Dublin Bay Special Area of Conservation (Site Code: 000210) is located c3.7km to the south east of the appeal site as the bird would fly.
- North Bull Island Special Protection Area (Site Code: 004006) is located c4.07km to the east of the appeal site as the bird would fly.
- North Dublin Bay Special Area of Conservation (Site Code: 000206) is located c4.07km to the east of the appeal site as the bird would fly.

There are several other Natura 2000 sites within the wider Dublin Bay area.

5.5.3. The Proposed Natural Heritage Area: Royal Canal (Site Code: 002103) is situated c730m to the south of the site as the bird would fly. In addition, there are proposed Natural Heritage Area designations that overlap with European Site designations listed above. They are:

- pNHA: North Dublin Bay (Site Code: 000206) which is situated c964m to the east of the site at its nearest point.

- pNHA: South Dublin Bay (Site Code: 000210) which is situated c3.78km to the south east of the site at its nearest point.

5.6. Built Heritage

- 5.6.1. No.s 17 and No. 19 Richmond Avenue are located in close proximity to the Zones of Archaeological Constraint associated with Recorded Monuments DU018-017 (Castle) and DU018-040 (Cemetery) which are listed on the Record of Monuments and Places (RMP) and are therefore subject to statutory protection under Section 12 of the National Monuments (Amendment) Act, 1994.
- 5.6.2. No. 31 Richmond Avenue which is located c56m to the north of the site and addressing Richmond Avenue is a designated Protected Structure (RPS Ref. No. 7348) with the description of 'House'. This c1790 property is also listed in the NIAH (Note: NIAH Ref. No. 50120057) where it is given 'Regional' rating, and its category of special interest are identified as 'Architectural'.

5.7. EIA Screening

- 5.7.1. An Environmental Impact Assessment Screening report was not submitted with the application. I identify the following classes of development in the Planning and Development Regulations 2001, as amended, as being of relevance to the proposal:
- Class 10(b) relates to infrastructure projects that involve:
 - (i) Construction of more than 500 dwelling units.
 - (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
 - Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 2 of Schedule 5 where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7 of the Regulations; and
 - Class 15 relates to any project listed in Part 2 which does not exceed a quantity, area or other limit specified in that Part in respect of the relevant class of development,

but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

5.7.2. Having regard to the following:

- The nature and scale of the proposed development, with this including the demolition of 320m² and the construction of two residential apartment blocks including 27 dwelling units (Note: 1,970.5m²) under the initial proposal and 23 dwelling units as revised (Note: 1,782m²), which is significantly below the mandatory thresholds in respect of Class 10 Infrastructure Projects of the Planning and Development Regulations, 2001, as amended.
- The residential nature of the proposed development which is not a project type that would give rise to waste, pollution or nuisances that differ from that arising from other residential developments in the receiving environment, or that would give rise to a risk of a major accidents or risks to human health.
- The nature of the site which could be described as a brownfield former residential and industrial/warehousing serviced inner suburban site to the north of Dublin city centre.
- The location of the site on lands that are residential zoned under the Dublin City Development Plan, 2022-2028, and the results of its accompanying strategic environmental assessment of the said Development Plan carried out in a manner that accords with the SEA Directive (2001/42/EC).
- The location of the site within an urban landscape that is predominantly residential in nature but also including a number of commercial uses that is served by public infrastructure, including water and drainage by Irish Water and the City Council, upon which the proposal would have marginal effects.
- The pattern of high-density residential development that is characterising residential development in this locality together with this urban landscape long history of development.
- The location of the site outside of any sensitive location specified under Article 109 of the Planning and Development Regulations, 2001, as amended, (including any designation protecting the landscape, natural or cultural heritage), the mitigation measures proposed to ensure no connectivity to any such sensitive location and, due

to the absence of any ecological and/or hydrological connection, the project not being likely to have a significant effect on any European Site.

- The guidance set out in the ‘Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development’ issued by the Department of the Environment, Heritage, and Local Government (2003).
- The criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended.

In conclusion, I concur with completed Form 2 on file, that is to say having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. On the 11th day of May, 2022, a Third-Party appeal was received by the Board from:

- Anne Marie Farren
- Linda O’Dwyer
- Aoife Henderson
- Rachel Moran
- Mary Burns

It can be summarised as follows:

- The proposed development by reason of its height and scale will dominate and overshadow the adjacent houses of Richmond Lodge and Convent Avenue. Thus, severely impacting upon their visual amenity and privacy as well as would have an irreversible impact on its surroundings.
- Block B which is the closet to Richmond Lodge and Convent Avenue at 5-storeys in height is excessive in scale and would set an undesirable precedent for other similar type developments in the area. In addition, it would have a visual overbearing impact

on these adjoining properties as well as depreciate their property value. These impacts are contrary to the 'Z1' land use zoning of the area.

- There is a lack of clarity in the submitted drawings in relation to Block 1.
- Similar proposals have been refused by the Planning Authority in this area.

6.1.2. On the 11th day of May, 2022, a Third-Party appeal was received by the Board from John Griffin, it can be summarised as follows:

- Procedural concerns are raised in relation to the Planning Authority's handling of their decision notification and site notices.
- Reference is made to the Planning Authority engaging McCrossan O'Rourke Architects to prepare a report for the Planning Department on Richmond Avenue in early 2000. This application is contrary to what this report proposed for Richmond Avenue.
- The proposed development is over dense and would result in overshadowing.
- Concerns are raised that full frontal elevation drawings showing the impact of the 6 stories and the 7th storey roof garden on adjoining No.s 21, 23 and 25 Richmond Avenue as well as historic listed building No. 31 Richmond Avenue are not provided.
- The Daylight and Sunlight Assessment is an attempt to hide problems from an over dense planning application for this site and its potential impacts on the adjoining properties.

6.2. Applicant Response

6.2.1. On the 17th day of June, 2022, a First Party Response to the 2 no. grounds of appeal was lodged by CWPA Planning & Architecture on their behalf. It can be summarised as follows:

- The applicant is not in control of the redline area of the site but have the necessary consent in place to make this application.
- More than 6 months had passed between the making of the previous planning application on this site and therefore a yellow background Site Notice was not required.

- The proposed development seeks to optimise the residential development potential of this site, a site that has access to public transport and comprises a compact form of development in an urban city setting.
- The proposed development is consistent with other developments in its vicinity.
- A high-quality landscaped area in the form of a centralised courtyard is proposed in a manner compliant with relevant planning requirements.
- This development accords with local through to national planning policy provisions and guidance.
- The design is cognisant of its immediate and wider setting.
- The Planning Authority considered that the proposed development as revised acceptable.
- Further clarification on identifying Block 1 was provided as part of their further information response.
- The daylight and sunlight analysis were prepared by a suitable qualified professional practice in a manner that accords with best practice.
- No negative overbearing or overshadowing impacts would arise from the proposed development on adjacent properties.
- The proposed development has been designed to positively contribute to Richmond Avenue.
- A precedent to the proposed development has been granted by the Planning Authority on an adjoining site under P.A. Ref. No. 3295/21.

6.3. **Planning Authority Response**

6.3.1. None.

6.4. **Observations**

6.4.1. None received.

7.0 Assessment

7.1. Preliminary Comment

- 7.1.1. This case includes two Third Party appeals against the Planning Authority's decision to grant permission for the development sought under P.A. Ref. No. 3657/21. Of note the decision of the Planning Authority, in relation to this subject planning application, was made when the Dublin City Development Plan, 2016-2022, was in effect. Since this decision was made the Dublin City Development Plan, 2022-2028, came into effect on the 14th day of December 2022. Therefore, this appeal is assessed below having regard to the provisions of this recently adopted Development Plan, alongside relevant regional and national planning policy provisions as well as guidelines.
- 7.1.2. For clarity I have based my assessment on the proposed development as revised by the applicant's further information response which was received by the Planning Authority on the 21st day of March, 2023. This I have done on the basis that the revised scheme puts forward in my view a more qualitative residential amenity outcomes for future occupants of the proposed apartment scheme. As well as it lessens the potential of the proposed development to give rise to adverse residential and visual amenity impacts on its setting. In particular in terms of the established residential amenity of properties adjoining it at Richmond Lodge/Convent Avenue to the rear. But also, in terms of ensuring that the latent redevelopment potential of adjoining properties to the north and south of the site that address Richmond Avenue as well as the adjoining 'Pete's Antiques' site that is situated to the north west of the site with frontage onto Convent Avenue are not unduly diminished or compromised by the proposed development.
- 7.1.3. Having carried out an inspection of the site and its setting, having had regard to the all relevant planning policy provisions and guidance; the planning history of the site and its setting; the existing derelict state of No.s 17 and 19 Richmond Avenue together with the pattern of change that is characterising recent development along Richmond Avenue as well as within this inner city suburb location; the nature and scale of the proposed development as revised, I consider that the main issues in this appeal can be confined to those raised by the Third Party Appellants in their grounds of appeal submission. I am satisfied that no other substantive planning issues arise, including in terms of density, qualitative internal standards of the proposed apartment units, communal and private open space provision, drainage, nuisance arising during the

demolition, construction through to operational phases of the proposed development through to flooding subject to standard safeguards. With the Planning Authority in their notification to grant permission including appropriate standard safeguards for these particular matters.

- 7.1.4. Notwithstanding, there is one issue that in my view has been overlooked by the Planning Authority in their assessment of this particular application.
- 7.1.5. This is the matter of the site having the potential to contain archaeological features of interest.
- 7.1.6. Given the level of ground work excavation that would be required for 'Block 1' and 'Block 2' proposed, with this being considerably more significant in terms of area and depth to be impacted when compared with that which would have been required for the existing shed structure and period dwelling on site together with their associated boundary features. I therefore raise a concern given the site's proximity to a number of recorded monuments and is a part of Dublin city where there is a recognised long history of human settlement and human activity of undiscovered potential archaeology of interest.
- 7.1.7. As set out under Section 5.6.1 of this report this appeal site lies in close proximity to the Zones of Archaeological Constraint associated with Recorded Monuments DU018-017 (Castle) and DU018-040 (Cemetery). These archaeological sites of interest are therefore listed on the Record of Monuments and Places (RMP). This means they are subject to statutory protection under Section 12 of the National Monuments (Amendment) Act, 1994. As a precaution should the Board be minded to grant permission for the proposed development whether as originally proposed or as per the revisions made by the applicant in their further information response as a precaution an appropriately worded archaeological condition should be imposed. Preferably a condition seeking the preservation, recording and protection of archaeological materials or features which may exist within the site as deemed appropriate. Such a condition is in the interest of conserving archaeological heritage of the area and to secure the preservation either *in situ* or by record any archaeological remains of interest that may exist below ground at this site.
- 7.1.8. This is not a concern raised by any parties to this appeal and is a **new issue** in the context of the determination of this appeal case. Outside of this concern I am of the view that all other matters of concern relate to those raised by the Third-Party

Appellants in their grounds of appeal submission which I propose to address under the following broad headings:

- Procedural Matters
- Civil Matters
- Principle of Development
- Quantum of Development Proposed
- Design and Layout
- Impact on Surrounding Properties
- Residential Amenity – Future Occupiers
- Transport, Parking and Services
- Other Issues Arising

7.1.9. The matter of 'Appropriate Assessment' also requires examination. This particular matter is dealt with separately at the end of this report.

7.2. **Procedural Matters**

7.2.1. Concerns are raised by one of the Third-Party appellants in relation to the Planning Authority's procedural handling of this application. With their concerns relating to the lack of Yellow Site Notice through to the manner in which Block 1 and 2 are labelled in the documentation provided.

7.2.2. On these particular matters I am cognisant that the Board does not have an ombudsman's role in terms of the Planning Authority's procedural handling of a planning application.

