



An
Bord
Pleanála

Inspector's Report

ABP-313554-22

Development

Permission for 35 No. dwellings; demolition, additions, and alterations on existing dwelling (Note: No. 21 Monaloe Cottages); relocation of an existing Dublin Bus stop, new entrances onto Clonkeen Road together with all associated site works and services.

Location

A circa 0.265ha site at No. 21 Monaloe Cottages, Clonkeen Road, Deansgrange, Blackrock, Dublin 18.

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D22A/0135.

Applicant(s)

Kelland Homes Ltd.

Type of Application

Planning Permission.

Planning Authority Decision

Refused.

Type of Appeal

First Party.

Appellant(s)

Kelland Homes Ltd.

Observer(s)

1. Colm Sinnott.
2. Mary Sinnott & John Sinnott.
3. Stephen Mannix.
4. Arthur Choyce.

Date of Site Inspection

11th September 2023.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. No. 21 Monaloe Cottages, the triangular shaped appeal site, has a given 0.265 Ha area. It is located on the western side of the heavily trafficked Clonkeen Road (R827), circa 55m to the north of its junction with the Stillorgan Road (N11) and its westernmost boundary lies on the opposite side of the N11 with the site itself being within 80m of the Cornelscourt Shopping Centre as the bird would fly, in the south Dublin city suburb of Deansgrange/Cabinteely.
- 1.2. No. 21 Monaloe Cottages is situated on the northern side of the site, and it is a much extended single storey single storey semi-detached dwelling on a large garden plot that extends to the rear and south of it. It is bound by its original matching pair on its northern side, i.e., No. 20 Monaloe Cottages. This adjoining property like No. 21 Monaloe Lodge has been subject to alterations and additions. They appear to date back to the early 20th Century and as observed from the public domain share and retain many of their original built features including their front porches, window opening, roof structures and the like. Thus, as a result of the additions being located to the rear they present as a highly coherent and legible period semi-detached pair from the public domain of Clonkeen Road.
- 1.3. In addition, to this the semi-private open space to the front of No. 21 Monaloe Cottages is overgrown and in the immediate vicinity of this structure there is dense shrub and hedge planting. There is no evidence of this property being currently in habitable use. There is a large quantity of building debris to the south of the rear extensions.
- 1.4. Access to this property is via a pedestrian access and a separate vehicle entrance onto Clonkeen Road. The vehicle entrance is served by a driveway that opens onto an area of hard stand which is likely to have been used in the past for off-street parking by occupants of this dwelling. The pedestrian and vehicle entrances are situated towards the northern end of the curving in alignment solid stone roadside boundary, and they open out onto the public domain of Clonkeen Road. They contain painted metal gates that are hung from flanking pillars that project above the height of the main stone wall. There is also a small section of this stone wall that contains evidence of much older masonry.
- 1.5. The adjoining public domain consists of a pedestrian footpath, grass verge, two individual semi-mature trees, a bus stop, an ESB kiosks and there is a utility pole

located alongside the southern pier of the pedestrian gate. In addition, there is a cycle on both sides of Clonkeen Road.

- 1.6. The northwestern, western, and southern boundaries of the site contain mature dense hedge and tree planting. There is also a single storey timber shed structure present along its easternmost end of this boundary which has a significant westerly change in alignment from where it meets Clonkeen Road hence significantly adding to the triangular shape of the subject site. The existing dense planting along this boundary obscures the presence of a historic ditch and granite post which are considered to be of built heritage merit in the documentation accompanying this application. On the opposite side of the southern boundary is a detached dormer dwelling. Within the curtilage of this dwelling there is a dormer what appears to be ancillary residential building located to the rear as well as an extension to the southern side of the main dwelling.
- 1.7. Part of the westernmost boundary of the site runs alongside the N11 corridor. This boundary is dense containing mature trees and hedge planting. Which like the planted boundaries to the south and north provide high levels of visual seclusion for the site from the N11 as well as properties to the north and south.
- 1.8. Within the main site area there is also mature trees which include orchard planting within what is mainly a grassed garden plot. In addition to the timber shed the site also contains two modest glass houses and a block outhouse building.
- 1.9. On the opposite side of Clonkeen Road there are single storey and dormer dwellings present. These like the adjoining properties of No.s 20 to 21 Monaloe Cottages and Monaloe Lodge are setback from their roadside boundary. The surrounding area of Clonkeen Road has mixed in architectural style and built form residential character. On the opposite side of the N11 is Cornelscourt Shopping Centre which contains a wide variety of retail offers including Dunnes Stores as an anchor tenant and within a radius of 1km of the site there is a variety of other services and amenities synergistic to residential development. The site is also in close proximity to a number of Bus Stops and Deansgrange village situated to the south.

2.0 Proposed Development

2.1. Planning permission is sought for 35 No. apartments (5 No. 1-bed and 30 No. 2-bed units), accommodated in a building ranging in height from 4 to 6 storeys, over a single storey basement car park. All apartments' units having private balconies or terraces, located on east and west building elevations, and communal roof garden at 4th floor level. The proposed development includes the demolition (c.74.3 sq.m) and reconstruction (c.29.3 sq.m) of the rear extension and the renovation of the existing habitable house on site, to maintain its existing use as a single-storey 2 bed dwelling (c.63 sq.m total), all associated and ancillary site development, landscaping and boundary works, with these works including: demolition of existing outbuildings. It also includes a single storey basement (c.1,600 sq.m), accommodating 34 No. car parking spaces, plant and stair/lift core; 7 No. surface car parking spaces; secure bike store containing 68 No. spaces and open visitor bike store at grade; 1 No. ESB sub-station; c. 710 sq.m usable communal open space (including c.600 sq.m at grade and c.110 sq.m at 4 floor roof terrace level); 1 No. new vehicular entrance and 1 No. new pedestrian entrances onto Clonkeen Road; and, the relocation of 1 No. existing bus shelter and stop on Clonkeen Road. This application is accompanied by but not limited to the following documents:

- Planning Application Report.
- Architectural Design Statement.
- Housing Quality Assessment Schedule.
- Letters of Consent.
- Part V Validation Letter.
- Engineering Services Report.
- Outline Construction Management Plan.
- Outline Construction & Demolition Waste Management Plan.
- DMURS Compliance Statement.
- Traffic Assessment & Mobility Management Report.
- Quality Audit.

- Landscape & Visual Impact Assessment.
- Arboricultural Assessment & Tree Survey.
- Public Lighting Assessment.
- Telecommunications Impact Assessment.
- Utility Impact Assessment.
- Energy Statement.
- Hydrological & Hydrogeological Assessment.
- Archaeological Impact Assessment.
- Screening for Appropriate Assessment.
- EIA Screening Report.
- Ecological Impact Assessment.
- Operational