7.2.3. The matter of validity of Site Notices is a matter for the Planning Authority to determine with Articles 22 and 23 of the Planning & Development Regulations, 2001, as amended, setting out the requirements for the contents of planning applications and for particulars accompanying them including site notices. It is therefore a role of the Planning Authority, in the case Dublin City Council, to validate a planning application. In this case they considered that the details as submitted by the applicant accorded with the requirements of the said Regulations. From my inspection of the appeal file and the planning history of the site I am satisfied that there are no significant lacunae

that prevent assessment of the proposed development with this including the applicant's provision of the correct colour Site Notices on site.

- 7.2.4. I am also satisfied that the proposed development adequately sets out Block 1 and Block 2 in a manner that transparently sets out what is proposed on this site.
- 7.2.5. I am also cognisant that the details have been improved by way of the applicant's further information response on foot of labelling being one of the issues raised by the Planning Authority in their further information request. Notwithstanding, it is clear from the documentation submitted with this appeal, including Third Party observations received by the Planning Authority during their determination of this application, that Third Parties were fully aware in relation to the application details and the scope of development proposed.
- 7.2.6. In addition, having examined the documentation accompanying this application, I am satisfied that there is satisfactory information to allow the Board to make an informed determination on this case, particularly the scheme as revised by way of the applicant's further information response. I therefore do not propose to comment further on the procedural concerns raised in the appeal submissions received by the Board.

7.3. Civil Matters

- 7.3.1. Concerns are raised that the applicants do not have the relevant consents in place to make this planning application. I am cognisant that legal consents are considered to be civil matters and therefore outside the remit of this planning appeal. I am satisfied, based on this information, that the applicant has demonstrated sufficient legal interest to make this application. With this application including a letter of consent from the owner of No. 19 Richmond Avenue.
- 7.3.2. As in all such cases, the caveat provided for in Section 34(13) of the Planning and Development Act 2000, as amended, applies. It stipulates that a person shall not be entitled solely by reason of a planning permission to carry out any development. Should the Board be minded to grant permission an advisory note reiterating this can be included as a precaution. I therefore do not propose to comment further on this matter.

7.4. Principle of the Proposed Development

- 7.4.1. Firstly, the proposed development includes demolition of an existing period dwelling house (Note: floor area to be demolished is given as 160m²) and its associated

additions and features situated at No. 19 Richmond Avenue and the demolition of a barrel shaped steel shed located to the rear of No.s 17 and 19 Richmond Avenue.

- 7.4.2. This component of the proposed development remains unchanged from the revisions made by the Applicant as part of their further information response submitted to the Planning Authority on the 21st day of March, 2023.
- 7.4.3. These buildings alongside the site as a whole, a site which consists of the combined areas of No.s 17 and 19 Richmond Avenue are in an extremely poor state of repair with no evidence to suggest any current or recent functional use.
- 7.4.4. From the documentation provided it would however appear that the most recent use of No. 19 Richmond Avenue was residential, i.e., single dwelling unit. I acknowledge that this building has an attractive period character and would have formed part of a period terrace group. Despite its attractive period character, it is not afforded any specific protection. Nor does it form part of a streetscape scene that is afforded any protection of its built heritage outside of that which relates to No. 31 Richmond Avenue, a Protected Structure, that is located to the north of the site. With the intervening land consisting of derelict unfinished residential blocks as well as one in poor repair period terrace dwelling of different architectural style, period and built form. These are in addition to the lack of coherence, uniformity, and harmony of Richmond Avenue as a streetscape scene itself. A streetscape scene which contains a variety of architectural styles, periods, built forms of variable quality and merit. It is also a streetscape scene whose predominantly residential land use is broken up by a number of commercial and non-conforming land uses.
- 7.4.5. In addition, this streetscape scene is also diminished by the presence of a number of derelict buildings and poorly maintained buildings. Further, there is a relatively low-density pattern of residential development present amongst the older residential building stock despite this locality's inner city highly accessible location where high-density residential developments is encouraged and can be more sustainably absorbed.
- 7.4.6. While I am cognisant that Section 11.5.3 of the Development Plan seeks to protect built heritage assets of the city including those buildings of built heritage interest that are not protected structures, but which contribute significantly to the streetscape and to the character of the city. In addition, I am cognisant that Section 11.5.4 of the Development Plan seeks the retention of existing traditional buildings in the interest of

promoting sustainability. With Policy BHA21 of the said plan further reiterating this in a manner consistent with the Department of the Environment, Heritage, and Local Government's publication on Energy Efficiency in Traditional Buildings, 2010, and the Irish Standards IS EN 16883:2017 publications. Notwithstanding, the building survey accompanying this planning application shows that No. 19 Richmond Avenue has unfortunately been damaged by significant water ingress from the adjoining development to the immediate north which has remained in an unfinished state for over 10 years. This outcome arguably is a civil matter but when taken together with the lack of any action to stop this damage, to repair the damage and mitigate further damage at an early stage coupled with years of no maintenance of the building as a whole, a situation has arisen whereby No. 19 Richmond Avenue is structurally in a perilous state of condition.

- 7.4.7. The accompanying survey indicates that its gable wall is saturated, and the water ingress has caused significant damage to the roof, the first-floor joists, and the suspended timber at ground floor.
- 7.4.8. Whilst the report acknowledges that the adjoining derelict property is subject to a dereliction order by the City Council No. 19, No. 19 Richmond Avenue, like the derelict buildings adjoining it are now in such poor condition that their repair cannot be justified even in sustainability terms. No. 19's removal would provide an opportunity for a well-defined streetscape along Richmond Avenue more in keeping with recent developments permitted and in a context that as an end terrace it no longer relates in a coherent manner with the terrace group it forms part of nor does it reinforce the presence of other similar period residential building within its visual setting.
- 7.4.9. It is of further note that Section 5.5.2 of the Development Plan which deals with the matter of 'Regeneration, Compact Growth and Densification' recognises the issue with tracts of vacant and underutilised land in the city and acknowledges the different initiatives for addressing them. In this regard it is a policy of the City Council under Policy QHSN6 of the Development Plan to promote and support residential consolidation and sustainable intensification subject to the provision of good quality accommodation.
- 7.4.10. In addition, Policy QHSN8 of the Development Plan on the matter of reduction of vacancy states that the City Council will seek: "*to promote measures to reduce vacancy and underuse of existing building stock*" and Policy QHSN10 of the said Plan

on the matter of urban density states that the City Council will seek: “to promote residential densities throughout the city in accordance with the Core Strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area”.

- 7.4.11. Given the poor state of repair of No. 19 Richmond Avenue coupled with the restricted site area of 890m², the overall dimensions of the site which includes the limited width of No.17 Richmond Avenue’s roadside boundary, i.e., c3.49m, when considered in isolation from the c9.4m width of No. 19 Richmond Avenue’s Richmond Avenue frontage, the loss of this period terrace structure, unlocks the latent potential of No.s 17 and 19 Richmond Avenue to provide a more coherent higher density residential development that responds more appropriately to the streetscape scene of Richmond Avenue as well as the residential scheme of Richmond Lodge to the rear at this inner city suburban location, that is within walking distance of services, amenities, transport links through to Dublin’s city centre. Alongside urban land that residential development is deemed to be acceptable subject to safeguards. With in my view these safeguards including re-use of demolition materials in accordance with Section 15.5.7 of the Development Plan which seeks to support low to zero embodied energy and CO₂ emissions given the presence of some quality period buildings in the surviving building envelope of No. 19 Richmond Avenue.
- 7.4.12. Secondly, in similarity I consider that the demolition of barrel-vaulted warehouse/shed building to the rear of the subject site (Note: the floor area for demolition is given as 160m²) is also consistent with the above mentioned Development Plan policies.
- 7.4.13. Moreso, it is a building that is of no architectural or other merit, is in a poor condition and it a building that is at odds with the predominant residential pattern of development that characterises its setting. Further, visually this building is at odds with the residential scheme of Richmond Lodge/Convent Avenue to the rear.
- 7.4.14. In addition, this building together with warehouse building at Pete’s Antiques. A building which I note is located within 6.1m of the north western most corner of the site together diminishes the streetscape scene of the modest residential cul-de-sac of Richmond Lodge.
- 7.4.15. Further, though views the warehouse building to be demolished are localised when viewed from the public domain of Convent Avenue, it is a building that when

appreciated together with the lack of landscape quality in the linear strip that separates it from the tall solid boundary that alongside the poor quality treatment of this solid boundary wall does not present in a positive manner to the residential cul-de-sac of Richmond Lodge.

- 7.4.16. Against this context the demolition of this building provides an opportunity for a more site appropriate in-built form, appearance, and land use development on the land adjoining Richmond Lodge and visible from Convent Avenue.
- 7.4.17. Furthermore, the demolition of this building also opens up the latent potential of No. 17 Richmond Avenue to accommodate a built form and land use that when viewed as part of the Richmond Avenue streetscape scene contributes more positively to its visual amenity as well as contributes to its functional vitality and vibrancy in a manner that is consistent with its 'Z10' land use zoning and 'Z1' zoning of Richmond Lodge.
- 7.4.18. Having regard to the above considerations I raise no substantive planning issues in term of the demolition of the aforementioned buildings, which cumulatively have a given floor area of 320m², at the appeal site, subject to standard safeguards. With the safeguards including a condition requiring that a demolition and construction waste management plan be agreed with the Planning Authority prior to the commencement of any development. With such a plan also addressing and providing appropriate mitigation measures to deal with nuisances that would arise during these phases of the proposed development. In particular those with the potential to give rise to diminishment of amenity of properties in the vicinity, e.g., noise, dust, and vibrations. This plan could also deal with appropriate re-use of salvage materials on site, traffic management through to delivery and storage materials.
- 7.4.19. Thirdly, this proposal effectively seeks to amalgamate No. 17 and No. 19 Richmond Avenue.
- 7.4.20. As said both No. 17 and No. 19 Richmond Avenue appear to have been subject to dereliction and no recent functional land use. They occupy land on the western side of Richmond Avenue that is zoned inner suburban and inner city sustainable mixed uses (Z10) and are physically separate inner city urban plots that when combined would have a modest 890m² as well as would result in a more workable rectangular shaped area for designing any redevelopment scheme.
- 7.4.21. The Z10 land use objective as set out in the Development Plan includes consolidation and facilitation of land is permissible subject to safeguards.

7.4.22. Fourthly, the proposed development as revised seeks the construction of two separate apartment buildings that would in total provide 23 apartment units as revised.

7.4.23. As said the land use zoning of the site as set out in the Development Plan includes residential as being permissible and generally supports appropriate redevelopment of Brownfield vacant and under-utilised land as part of maximising the use of serviced lands in urban area in a manner consistent with regional and national planning provisions.

7.4.24. In addition, having regard to the location of the subject site in the inner city suburbs, a location that is highly accessible by sustainable modes of transport to public transport, retail, community, social facilities, recreational amenity through to other services synergistic to residential land use, it is reasonable to conclude that in principle, the development of the site for residential purposes given that Richmond Avenue is a setting that is predominantly characterised by residential land uses is acceptable. The redevelopment of the site would also reverse its derelict nature and would add to the vibrancy as well as vitality of Richmond Avenue through to Richmond Lodge. Notwithstanding, whilst the general principle of the proposed development is acceptable this is subject to all other planning considerations being satisfied.

7.4.25. Of concern Section 14.7.10 of the Development Plan states that: *“the concept of mixed-use will be central to the development or redevelopment of these sites and mono uses, either all residential or all employment/office use, shall not generally be permitted.”* This section of the Development Plan also states that: *“in order to ensure that a mixed-use philosophy is adhered to on Z10 zoned lands, the focus will be on delivering a mix of residential and commercial uses. There will be a requirement that a range of 30% to 70% of the area of Z10 zoned lands can be given to one particular use, with the remaining portion of the lands to be given over to another use or uses”* and that: *“for very small sites, typically less than 0.5ha, flexibility on mix requirement may be considered on a case-by-case basis, where it can be demonstrated that the proposal would not result in an undue concentration of one particular land-use on the Z10 landholding as a whole”*.

7.4.26. Conclusion

In this case the site has a site area of 890m² and whilst it up to recent times it accommodated two functionally different land uses it would be appropriate given the modest site area that flexibility is given to the fact that this proposal seeks permission

for a development that would essentially accommodate two residential buildings, subject to safeguards. With residential land use one of the primary identified land uses for this Z10 land use zone.

In conclusion, on the basis of the above I consider that the proposed development is one that generally accords with the overarching strategic approach of the current Development Plan which seeks to develop a low carbon, sustainable, climate resilient city that reverses dereliction and underutilised serviced land that fails to contribute to vibrant and vital urban places.

This is against the context whereby the Development Plan identifies the housing demand calculated during the plan period to provide for approximately 40,000 housing units between 2022 and 2028 with its Settlement Strategy prioritising development in locations including inner city where it is recognised that there is capacity to absorb higher density development due to the availability of public transport and supporting infrastructure/services. The Development Plan strategic approach and settlement strategy accords with regional and national planning policy provisions and guidance.

As such I consider that the general principle of the proposed development accords with the proper planning and sustainable development of the area as provided for Z10 zoned lands.

7.5. Quantum of Development Proposed

- 7.5.1. Section 2.3 of the Development Plan sets out that Dublin City's settlement strategy is guided by the policy framework set out at a national and regional level and it sets out that compact growth will be promoted throughout the city through appropriate infill development and consolidation of brownfield sites and targeted growth along key transport corridors. It also recognises that the plan area has a unique position in relation to applying the RSES Settlement Hierarchy in that the entire area of the Council falls within Tier 1. Broadly, the settlement hierarchy prioritises development at locations including inner city like the locality of the appeal site.
- 7.5.2. At a national level the 'Sustainable Residential Development Guidelines for Planning Authority's', recommends that there should, in principle, be no upper limit on the number of dwellings that may be provided within any town or city centre site and that higher densities should be encouraged on 'brownfield sites', subject to safeguards relating to the standard of development proposed and the impact of the development on the amenities, character, and vision for the area. These guidelines also advocate

increased densities at a minimum 50 per hectare should be promoted within 500 metres walking distance of a bus stop, or within 1km of a rail stop/station, with densities decreasing with distance from such nodes.

- 7.5.3. The Building Height Guidelines, 2018, highlight that the implementation of the National Planning Framework requires increased density, scale, and height in cities. They also advocate an increased focus on the redevelopment of 'brownfield' and infill sites. These guidelines include Specific Planning Policy Recommendation, including but not limited to SPPR 1 which supports increased building height and density through statutory plans in locations with good transport accessibility, including in city cores, and states that there shall be no blanket numerical limitations on building height.
- 7.5.4. It is also of note that Section 2 of the Apartment Guidelines outlines the types of location that may be suitable for apartment development. The identified locations include 'central and/or accessible urban locations' as being generally suitable for small to large scale and higher-density development that may wholly comprise apartments. It sets out that those sites include those that are:
- *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;*
 - *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);*
 - *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.*
- 7.5.5. These particular planning provisions and guidelines are reflected in Chapter 4 Shape and Structure of the City, Chapter 13 Strategic Development and Regeneration Areas and Appendix 3 Achieving Sustainable Compact Growth Policy for Density and Building Height in the City of the Development Plan. With Appendix 3 identifying areas including inner city locations where increased building height will be pursued in accordance with national and regional planning policy and SPPR 1.
- 7.5.6. The appeal site aligns with what are identified as 'central and/or accessible urban locations' as being generally suitable for small to large scale and higher-density development due to the site being within close proximity to the city centre, is within

easy walking distance of significant employment locations associated with the city centre.

- 7.5.7. It is within 5 mins walking distance of Drumcondra Dart Station and 6 mins walk from Clontarf Dart Stop, within 2min walk of Fairview Strand Stop 4518 and within 5 min walk of Connolly Station and 6 min walk of Busaras LUAS. There is also a car sharing 'Gocar' located on Richmond Avenue.
- 7.5.8. Accordingly, I consider that this appeal site can be considered to occupy a 'Central and/or Accessible Urban Location' which can sustainably support higher density apartment development based on the criteria set out in the Apartment Guidelines.
- 7.5.9. Appendix 3 of the Development Plan supports densities of 100+ units per hectare at locations like the site (Note: Table 1) and has a general presumption against schemes in excess of 300 units per hectare. Under Table 2 an indicative plot ratio of between 2.5-3.0 and an indicative site coverage of 60 to 90% is advocated.
- 7.5.10. This proposal has a density of 104 units per hectare, a plot ratio of 2 and site coverage of 52.5%.
- 7.5.11. Overall, I consider that the density, the plot ratio, and site coverage are broadly consistent with the Development Plan requirements alongside they are reflective of the modest size of the site, its orientation, the need to ensure that the plots to the north and south of it can be developed without compromising latent future residential potential of these plots for a similar high density development scheme.
- 7.5.12. Moreover, it is of density, plot ratio and site coverage of prevailing residential apartments schemes within this area in recent times.
- 7.5.13. In this context, I consider that the quantum of development proposed accords with the principles of local, regional, and national policy as well as it responds to the changing character of residential development in this inner-city locality where lower density residential developments and non-conforming land uses are being replaced by higher density residential taller buildings.

7.6. Design and Layout

7.6.1. Mix of Units

In terms of national policy, SPPR 1 of the Apartment Guidelines states that developments may include up to 50% 1-bed or studio type units, with no more than 20-25% of the total proposed development as studios.

SPPR 2 of the guidelines allows for flexibility in the application of SPPR 1 in the case of urban infill schemes on sites of up to 0.25ha, but states that SPPR 1 shall apply to the entire development in schemes of 50+ units.

Notwithstanding this, SPPR 2 also provides for scope for planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development.

This is reiterated in Section 15.9.1 of the Development Plan which sets out unit mix for residential schemes having regard to the requirements of SPPR 1.

In reviewing the HNDA contained within the current Development Plan I note that a Sub-City Analysis was completed for the North Inner-City (NIC) area due to the higher volume of smaller housing stock, the significant availability of regeneration lands, and the recent experience of a high proportion of smaller units as part of Strategic Housing Developments and Build to Rent.

This analysis captures what it describes as a complex housing market dynamics and specific housing needs of the North Inner City.

It also estimates that based on intercensal changes and the current dwelling type distributions that new dwelling type in Dublin's North Inner City would be predominantly apartments by the end of the plan period.

Of concern having regard to Table 1 of this report above sets out that this proposal as revised contains 23 apartment units. In terms of unit mix it proposes 65% of these are 1-bedroom units and the remaining 35% are 2-bedroom units. Whereas Section 15.9.1 of the Development Plan requires all residential applications of 15 units or more in the North Inner City to include the following mix of units:

- *A minimum of 15% three or more bedroom units.*
- *A maximum of 25%-30% one bedroom / studio units.*

The First Party does not provide any justification as to why no three or more bedroom units are proposed through to why the scheme is largely comprised of 1-bedroom units.

Further, Section 15.9.1 of the Development Plan indicates that the standards may be relaxed for other social housing needs and/or where there is a verified need for a particular form of housing, for example for older people. This however is subject to the adjudication of the Housing & Community Services Department. Neither circumstance is the situation with this proposed residential scheme.

The First Party do however contend that the mix is entirely appropriate given its city centre location and the infill nature of this modest in area site.

Notwithstanding, I am not convinced by the documentation provided by them that the proposed mix despite the scheme itself consists of 23 apartment units is entirely appropriate based on any detailed analysis of the housing demands in North Inner City Dublin or any other robust evidence-based justification.

In conclusion, in relation to unit mix it is my view that the proposed mix of units materially contravenes Development Plan policy as outlined in section 15.9.1 of the Plan. Though not raised as a concern by the Planning Authority who I note determined this application under the previous development plan. With an appropriate housing mix required under its Section 16.10.1. With the intervening time seeing a new Development Plan come into effect with this plan being informed by an evidenced based Housing Need and Demand Assessment (HNDA) which was carried out by the Planning Authority as part of the development plan process. Thus, strengthening the provisions set out for housing mix in relation to apartment schemes in the city including specifically addressing as well as understanding the housing need of the North Inner City as a locality as part of this city-wide assessment. I also note that SPPR 1 of the Apartment Guidelines specifically refers to such developments being informed by evidence based HNDA's.

In this context while I acknowledge that SPPR 2 provides an opportunity to exercise discretion, having regard to Section 15.9.1 and the further detail provided in Appendix 3 of the Development Plan on this matter and in relation to the findings of the HNDA for the North Inner City, I am not satisfied that there is evidence to justify such a significant departure from Development Plan policy, that is to say the 65% 1-bed units where policy recommends a maximum of 25%-30% one bedroom / studio units.

The Board may in their assessment of this proposal consider this a **new issue** and they may wish to invite the First Party to address this matter in the context of Section 15.9.1 and Appendix 3 of the new Development Plan. However, given the degree of

non-compliance and the requirement to meet both quantitative and qualitative outcomes for any residential development proposed whilst balancing the need to protect the amenities of properties in its vicinity from undue adverse impact it is highly probable that the proposed scheme would require comprehensive revision. I also note that an amended design option has already been submitted in an attempt to address the housing mix matter and requiring such a substantial revision would also give rise to public participation concerns.

Ultimately, I consider that the proposed mix of units would fall considerably short of meeting the identified housing needs of the North Inner City area as identified in the Development Plan. This would be grounds for refusal of the proposed development unless the scheme can otherwise be justified by reason of overall design quality.

7.6.2. **Design Layout**

In terms of the buildings proposed, the proposal seeks a contemporary architectural angular design concept with external materials consisting of a mixture of brick, acrylic render, constituted stone panels, aluminium powder coated windows and glazed balustrade balconies. Thus, echoing the design and material approaches of more recent residential schemes completed and permitted residential schemes along Richmond Avenue.

The placement of proposed Block 1 seeks to maintain reinforce the building line that the existing dwelling house of No. 19 Richmond Avenue maintains with adjoining and neighbouring buildings to the north.

Whereas Block 1's rear building line extends further into the site than the adjoining, *albeit* derelict building to the north and Block 2 seeks to respond to the cul-de-sac of Richmond Lodge as well as the rear building line of *albeit* in a derelict state a residential block positioned to the rear of the adjoining site.

It is of note that the depth of the adjoining and neighbouring plots to the north and south of the site are similar though widths are variable.

Having regard to the planning history of the site it is of note that planning permission has been permitted for the adjoining plot to the south under P.A. Ref. No. 3295/21.

This permitted two apartment buildings with a six-storey block fronting Richmond Avenue with it maintaining the same building line as No. 19 Richmond Avenue and the properties to the north.

It is of note that the rear building line of Block 2 would have a staggered alignment with the 3-storey rear block permitted under P.A. Ref. No. 3295/21 which includes at ground floor level private amenity space for adjoining dwelling units. At this point I note that No. 15 unlike the immediate rear of the appeal site, the rear residential block permitted under P.A. Ref. No. 3295/21 is oriented towards the rear of properties of Richmond Lodge and their private amenity spaces.

As such there is greater potential for this building to give rise to undue residential amenity impact on these properties. Whereas the Block 2 as proposed would have a rear elevation facing the side elevation and the public domain cul-de-sac that provides access to Richmond Lodge.

This proposal seeks to maintain the high solid boundary providing visual and functional separation of the rear of the site from this adjoining part of the public domain.

As such there is an opportunity lost for the rear of Block 2 to more meaningfully visually, physically and in terms of connectivity integrate with this streetscape scene.

There is also no clarity as to why some form of improvement is not proposed to better integrate by way of some form of permeability through to softening the transition between the rear of the site and Richmond Lodge/Convent Garden by the inclusion of a more site appropriate boundary treatment including landscaping buffer.

The central positioning of the communal open space would I note follow through the building to space relationship of the adjoining, albeit derelict residential scheme to the north though with less separation distance between the blocks to the west and east. The proposed open space would also correspond with the recently permitted residential development under P.A. Ref. No. 3295/21.

Alongside having regard to the orientation of these sites, i.e., west-east with a slight northerly tilt the central placement of the communal spaces when taken together with the height of the buildings proposed ensures greater potential for light and natural air ventilation penetration to adjoining sites, particularly the site to the immediate north.

In this context I consider that the placement and relationship of buildings to spaces follows through the prevailing pattern of development in this locality through I consider a more generous lateral separation distance between Block 1 and Block 2 would have resulted in better internal outcomes for this site as well as for the site to the north,

gives rise to no substantive concerns, subject to safeguards, that would warrant or support refusal.

7.6.3. **Building Height**

The proposed buildings consist of Block 1 which is a 6-storey with a given 23.166m height residential block and Block 2 which is a building whose height graduates up to 5-storey with a given height of 18.65m. These heights are consistent with local planning provisions which provide consideration for greater heights in certain circumstances depending on the site's location and context and subject to assessment against the performance-based criteria set out in Table 3 of Appendix 3, Volume 2, of the Development Plan. With these criteria requiring consideration to potential impacts such as overshadowing, overlooking as well as functional, environmental, and cumulative impacts of increased building heights.

Moreover, increased heights of buildings are one of the means of achieving higher density developments supported under national planning provisions, including 'Urban Development and Building Heights Guidelines for Planning Authorities' through to the National Planning Framework as well as achieving consolidation of urban areas and efficient use of serviced land at appropriate locations.

With NPO 35 being of particular relevance in this regard based on it encouraging increase residential density in settlements through a range of measures including but not limited to increased building heights.

In relation the 6-storey building height proposed for Block 1, I acknowledge that this would result in a significant change in visual context given that the existing building fronting Richmond Avenue presents as a 2-storey with a given ridge height of 9.57m. There is no building fronting Richmond Avenue on the plot of No. 17 Richmond Avenue within the red line site area. As such this results in a gap between No. 19 and the high boundary walls of No. 15 Richmond Avenue to the south from which views into the rear of the site towards Richmond Lodge and part of the shed structure to the rear of the site can be had.

The site context which includes the adjoining raised three storeys in appearance derelict residential terrace adjoining the site at No. 21 Richmond Avenue. With this derelict building having an indicated maximum height of c11.5m with the derelict building block to its rear being of a similar height; the setback nature of the buildings at No. 15 Richmond Avenue which have a height of just over 9m together with the

modest two-storey builtform of Richmond Lodge to the rear which have indicated ridge heights of c8.8m in the submitted drawings.

In addition, the more recent apartment scheme which is sited c15.5m on the opposite side of Richmond Avenue has a height of 9.296m.

In this current context the introduction of a 6-storey building with roof terrace over would be visually a significant change to what as the southern end of terrace location, if permitted and implemented, as viewed from Richmond Avenue. It would present to Richmond Avenue as having a strong verticality. With this verticality in my view arising from its significant difference in height to the buildings it would adjoin, i.e. No.s 21 to 25 Richmond Avenue, as well as neighbouring building at No. 15 Richmond Avenue and the residential building on the opposite side of Richmond Avenue.

In addition, it is also added to by the presence of a pedestrian access running along its southern and its contrasting palette of materials, finishes and colours when compared with the more muted front facades of derelict No. 21 Richmond Avenue, the light-coloured painted façades of No. 23 Richmond Avenue and No. 25 Richmond Avenue.

The palette of materials proposed for Block 1 which I note are also echoed in Block 2, consist of a mixture of brick, reconstituted stone panels, feature brick detailing through to acrylic render.

They are not in my view inconsistent with the more durable palettes of materials chosen for more recently constructed and permitted residential schemes in this locality, including along Richmond Avenue with examples including the residential scheme permitted at No. 15 Richmond Avenue under P.A. Ref. No. 3295/21 which also includes a 23m in height six storey building, if implemented.

Other more recent grants of permission include the five storeys permitted at No.s 9 – 9A Richmond Avenue under P.A. Ref. No. 3483/22. As such they harmonise with what would be a contemporary addition to the changing streetscape scene of Richmond Avenue as well as Richmond Lodge to the rear.

Overall, given the changing nature of Richmond Avenue, including the recent pattern of development including development permitted to the front of the No. 15 Richmond Avenue site as well as the likelihood that if the derelict buildings to the north were to be demolished to facilitate future residential development an increased density

residential scheme would likely be the outcome given the much changed planning context in intervening years.

I therefore raise no substantive concern with this proposed building subject to a condition that ensures a qualitative palette of materials, finishes and treatments being achieved.

In relation to Block 2, whilst the revisions made to it as part of the applicant's further information response are more substantial whereas the revisions to Block 1 consist mainly of improving façade detailing in terms of solid to void treatment so that greater light penetration could be achieved for its interior spaces.

Notwithstanding this building would maintain the proposed five storey built form with a given maximum height of 18.65m, albeit as said this height would be graduated downwards in its height, mass and volume in its proximity to the more modest 2-storey terrace block of Richmond Lodge and also towards its side boundary with No.s 21 Richmond Avenue to the north.

The existing barrel-vaulted shed building that currently occupies the rear of the site where Block 2 is proposed has a more modest 6.55m height.

As said Richmond Lodges in comparison to the proposed Block 2 has a ridge height of c8.8m and the derelict building to the rear of No. 21 has a height of c11m.

In addition, the existing boundary walls which have a height of c2.8m would be maintained along the rear and side perimeters of the site.

There is also a concurrent application before the Board, ABP-317442-23, which relates to the adjoining site to the north west, also known as 'Pete Antiques'.

This appeal seeks to overturn the Planning Authority's decision to refuse permission for the construction of 37 apartments.

This proposal sought permission for a building that effectively was four storeys in height with a maximum given height of 19.475m and the second reason for refusal considered that this height in this context to be excessive and would give rise to undue adverse residential amenity impacts on properties in its vicinity, including No. 5 Richmond Lodge, in a manner that was considered to be contrary to the site's 'Z1' land use zoning objective.

In addition, the third reason for refusal also raised concerns that the height and proximity to the houses to the south on Richmond Lodge would give rise to undue overlooking, overbearing and loss of privacy, therefore seriously injuring the residential amenity of Richmond Lodge properties to the south of it.

Further, the grant of permission P.A. Ref. No. 3295/21 which I note relates to the adjoining site of No. 15 Richmond Avenue includes a 3-storey block to its rear adjoining not only Richmond Lodge but also with a greater setback from the rear boundary.

Moreover, the further information sought that this Block be reduced by two floors as its height and scale for its location was considered to be excessive.

It was also considered having regard to the pattern of development including planning history of the area that this height was excessive in its context.

Effectively the further information sought Block 2 to be reduced to three storeys in its height in order to overcome the visual and residential amenity impact concerns it gave rise to.

The applicant's further information response did not reduce the overall height to three storeys as requested but did include a number of revisions to its overall built form. These changes were considered to not go far enough to address the concerns of the Planning Authority in terms of the visual and residential amenity impacts of this block. As such the Planning Authority sought a number of revisions to it in order to reduce its overbearing and overshadowing impact by way of conditions as part of the grant of permission.

In this regard I note that Condition No. 2 reduces the number of apartment units to 21 and Condition No. 17 omits Apartment 10 except for its living space which it seeks is reduced but pulled back to match the elevation of Apartment 12 as well as this reduced living space incorporated into the living space of Apartment 12.

It also omits Apartment 15 and its associated core at fourth floor level.

The given reason for these changes to the scheme are given as being in the interest of residential and visual amenity.

Whilst I concur with the Planning Authority that these amendments to Block 2 would reduce its overall overbearing impact on its setting, it would not fully overcome it given that as a building it would be of a height, volume and mass that together with its close

proximity to its boundaries including Richmond Lodge, No.s 15 and 21 Richmond Avenue as well as the adjoining site of Pete's Antiques, that would be at odds with the pattern of development both existing and permitted at this location by way of its five storey built form.

This is despite the Daylight and Sunlight Assessment concluding that the impact on adjacent residential structures would be minimal and imperceptible as well as that the proposed development meets the recommendations of BS 8206-2 2008 and the BRE Guidelines (2011) in relation to site layout planning for daylight and sunlight.

Of concern, this site layout planning for daylight and sunlight assessment excludes from examination the 'Pete's Antiques' site despite this being a site currently containing a non-conforming established used on transitionally zoned 'Z1' zoned land. The assessment confines its examination of impact to the terrace dwellings that Richmond Lodge is comprised of, i.e., No.s 7 to 11 Richmond Lodge, which I note No. 11 Richmond Lodge bounds part of the rear boundary of the site, the permitted residential scheme at No. 15, the unfinished residential scheme permitted at No. 21 Richmond Avenue and does not make mention of Richmond Gardens.

What this assessment shows in the shadow analysis is that the height of Block 2 as revised would still give rise to undue adverse overshadowing of adjoining properties which when taken together with the overshadowing arising from Block 1 would result in significant adverse impact on the existing established amenities of properties in its vicinity but also in terms of their future development potential in the case of 'Pete's Antiques' and the adjoining site to the north that includes No. 21 Richmond Avenue.

Having regard to the planning history of the site the most recent application related to a 40-bedroom student accommodation five storey block that was positioned between 28 and 30m back from Richmond Avenue and with a height of over 15m (Note: PL29N.306562/P.A. Ref. No. 4353/19).

Whilst this application related to the site area associated with No. 17 Richmond Avenue only this proposal effectively sought to position the proposed building within 1.419m of the site boundary closest to 'Pete's Antiques'. A greater setback of between 8.2m to 10m was proposed between the proposed building and the side boundary of No. 11 Richmond Avenue.

This application was accompanied by a daylight and sunlight analysis which unlike this application had regard to the impact of the proposed building on the adjoining 'Pete's

Antiques' and this showed significant overshadowing of this site and the building thereon. It also showed even with the proposed setback from the side gable of No. 11 Richmond Avenue significant overshadowing of the public domain of Richmond Lodge and No. 11 Richmond Lodge would occur.

I further note that the Boards inspector considered that the five-storey development in close proximity to the housing in Richmond Lodge would constitute an abrupt visual transition and would therefore be visually incongruous as well as overbearing and would seriously injure the residential amenities of these properties in a manner that would be contrary to their 'Z1' land use zoning which seeks to protect, provide, and improve residential amenities.

As set out in Section 4.1 of this report the Board decided to uphold the decision of the Planning Authority to refuse permission for this proposed development.

It is also of note that there is concurrent appeal case ABP-317442-23 (P.A. Ref. No. 3539/23) with the Board which relates to a residential development at the Pete's Antiques site. This case seeks that the Board overturn the decision of the Planning Authority to refuse planning permission for what is a four-storey residential building with a height of over 14metres.

As set out under Section 4.2 of this report above the Planning Authority's reasons for refusal, in particular the second and third reason for refusal, includes concerns over the inappropriateness of this four-storey building height in its context, including in its context with the more modest two storey-built form of Richmond Avenue opposite it.

Given the closer proximity of the proposed Block 2 and its positioning behind a blank tall solid wall at the end of Richmond Lodge cul-de-sac I raise concerns that the overbearing and visual incongruous concerns raised by the four-storey building would be added to by the much taller five storey Block 2 that is now proposed. With the visual incongruous further added to by the fact that Block 2 has no visual or functional activity at ground floor level that would contribute to the streetscape scene of Richmond Lodges public domain. This is further at odds with Richmond Lodge's streetscape scene and the potential for future development bounding it to seek to add positively to it by including active and integrated ground floor levels that contribute to the vibrancy and vitality of the public domain.

In relation to the Planning Authority's decision to grant permission for the development sought under this application, I am not satisfied that Condition No. 17 of the Planning

Authority's grant of permission overcomes the adverse impact that arises from a building of the height, bulk and mass of Block 2 as proposed having regard to its positioning on site and its relationship with other properties as well as public domain.

Of note the Development Plans Height Strategy sets out under Table 3 of Appendix 3 Volume 2 of the Development Plan performance criteria for proposals of enhanced height, density and scale with Objective 7 of this Table seeking to ensure high quality and environmentally sustainable buildings whose design has been modulated and orientated so as to maximise access to natural daylight, ventilation, privacy and to minimise loss of light to adjoining properties. I am not convinced that Block 2 achieves this and it is my view that the assessment shows that significant overshadowing would arise from this building on its setting given its relationship with private and public domain outside of the site, its positioning, orientation and associated features.

On this point I note that the site occupies land that has a transitional zoning character. This is the case as the land associated with Richmond Lodge and 'Petes Antiques' is zoned 'Z1 – Sustainable Residential Neighbourhoods'. The objective for such land is to '*protect, provide, and improve residential amenities*'. Whereas the site is zoned 'Z10 – Inner Suburban and Inner City Sustainable Mixed-Uses'. The stated land use for 'Z10' land is '*to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses*' and the purpose is: "*to promote mixed-use in order to deliver sustainable patterns of development in line with the principles of the 15-minute city*".

The Development Plan provides direction for such site contexts under Section 14.6 which states that: "*it is important to avoid abrupt transitions in scale*" and "*in dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones*".

Of further note the Development Plans Height Strategy, as set out under Table 3 of Appendix 3 of Volume 2 of the Development Plan under Objective 1 seeks to promote development with a sense of place and character in part by respecting and complimenting existing and established surrounding urban structure.

Moreover, Objective 2 seeks to provide appropriate legibility with this including reflecting and reinforcing recent residential development.

I am not convinced Block 2 achieves this relative to existing as well as permitted development in its vicinity in terms of its height and would if permitted be visually overbearing as well as out of context with its setting in a manner that would be contrary to seeking to avoid abrupt transitions in scale through to avoiding detrimental impact on the amenities of the more environmentally sensitive zone which in this case is the adjoining parcel of urban land zoned 'Z1'.

Moreover, it would result in additional significant overshadowing of the public domain of Richmond Lodge to the extent that for most of the year this modest cul-de-sac as well as its associated with public domain would be visually and qualitatively diminished by the shadows this building would cast over it.

Given these concerns I am not convinced that the modest revisions to the scheme as put forward in Condition No. 17 of the Planning Authority's notification to grant permission overcomes the visual and residential amenity concerns arising from this building. Nor do they provide sufficient assurance that Block 2 would not adversely diminish the future residential potential of the 'Pete's Antiques' site or would its height relative to No. 15 Richmond Avenue and Richmond Lodge sit comfortably and harmoniously with one another.

7.6.4. Permeability and Connectivity

Objective 4 of Table 3 of Appendix 3 of Volume 2 of the Development Plans Height Strategy seeks to provide well connected, high quality and active communal spaces.

The proposed design includes a pedestrian passage/access running from Richmond Avenue along the southern side of Block 1 into the main central area of the site which contains the bicycle storage and a pocket of communal open space. Notwithstanding, as raised as a concern in my view there is a missed opportunity for this site given that its rear boundary adjoins the public domain of Richmond Lodge which is a cul-de-sac off Convent Lane to address this boundary treatment and in so doing examine the potential to provide pedestrian permeability at this point as part of a more satisfactory design response for this portion of the site.

Alongside reducing the negative sense of enclosure that would arise to the lower level of Block 2 due its proximity to this boundary.

On the basis of the information provided I am not satisfied that this objective has been met in the design resolution put forward.

7.6.5. Floor Areas & Dimensions

The Development Plan requirements in this regard are consistent with the standards outlined in the Apartment Guidelines. The application includes a Housing Quality Assessment, and all proposed units exceed the minimum overall apartment floor areas as set out in SPPR 3 of the Apartment Guidelines.

Furthermore, with regard to 'Safeguarding Higher Standards' the Guidelines requires that 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%.

In addition, Sections 3.12 and 3.13 of the Guidelines state that in schemes of 10 up to 99 units it is acceptable to redistribute the minimum 10% additional floorspace requirement throughout the scheme, i.e., to all proposed units, to allow for greater flexibility.

The Housing Quality Assessment accompanying this application demonstrates compliance with local and national planning provisions in relation to floor area and dimension requirement for each of the apartment units proposed.

I am satisfied that the level of compliance is further improved by the First Party in their further information response which included a reduction in number of units and some internal changes to the apartment unit layouts for Block 2.

I also note that the Planning Authority by way of the requirements set out under Condition No. 17 of its notification to grant permission seek further improvements as part of reducing further the number of apartment units to a maximum of 21.

I have also reviewed the other requirements of Appendix 1 of the Apartment Guidelines in relation to the living/kitchen/dining areas, bedrooms, and storage. These accord and exceeds the standards it sets out. The proposed ceiling heights are 2.7m in all cases in Block 1 and Block 2, which meets the requirement of at least 2.4m for above-ground floor units.

Further, I have also reviewed the proposed private amenity spaces which also comply with the minimum area requirements.

The spaces are at least 1.5m deep, though in many situations only marginally achieve this depth and in the case of Apartment 1 and 3 in Block 2 these two units would have access to private amenity space at ground level, albeit this space would be

significantly overshadowed by the height and built form of Block 2, the orientation of the site and the enclosure of these spaces by solid boundaries that are c2.8m in height. Through to Apartment 1's private amenity space having a restricted depth that reduces down to 2.1m. These spaces would also be significantly overlooked from the apartment units above.

Notwithstanding these qualitative concerns, the overall scheme meets or exceeds the minimum spatial quantitative standard, with the proposed private amenity spaces suitably accessed off the main living areas and in the cases of some of the Apartments there is more than one private amenity space provided with some of the private amenity spaces provisions being generous in width and depth. In addition, both apartment blocks containing generous communal open space provisions and it is accepted in this type of residential scheme that overlooking would arise given the density of the residential scheme and the confined nature of the site.

I therefore consider that the private amenity space accords with the requirements of the Guidelines and the communal open space particularly at roof level of Blocks 1 and 2 would give rise to additional outdoor amenity space over and above the central courtyard which is a space that would be overshadowed for most of the year.

7.6.6. Aspect

The Development Plan requirements align with SPPR 4 of the Apartment Guidelines by setting out that a minimum of 33% of dual aspect units will be required in more central and accessible urban locations. In this case 69.56% of the apartments proposed are dual aspect and 21.73% triple aspect which leaves a modest 8.69% with one aspect thus according with the provisions of the Development Plan. As a result, the proposed development significantly exceeds the 33% requirement as per SPPR 4 (i) and the Development Plan standards in this regard.

7.6.7. Access, Security and Lift / Stair Cores

The Development Plan requirements in this regard are consistent with the standards outlined in the Apartment Guidelines. The east and west perimeter of the site is bound by active streets which provide existing surveillance. As said pedestrian access is proposed from Richmond Avenue but no access is proposed from the rear boundary of the site onto Richmond Lodge.

The ground level open spaces and access route from Richmond Avenue are both of limited in size with the access route being of restricted width and not suitable for vehicle access.

There is no on-site car parking proposed nor any provision made for loading and/or unloading that may arise during occupation of the building. With car parking arising from the development being dependent on limited publicly provided spaces provided in this locality.

The scheme does meet the required bicycle space provision for future occupants and visitors with this provision including a covered bicycle single storage shed centrally located on site for residential occupants of the scheme to securely park.

The Planning Authority raised no objection to the lack of car parking at this highly accessible location and considered that the restricted width of the passageway running along the southern side of Block 1 together with the setback of Block 2 from Richmond Avenue would still allow for emergency service access.

Internally the spatial configuration of each of the floor levels of Blocks 1 and 2 do not exceed the maximum of 12 units per floor per core as per SPPR 6 of the Guidelines. Outside of the lack of permeability from the public domain of Richmond Lodge in terms of access I raise no further concerns on this matter.

I consider that there a revised scheme could address some of the concerns raised above which I consider are not of sufficient weight to warrant or support a refusal of permission in their own right.

7.6.8. Sustainability

Objective 7 of Table 3 of Appendix 3 of Volume 2 of the Development Plans Height Strategy seeks to ensure high quality and environmentally sustainable buildings. Whilst the documentation provided shows that the design resolution for the two apartment buildings has sought to maximise access to natural daylight, ventilation, privacy for future occupants I am not satisfied that it demonstrates high levels of environmental sustainability. Clarity and assurance could be achieved by way of condition requiring the building to be in keeping with Section 15.4.1, 15.4.3 and Section 15.7 of the Development Plan that requires regard to be had to good healthy placemaking principles to create climate resilient environments as well as reducing

waste and emissions which contribute to climate change. Should the Board be minded to grant permission it could address this concern by way of condition.

7.6.9. **Communal Open Space**

Under the Development Plan all new apartment developments are required to provide for communal amenity space externally within a scheme for the use by residents only. Communal open space provision is in addition to any private or public open space requirements.

The Development Plan requirements in this regard are consistent with the standards outlined in the Apartment Guidelines and provides under Section 15.9.8 that this does not include roof terraces as well as this section provides for a relaxation of communal amenity requirements on a case-by-case basis for infill sites of up to 0.25ha, subject to safeguards. Including but not limited to compliance with minimum standards based on each individual unit, that such spaces are secure for residents and benefit from passive surveillance, they consider the needs of children in particular in terms of safety and supervision and is fully accessible to all, through to the space achieves good sunlight penetration.

The revised design proposed 42m² of communal open space at ground floor level and as such this modest in area site is therefore dependent on the roof terraces to achieve qualitative and quantitative communal open space for its future occupants to meet the required standards.

In this regard, Block 1 would contain 117m² and Block 2 would contain 77m² of communal open space that would be landscaped, provided with suitable privacy and security around its perimeters as well as these spaces would be accessible via the stair/lift cores.

These spaces would mainly be hard landscaped and due to their elevated position over the proposed five and six storey buildings achieve high levels of solar penetration as well as would have views over the city space with sensitive aspects blocked by balustrades fitted with obscure glazing. The spaces would not be significantly overlooked by surrounding future given their height and the design of the perimeters of these spaces.

The documentation with this application does not include an assessment of wind impacts on the rooftop spaces of Block 1 and 2 or potential wind tunnelling from

potential future developments in its vicinity. Notwithstanding, although these buildings are significantly taller than existing development on site within the context of this locality and inner-city suburban Dublin they could not be considered as being exceptionally tall. I am therefore not convinced that they would be likely to give rise to an acceleration of wind speed or 'downdraft' effects and similar to where other roof top gardens have been provided in the inner-city context when designed with high perimeter glazing can provide more qualitative and useable private open space for city residents. Alongside as providing opportunities for urban greening of roofscapes which can have positive impacts on improving climate resilience and biodiversity of such locations. The provision of roof terraces as communal spaces at similar heights is not uncommon in this locality and within Dublin city centre.

Of note the document titled 'Daylight & Sunlight Assessments of the Proposed Residential Development at 17-19 Richmond Avenue, Dublin 3', and dated the 21st day of March, 2022, under Table 9 provides a calculation of the sun on the ground of public amenity spaces within the development.

It sets out that the roof terraces over Block 1 and Block 2 would have unobstructed access to available sunlight and in relation to the courtyard area it sets out that the BRE Guidelines recommends that 50% of the area receive more than 2 hours of sunlight on the 21st day of March. It concludes that 77% of the courtyard would receive available sunlight on the 21st day of March whereas the roof terraces would receive 100%. As such it concludes that the communal open space and the roof terraces meet and exceed the criteria set out in the BRE guidelines for gardens and open spaces.

As such the proposed roof terraces of Blocks 1 and 2 would provide accessible communal open space with acceptable levels of privacy for future occupants.

In this instance given the limited size of the site and the overarching settlement strategy for the city which seeks increased densities and efficient use of serviced urban land. I am satisfied that the roof terraces are appropriately designed in accordance with local and national policy standards to compensate for the limited in size and quality ground level communal open space. A space that would be as said heavily overshadowed throughout the year with this being added to by its sense of enclosure arising from the limited lateral separation distances between Block 1 and 2 which at this point ranges from 5.069m and 6.569m and at a location adjoining the solid northern boundary which has a height of 2.8m.

7.6.10. Communal Facilities

The design includes a single storey designated waste storage shed located against the southern boundary wall to the south of Block 1 and at the northern end of the pedestrian passageway running between this building and the adjoining property of No. 15 the boundary of which is staggered.

The documentation shows that the depth of this structure would range from 1.5m to 1.8m, it would have a north south alignment with a width of 5.773m and a height at its maximum point of 1.964m.

Internally it is shown to contain four large waste storage receptacles on wheels with the exterior finished in selected brick and wood. It is unclear how this space would be managed given the limited width of the aforementioned access which for the most part including to the front of this shed has a restricted width of 1.8m when the landscaping buffer running along the southern elevation of Block 1 is excluded and more restricted in width at the gated entrance to the pedestrian passageway serving this scheme.

This particularly in terms of arranging for the waste storage receptacles to be moved for collection from Richmond Avenue would give rise to obstruction of movement along this passage.

There is also no indication on how foul odours and other associated nuisances would be managed given its location at a key and only access point into the site as well as a location that forms part of the central courtyard of the site.

It is also located in close proximity to the second entrance serving Block 1, the private amenity space, and windows on the southern elevation of Block 1 and is located in proximity to the east of the bicycle shed serving both buildings.

As such it is at a location where it has the potential in my view to give rise to significant disamenity and nuisance.

It is also unclear that even with the reduction in unit number from the original proposal which sought 27 units to the revised scheme which seeks 23 units but with this reduced the number of one-bedroom units in favour of higher provision of two bedroom units that the bin storage is adequate to meet the needs of the apartment unit mix proposed. Even if managed by a management company for collection and removal from the site.

I also raise a concern in terms of collection and whether there is further potential for disamenity and obstruction to arise on the public domain of Richmond Avenue. This

is on the basis of the restricted width of the adjoining public domain and the lack of provision of any space to store waste for collection alongside the public domain so that no potential for undue obstruction would arise for road users, in particular those using its footpath.

The Planning Authority has not raised any objection in this regard, and should the Board be minded to grant permission a condition could be imposed to ensure that the development complied with the requirements set out under Appendix 7 of the Development Plan and Section 4.8 and 4.9 of the Apartment Guidelines.

In this regard, I recommend that an Operational Waste Management Plan should be agreed in writing with the Planning Authority by way of a condition in the event of a grant of permission.

7.6.11. Policy QHN48 and Section 15.8.2 of the Development

This proposal relates to a residential scheme that does not exceed the 50+ threshold where a community and social audit would be required.

7.6.12. Public Open Space

Section 15.8.6 of the Development Plan sets out that 'Z10' zoned land requires a provision of 10% of the site area as public open space, or otherwise a financial contribution in lieu of such provision can be agreed as per Section 15.8.7 of the said plan.

Given the limited site area, the sites configuration and remoteness from other public amenity spaces which therefore limits potential for connectivity together with the settlement strategy set out in the Development Plan which seeks to achieve suitable densities, I accept that the provision of qualitative, quantitative, and meaningful public open space cannot be achieved on this site. I therefore consider a contribution towards the provision of public open space is reasonable in this context.

I also note that the applicable Development Contribution Scheme already covers the requirement for a contribution of €4,000 per unit in such cases.

Accordingly, section 48(2)(c) of the Act need not apply in this case and should the Board be minded to grant permission a condition similar to Condition No. 2 of the Planning Authority's notification to grant permission is appropriate in this circumstance.

7.6.13. **Conclusion**

Given the concerns raised in relation to residential mix and the potential for Block 2 to give rise to undue visual as well as residential amenities I am not satisfied that these can be overcome by way of condition. These concerns are such that in my view warrant refusal of the proposed development so that a more qualitative and site appropriate response is achieved for the western portion of the site in a manner that is consistent with the proper planning and sustainable development of the area.

7.7. **Impact on Surrounding Properties**

- 7.7.1. The Third-Party Appellants raise visual and amenity concerns in relation to the proposed development were it to be permitted and they consider that the conditions attached by the Planning Authority to the grant of permission would not overcome their concerns or reasonably address the serious visual and residential amenity impacts that would arise on their properties. The main concerns raised are overbearing, overlooking, and overshadowing.
- 7.7.2. In relation to other nuisances given that the existing site comprises vacant buildings and unkempt land, it is inevitable that the proposed development will introduce some degree of additional noise and light nuisance to the adjoining established residential properties. However, I consider that these should be balanced against the fact that the site is zoned for residential development, is within a highly accessible inner city and within walking distance of Dublin's city centre location and can be mitigated by appropriate lighting, screening and other measures that ordinarily can be addressed by way of standard conditions in the event of a grant of permission.
- 7.7.3. As set out above this appeal site addresses Richmond Avenue on its easternmost side, is bound by four storey derelict residential buildings on its northern side (Nos 21 to 25 Richmond Avenue), it is bound by commercial development on the southern side (No. 15 Richmond Avenue) and the south westernmost boundary is bound by No. 11 Richmond Lodge. The site also situated just over 6m from a warehouse building on the Pete's Antiques site to the north west. In addition, part of the westernmost boundary adjoins the public domain of Richmond Lodge with the properties of Richmond Lodge having zero setback from the public domain which contains their on-street car parking provision for its residents. The Pete's Antiques site together with the sites to the immediate north and south of the site given their 'Z1' and 'Z10' land use

zoning have latent potential for redevelopment. With No. 15 Richmond Avenue as discussed recently granted permission for its redevelopment under P.A. Ref. No. 3295/21. This grant of permission permitted a six-storey building addressing Richmond Avenue and a three-storey building addressing the rear of the site which backs onto the rear garden area of No. 11 Richmond Lodge and a warehouse building. Directly opposite the site is the four storey Richmond Gardens residential scheme. There is over 15m setback from Richmond Gardens western façade which addresses Richmond Avenue and No. 19 Richmond Avenue.

- 7.7.4. Against this context, I consider that the public domain of Richmond Avenue and the current on-going commercial uses at No. 15 Richmond Avenue, Pete's Antiques as well as the derelict state of No.s 21 Richmond Avenue and its associated derelict buildings that extend along the rear of No. 21 Richmond Avenue to No. 25 Richmond Avenue are not in their present state overly sensitive to adverse impact from the proposed development. Including by way of overlooking, overshadowing through to visual overbearance. This is on the basis that the mixture of vacant, derelict, and non-conforming land uses present on these sites given the prevalence of not highly sensitive to change land uses.
- 7.7.5. Notwithstanding, given the changing context of the site's immediate and wider context it is necessary that any redevelopment at this site reaches an appropriate balance with these sites so that any future redevelopment of adjoining and neighbouring 'Z1' and 'Z10' zoned land is not unduly compromised by excessive overdevelopment of this site.
- 7.7.6. Having regard to the existing development and its relationship with its setting outside of its vacant, unkempt, and derelict state it does not give rise to any other significant amenity impact of properties in its vicinity outside of the diminishment of the visual amenity of the area. The reversal of this subject to a site and setting appropriate and sensitive redevelopment would in my view overcome this issue.
- 7.7.7. As concluded upon in the previous section of this assessment I concur with the Planning Authority that in general the design resolution as revised by way of the further information, in relation to Block 1, would if permitted, provide an appropriate transition in scale given the changing nature of the streetscape scene of Richmond Avenue in terms of existing and permitted development.

- 7.7.8. In addition, its blank northerly façade also allows future flexibility for the redevelopment of No. 21 Richmond Avenue whilst its façade addressing Richmond Avenue and its southern elevation would provide an appropriate juxtaposition for the development permitted at No. 15 Richmond Avenue which similarly includes a six storey building fronting the public domain of Richmond Avenue with a building line matching that of Block 1 as well as No.s 21 to 25 Richmond Avenue to the north. It is also of a height that graduates in a respectful manner with other more recent developments permitted addressing Richmond Avenue. Including the six-storey building fronting Richmond Avenue at No.s 9 and 9A Richmond Avenue under the grant of permission P.A. Ref. No. 3483/22 and the five-storey building of Chamberlain Court which occupies a neighbouring site to the south.
- 7.7.9. Altogether the insertion of Block 1 would cumulatively add in a positive manner to the visual coherence of the northern side of Richmond Avenue's streetscape scene in manner that accords with the recent pattern of development.
- 7.7.10. Moreover, the soft landscaping strip to the immediate front would provide visual softening of this building as well as would add interest to this stretch of Richmond Avenue's streetscape scene.
- 7.7.11. There is also over 15m separation distance with the Richmond Gardens part three storey and part four storey apartment scheme on the opposite side of Richmond Avenue.
- 7.7.12. This separation together with the placement and orientation of the building on the northerly side of Richmond Avenue would not result in undue overshadowing of Richmond Avenues or Richmond Gardens.
- 7.7.13. Alongside the removal of unkempt and vacant buildings opposite Richmond Gardens would provide a more pleasant outlook from this and other residential schemes within the sites visual setting. It is also of note that recent developments along the southern side of Richmond Avenue do not exceed four storeys in their height.
- 7.7.14. On the other hand, and as previously discussed in this assessment having regard to the existing, permitted and latent potential of adjoining and neighbouring land to the rear of the site I consider that this is not the conclusion I would reach for Block 2 despite it being of a reduced five storey with roof terrace over height. This building would be setback c23m from the front building line of Richmond Avenue at its nearest point with no setback from the northern boundary, with a setback of 1.6m at its nearest

point from the southern boundary and 2.1m at its nearest point from its rear boundary with the building at its nearest point having a lateral separation distance of 5m from the two-storey side elevation of No. 11 Richmond Lodge. It would also have minimal lateral separation distance from Block 1. With this building at its nearest point being just over 5m from the rear elevation of Block 1.

- 7.7.15. In terms of relationship with Richmond Lodge and the adjoining permitted but yet to be implemented three storey residential block to the rear of No. 15 Richmond Avenue I consider that the five storeys with roof terrace over structure would be visually overbearing and unduly dominant on these adjoining properties.
- 7.7.16. In addition, this height and the visual incongruity of this height would as said be added to by Block 2's lack of visual and functional integration as well as interaction with the public domain of Richmond Lodge. It would also be visually dominant and oppressive in the context of the modest central courtyard communal open space which in itself has a modest given area of 42m².
- 7.7.17. This visual incongruity and overbearance would in my view be carried through to the adjoining properties to the north and south, with the residential building to the south being three storeys in its height and the derelict building to the immediate north being four storeys in its height. The height would also be visually incongruous as viewed from Chamberlain Court, the residential scheme that bounds the southern boundary of No. 15 whose western portion of the site it occupies is devoid of building and accommodates the communal open space amenity provision for its residents.
- 7.7.18. In relation to the Pete's Antiques site recently permission was refused for a four-storey residential building on the basis of its four-storey height being inappropriate in its setting. As said this site at its closest point is c4m to the north west of the site.
- 7.7.19. In addition, whilst the design includes measures to minimise overlooking from proposed dwelling units the proposed five storey nature would in my opinion when viewed from the rear of Richmond Lodge would give rise to greater perception of being overlooked. This is despite the amendments put forward by the applicant in their further information response. This sense of overlooking would be more acute for any future residential development of Pete's Antiques site as well as for any residential schemes and occupation of the sites at No. 15 and No. 21 Richmond Avenue.
- 7.7.20. Whilst I acknowledge that the further information included some improvements that reduced its mass and bulk by providing a more graduated in height and mass building

notwithstanding the improvements the Planning Authority sought a reduction in height of this building given its potential to give rise to undue visual and residential amenity impacts on its setting to three storeys. A five-storey building despite the revisions made even when the requirements of Condition No. 17 of the grant of permission is still visually overbearing and out of character with existing as well as permitted development in this more sensitive to change transition land use zone where 'Z10' land meets 'Z1' zoned land.

- 7.7.21. In relation to the recent planning history of the site, the Board on appeal refused permission for a five-storey residential building to the rear of No. 17 Richmond Avenue under PL29N.306562. The second reason and consideration given by the Board considered that the position of this building on site together with its proximity to shared boundaries would have a serious and undue impact on its setting, including any future redevelopment of No. 15 Richmond Avenue, including by way of overlooking.
- 7.7.22. In relation to the Development Plan, I also consider it is relevant that Section 14.6 seeks to avoid abrupt transitions in scale in terms of new development in this type of transitional land use context.
- 7.7.23. In relation to daylight impact to existing buildings I note that the 2022 BRE Guidelines recommends the calculation of the Vertical Sky Component (VSC), which is the ratio of direct sky illuminance falling on the outside window to the simultaneous horizontal illuminance under an unobstructed sky. Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH) are used to assess the quantity of sunlight for a given location. For sunlight to gardens and open spaces, at least half the space should receive at least two hours sunlight on the 21st day of March. The calculated values for each of these factors should not be less than 0.8 times their former value.
- 7.7.24. The accompanying sunlight and daylight assessment provides an assessment of the VSC of all the windows of adjoining dwellings.
- 7.7.25. This assessment found a small reduction to some windows to the existing houses at Richmond Lodge, with one window to a bedroom of No. 11 Richmond Lodge giving a result of marginally below 80% of its existing value at 78%.
- 7.7.26. In this context it was considered that the limited reduction to the available daylight levels and as such considered the impact that would arise would be minor.

- 7.7.27. In addition, it found that there would be a minor reduction in available daylight to No. 15 Richmond Avenue for two of its windows and in the case of No. 21 Richmond Avenue there would be a reduction in the available sunlight to receptor locations of some of the windows.
- 7.7.28. However, it considered that given the derelict state of the buildings thereon that it would be likely that a new proposal would be considered for any future redevelopment of the site.
- 7.7.29. In terms of impact on Richmond Gardens it similarly found a small number of the windows would marginally fall below the 80% of their former 79% value.
- 7.7.30. As such in relation to VSC assessment found that the impact to adjoining development would be minor to imperceptible.
- 7.7.31. In relation to sunlight in adjoining residential living area, the assessment accompanying this application examines windows that face within 90° degree south.
- 7.7.32. As such this consisted of the relevant windows of Richmond Lodge, which it notes face north and as such concludes that their sunlight would not be impacted by the proposed development.
- 7.7.33. This was similarly found to be the case for No.s 15 Richmond Avenue due to its southerly positioning relative to the site.
- 7.7.34. In relation to No. 21 Richmond Avenue the assessment noted that any windows close to the southern boundary of the site would have lower access to sunlight but the majority of any development to the north of the site would not have any reduction in sunlight.
- 7.7.35. On this matter it was concluded that the proposed development would give rise to no reduction in available sunlight to any existing residential developments and there would be limited reduction in available sunlight to any future development at adjoining sites to the north and south.
- 7.7.36. The overall assessment found that the impact on the adjacent residential would be minimal and imperceptible. It also found that there would be a good quality sunlight available to the apartments proposed within both Block 1 and Block 2. With the proposed development meeting the recommendations of the BS 8206-2 2008 and BRE guidance document (2011) Site Layout Planning for Daylight and Sunlight. With the bedroom and living spaces of the proposed units having layouts that optimised

daylight and sunlight with this being reflected with 87% of the living spaces with kitchens exceeding target ADF value of 2% and 100% of the bedrooms exceeding the target ADF value of 1%. It also considered that the proposed amenity spaces would be bright and achieve sunlight levels that exceed 2 hours sunlight over 50% of the amenity space on the 21st day of March. As such according with the BRE guideline recommendations. Overall, it concludes that the proposed development meets the recommendations of the BS 8206-2 2008 and BRE guidance document.

7.7.37. Notwithstanding this conclusion I note that this assessment does not include in its assessment the adjoining Pete's Antiques site, with the overshadowing analysis showing that the proposed Block 1 and Block 2 given their heights and depths would give rise to significantly more overshadowing than the existing context with this also impacting on the potential amenity space and elevations of the albeit currently derelict residential buildings at No. 21 to 25 Richmond Avenue. This analysis like that for the examination of daylight and sunlight excludes any potential future redevelopment consideration for the Pete's Antiques site.

7.7.38. As previously discussed having regard to the planning history documentation I note that the previous scheme for the Pete's Antiques site included a more detailed overshadowing analysis with Block 2 having a similar positioning and height relative to adjoining properties. This shows significant overshadowing of the Pete's Antiques site.

7.7.39. In conclusion, on the basis of the information before me and having visited the site setting as well as had regard to the planning history of the site and its setting I am not satisfied that the proposed development would not seriously injure the visual and residential amenities of the area by way of visual overbearance and overshadowing. Further, if permitted in the form proposed, it has the potential to adversely impact on the latent potential of No.s 15 and 21-25 Richmond Avenue, by way of undue impact on the future amenities of any development thereon. In this regard, I am of the view that the proposed development, in particular Block 2, does not reach a reasonable balance between the redevelopment of these sites and the appeal site in a manner that accords with the proper planning and sustainable development of the area.

7.8. Residential Amenity – Future Occupants

7.8.1. In terms of residential amenity for future occupiers, having considered the plans and particulars submitted and having visited the site I consider that the general level of

amenity afforded to future occupants of the scheme would be somewhat compromised by the location of the proposed units of Block 1 and Block 2 in relatively close proximity to one another and the lack of separation with the northern boundary of the site on what is a restricted site given the design resolution chosen. Notwithstanding, I consider that in general the amenity for future residents of this scheme would comply with relevant local through to national standards.

7.9. Transport, parking, and servicing

- 7.9.1. Having regard to the nature of the use and the inner city centre location, there is no objection to the zero-parking provision in the proposed development and to servicing from loading bays as well as from the circa 16 on-street car parking spaces on the public road of Richmond Avenue, which are considered acceptable to the Planning Authority's Transportation Division on the basis that residents would rely on public transport at this highly accessible location and they would adhere to the Mobility Management Plan included with this application.
- 7.9.2. The Mobility Management Plan accompanies the original application and therefore is based on the 27 units sought and different tenure mix.
- 7.9.3. Under Section 5 it sets out a strategy for travel during the construction and operational phases. With this strategy encouraging reduced dependency on using private cars for travelling and encouraging travel by public transport, by cycle and on foot. It sets out a wide methodology for doing so. With this including but not limited to providing extensive information for public transport routes at a public location within the development, provisions of good levels of accessibility and serviceability of the development by public transport modes, lobbying of public transport operators to ensure the ongoing provision of a high level of service through to the provision of cycle parking at the development and the provision of a taxi set down and collection adjacent to the development.
- 7.9.4. It also includes monitoring of the plan during construction as well as operational phases by a designated co-ordinator. With the overall aim of providing no parking on site a means of encouraging the use of alternative modes of transport.
- 7.9.5. I also note that cycle parking provision has been provided at a standard that meets local planning provisions with secure spaces provided for future occupants alongside a provision made for visitors to park within the courtyard area of the site. Notwithstanding, there are access issues arising for this. Particularly in terms of

services, deliveries and/or removal of bulky items, drop-off points and the like when the scheme is operational. This is in addition to the limited availability of on-street car parking on Richmond Avenue, a street where its on-street car parking, obstructs vehicle movement to a single carriageway in situations where vehicles are journeying in opposite directions.

- 7.9.6. In addition, there is insufficient clarity provided on how the taxi set down and collection point would be provided as this is not indicated in the red line area and there is no indication of this provision been agreed with the Roads Authority which in this case is the City Council on the public domain in the vicinity of the site.
- 7.9.7. Cleaning and maintenance staff are also likely to need occasional access with no vehicle access available from Richmond Avenue and as such requiring reliance on limited on-street car parking provisions.
- 7.9.8. Furthermore, mobility impaired residents may similarly need occasional vehicular assistance when accessing and egressing from the building.
- 7.9.9. Moreover, there is a trend for recent residential development on this street and area to include zero through to very limited loading or car parking provision with this putting pressure on the limited resources that are available and with car parking appearing to spill over onto Richmond Road which is a heavily traffic route often used by commuters into the city centre of Dublin.
- 7.9.10. I have also noted in this assessment that the waste management concerns in relation to collection of waste given the restricted width of the adjoining footpath and the potential for storage of waste receptacles for collection to give rise to obstruction for pedestrians.
- 7.9.11. Whilst I accept that a comprehensive construction management plan would deal with traffic implications during demolition and construction phases there is no robust examination of the cumulative impact of zero car parking and zero loading for developments like this on Richmond Avenue to allay concerns that no adverse overspilling of car parking would arise despite this site being highly accessible to array of public transport options as well as being in walking distance to employment hubs, services and amenities.
- 7.9.12. I note that the Planning Authority raised no objection to the proposed development subject to adherence with the Mobility Management Plan and despite the concerns

raised above, in particular the over reliance on a limited number of on-street car parking spaces, the lack of clarity for a loading or taxi set down / collection space adjacent to the development, I am not convinced that the concerns raised in themselves would warrant a refusal of planning permission given the highly accessible to public transport, services, employment, amenities inner city location of this site.

7.10. **Other Matters Arising**

- 7.10.1. **Devaluation of Property:** I also have no expert information before me that supports that this proposed development, if permitted, would lead to devaluation of property in the vicinity.
- 7.10.2. **Demolition and Construction:** The main impact that would arise to the amenities of this area would result from the demolition and construction phases of the proposed development should it be permitted. During these phases, the works would inevitably result in noise, dust, vibrations, building debris and so forth. There is also potential for obstruction of traffic movements along Richmond Avenue during deliveries, parking associated with site workers and the like. Notwithstanding, such nuisances would be of a temporary nature and would be required to be carried out in compliance with standard codes of practice. It is also standard planning practice to include conditions that seek to minimise such impacts in the event of a grant of permission.
- 7.10.3. **Development Contribution:** Having examined the terms of the City Council's applicable development contribution scheme it is noted that the proposed development sought under this application is required to pay a S48 financial contribution in the event of a grant of permission.

8.0 **Appropriate Assessment Screening**

8.1. **Overview**

- 8.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.
- 8.2. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in

combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives.

- 8.1.2. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

8.2. The need for Stage 1 AA Screening

- 8.2.1. The project is not directly connected with or necessary to the management of a European Site. As set out in Section 5.5 of this report above there are a number of European sites within its wider setting. Of these, there is only a potential connection between the subject lands and European Sites in Dublin Bay via the existing surface water and foul water drainage network which discharges to the Tolka River and Poolbeg Peninsula. Several intertidal habitats for which European Sites in Dublin Bay are designated. These fail to meet conservation objectives and water pollution is considered a threat of high importance. It therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

8.3. Brief Description of the Development

- 8.3.1. The development is also summarised in Section 2 of this Report. In summary, permission is sought demolition of all structures on the amalgamated sites of No.s 17 and 19 Richmond Avenue.
- 8.3.2. This brownfield site has a given area of 890m² and according to the information provided the existing buildings span across 0.033ha of the total area with the majority of the site overgrown and with 0.024ha of the site asphalted/concreted over. The existing site topography is described as having a moderate continuous gradient of approximately c.2% from the western boundary of the site towards the eastern boundary with the highest level of the site given as 5.46 OD Malin with this relating to the western boundary of the site. The lowest level is 4.61 OD Malin with this relating to the eastern boundary of the site. New connections to public water supply and public mains drainage to serve the proposed apartment units that as revised total 23. The

area is characterised by mainly residential development, with No. 19 Richmond Avenue having up to recent years being such used.

- 8.3.3. The area also contains a number of other commercial uses carried out from warehouse type buildings and associated spaces with No. 17 containing a single storey vacant shed building that is most likely up to it being abandoned so used.
- 8.3.4. Richmond Avenue which the site bounds on its eastern most side and Richmond Lodge which the site bounds on its western most side are both serviced by public water and drainage networks. The dominant habitat on site are the two aforementioned buildings, their associated structures, and artificial surfaces.
- 8.3.5. In its present state there is no water supply or wastewater connection and connections serving this vacant site.
- 8.3.6. Whilst the site is unkempt in part overgrown the level of biodiversity on this site is of minimal merit.
- 8.3.7. There are no surface watercourses within or immediately adjoining the site.
- 8.3.8. The receiving environment for both foul and surface water is located immediately outside the proposed entrance within Richmond Avenue, into a combined sewer, which will drain to the Ringsend WWTP and ultimately outfall to Dublin Bay.
- 8.3.9. The proposed residential development incorporates attenuation for surface water and the quantity of stormwater discharged will be restricted based on the recommendations of the Greater Dublin Strategic Drainage Study with this flow restricted by utilizing a Hydro-Brake or similar installed at the outfall manhole of the development with the excess stored on site for the duration of the storm.

8.4. Planning Authority, Submissions and Observations

- 8.4.1. The documentation provided with this application do not include an Appropriate Assessment Screening Report in support of the subject application. It does include detailed engineering reports on water supply, foul drainage, and surface water.
- 8.4.2. The Planning Authority having carried out an Appropriate Assessment Screening concluded that having regard to the nature, scale of the proposed development and

the proximity to the nearest European site, that no Appropriate Assessment issues arise and that it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.4.3. The submissions and observations on file, including those received by the Board, do not raise any issues in relation to Appropriate Assessment.

8.5. **European Sites**

8.5.1. As noted above and as set out in Section 5.5 of this report above the site is not within or immediately adjacent to a Natura 2000 site. The nearest Natura 2000 sites are the South Dublin Bay and River Tolka Special Protection Area (Site Code: 004024) which is located c1.07km to the south east and the South Dublin Bay Special Area of Conservation (Site Code: 000210) which is located c3.7km to the south east of the appeal site both as the bird would fly.

8.6. The subject site lies within the inner-city urban area of Dublin in close proximity to its centre. The proposed development will comprise the demolition of an existing terrace period dwelling, shed and their associated built features and in their place the construction of two apartment blocks.

8.7. The development will connect to public services and is not located within or within the zone of influence of any designated site.

8.8. Being a brownfield site, the site does not appear to contain nor is there any evidence to support the presence of any of the habitats or species associated with any Natura 2000 site.

8.9. In terms of an assessment of potential significant effects of the proposed development on qualifying features of Natura 2000 sites in the vicinity of the site, having regard to the relevant conservation objectives, I would note that in order for an effect to occur, there must be a pathway between the source (the development site) and the receptor (designated sites). As the proposed development site lies outside the boundaries and is remote from any European Sites there is no direct effects anticipated.

8.10. In terms of indirect effects, and with regard to the consideration of a number of key indications to assess potential effects, the following is relevant:

- **Habitat loss/alteration/fragmentation:** The subject site has a lateral separation distance of over 1km from the boundary of any designated site. As such, the proposed

development shall give rise to no direct or indirect loss, alteration or fragmentation of any protected habitats associated within in any Natura 2000 site.

- Disturbance and / or displacement of species: The site lies within the settlement boundaries of Dublin city and within its immediate and wider locality there is residential as well as commercial developments present. There are no qualifying species or habitats of interest, for which the closest designated sites are so designated, occurring at the site. As the subject site is not located within or immediately adjacent to any Natura 2000 site and having regard to the nature of the demolition and construction works proposed, there is little or no potential for disturbance or displacement impacts to land based species or habitats for which the identified Natura 2000 site have been designated.

- Water Quality: The proposed development relates to the construction of a residential scheme on lands within the settlement boundary of Dublin where residential land uses are one of the primary land uses permissible. The development will connect to existing public water services including foul drainage. Having regard to the scale of the proposed development together with the availability of capacity within the public water services network to accommodate the quantum of development proposed, I am generally satisfied that the principle of the proposed development is acceptable and that if permitted, is unlikely to impact on the overall water quality of any Natura 2000 site in proximity to the site due to connection to public services or during the operational phase of the development. The development site is not bound on any side by a water course / drainage ditch nor is it in close proximity to one. It is proposed that water supply will accord with Irish Water requirements for the same and that foul sewerage from the proposed development will drain via a new network of gravity sewers and outfalls into a newly constructed manhole to the existing sewer on Richmond Avenue and upon completion it would be taken into charge by Irish Water for which a pre-connection has been submitted to. In relation to surface water a greenfield runoff rate has been calculated for the site using the Institute of Hydrology report No. 124 'Flood Estimation for Small Catchments' and the proposed surface water drainage system is designed as a sustainable urban drainage system using underground attenuation together with flow control devices, green podium/roof, permeable paving, rain gardens and a petrol interceptor to:

- Treat run off and remove pollutants to improve quality.

- Restrict outflow and to control the quantity.
- Increase amenity value.

In addition, excess stormwater will be attenuated in a concrete tank structure below ground in the centre of the site between Block 1 and Block 2 to accommodate the 1 in 100-year storm event plus allowing an additional 20% capacity for climate change. The overall surface water would be managed to accord with the requirements of Dublin City Council and with the Greater Dublin Strategic Drainage Study (GDSDS) Regional Policies Volume 2, for New Developments and CIRIA documents. Thus, according with the principles of managing surface water run-off as close to its source as possible, with the re-use of rainwater within the building prioritised.

In relation to contaminants generated during demolition and construction works for the overall development this may be drained or flow overland into the local drainage network via the existing intercepting sewer Richmond Avenue by virtue of the fact that the site topography falls in this direction.

In this context and also having regard to the distance from the site and assimilative capacity of both the River Tolka and Dublin Bay I consider the risk of a contamination even occurring during these phases (subject to standard best practice demolition and construction methodologies being implemented) that would negatively affect water quality in either of these bodies is extremely low to negligible.

In relation to hazardous waste, I consider the risk of contamination from historic use at this site is mostly likely to be a localised issue and would be remote from Dublin Bay and would be physically separated from the Tolka River, a potential pathway to Dublin Bay.

I am satisfied that the potential for likely significant effects on the qualifying interests of the identified Natura 2000 sites can be excluded given the distance to the sites, the nature and scale of the development and the lack of a hydrological connection.

8.10.1. In Combination / Cumulative Effects

Given the nature of the proposed development, being the construction of a residential scheme, I consider that any potential for in-combination effects on water quality in Dublin Bay and associated Natura 2000 sites can be excluded. In addition, I would note that all other projects within this locality and wider inner-city area which may influence conditions Dublin Bay via rivers and other surface water features are also

subject to AA. Further, the combined discharge from the proposed development and other projects in this locality would drain, via the public network, to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is however potential for an interrupted and distant hydrological connection between the site and sites in Dublin Bay due to this pathway. Notwithstanding, the discharge from the site is negligible in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible should such circumstance arise.

8.10.2. **Conclusion on Stage 1 Screening:**

I have considered the NPWS website, aerial and satellite imagery, the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Qualifying Interests, the separation distances and I have had regard to the source-pathway-receptor model between the proposed works and the European Sites. It is reasonable to conclude that on the basis of the information available, that there will be no likelihood of any significant effect on any European sites during the demolition, construction or operational stages of the development, either individually or in combination with other plans or projects, and that the proposed development would not be likely to have a significant effect on the European Sites identified within the zone of influence of the subject site. As such, and in view of these sites' Conservation Objectives I am satisfied that a Stage 2 Appropriate Assessment is not required for these sites.

9.0 **Conclusion**

- 9.1. The site is zoned under the Dublin City Development Plan, 2022-2028, to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses with residential being one of the primary land uses permitted. The Development Plan does not advocate mono-use developments in this zone and it also a policy of the said plan to seeks to create sustainable residential communities which contain a variety of housing and apartment types, sizes and tenures, in accordance with the Housing Strategy and Housing Need and Demand Assessment (HNDA) (Note: Policy QHSN38). Based on a sub-city level HNDA for the North Inner City, Section 15.9.1 of the Development Plan requires that developments of this nature contain a minimum of 15% three or more bedrooms and a maximum of 25-30% one bedroom/studio units.

This provision accords with the SPPR 1 of the ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’, 2020, as amended. The proposed development provides no three or more bedroom units and exceeds the maximum provision of one-bedroom/studio unit types.

- 9.2. Therefore, to permit the proposed development would materially contravene Development Plan policy and would give rise to a development with a unit mix that does not reflect the evidence-based housing need of this area.
- 9.3. Further, the height, mass and overall built form of Block 2 would in its setting be visually overbearing and would give rise to diminishment of amenities by way of undue overshadowing which in turn has the potential to compromise the future development of ‘Z1’ and ‘Z10’ zoned land adjoining it.
- 9.4. Moreover, the building height significantly exceeds the established and permitted pattern of development to the rear of Richmond Avenue sites. When taken together it is my view that Block 2 fails to accord with the Development Plan Height Strategy as set out under Table 3 of Appendix 3 Volume 2 and also it fails to have regard to Section 14.6 of the said plan in relation to transitionally zoned land which advocates avoidance of abrupt transitions in scale through to avoiding developments that would be detrimental to the amenities of the more environmentally sensitive zone.
- 9.5. As such, the proposed development would be contrary to the proper planning and sustainable development of the area.

10.0 Recommendation

- 10.1. I recommend that planning permission be **refused**.

11.0 Reasons and Considerations

1. The Dublin City Development Plan, 2022-2028, under Section 15.9.1 and Policy QHSN38 seeks to create sustainable residential communities which contain a wide variety of housing and apartment types, sizes, and tenures, in accordance with the Housing Strategy and Housing Need and Demand Assessment (HNDN).

In this regard, the HNDN for the North Inner City sub city level, requires that developments at this location and of the nature proposed contain 15% three or

more bedroom apartment units and a maximum of 25%-30% one-bedroom/studio apartment units.

It is considered that these provisions are reasonable in accordance with Specific Planning Policy Requirement 1 of 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' issued by the Department of Housing, Local Government and Heritage, 2020, and as updated in 2022.

The proposed mix of apartment units includes no three bedroom or more apartment units and exceeds the maximum number of one bedroom/studio units in a manner that materially contravenes Development Plan policy for the type of development proposed.

As such the proposed development fails to demonstrate its consistency with the evidence-based housing needs of the local area.

For this reason, the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed five storey Block 2 which would be positioned in close proximity to the public and private domain of Richmond Lodge, a modest cul-de-sac residential development consisting of a 2-storey terrace group of dwelling units, situated to the west and south west. It would also be positioned in close proximity to No. 15 Richmond Avenue to the south where planning permission has recently been granted for a three storey residential block, it adjoins with no setback the boundary with No. 21 Richmond Avenue, with both No. 15 and 21 Richmond Avenue zoned 'Z10' under the Dublin City Development Plan, 2022-2028, and it would be positioned in close proximity to the Pete's Antiques site which is situated to the north west and is residentially zoned ('Z1') under the said Development Plan and therefore suitable for future residential redevelopment.

In this context when regard is had to the existing and permitted development Block 2 five storey height would constitute an abrupt visual transition in building scale.

It would also be visually incongruous and overbearing and would seriously injure the residential amenities of these properties.

The proposed development therefore be contrary to the 'Z1' zoning objective for the adjoining land to the west and south west which seeks to protect, provide, and

improve residential amenities under the said Development Plan as well as would be contrary to Section 14.6 of the said Development Plans guidance for transitionally zoned land which seeks to avoid abrupt transitions in scale and seeks to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones.

Moreover, Block 2 at the height proposed alongside its proximity to multiple boundaries would constitute an excessive scale of backland development with no meaningful visual or functional connectivity with its setting including public realm of Richmond Lodge and it has the potential to unduly impact future development at the Pete's Antique site as well as No.s 15 and 21 Richmond Avenue.

It is therefore considered that this residential block would constitute an excessive scale of development that is incompatible with its surroundings that also has the potential to give rise to undue overshadowing of surrounding properties.

The proposed development would, therefore be, contrary to the proper planning and sustainable development of the area.

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.

Patricia-Marie Young
Planning Inspector

7th day of September, 2023.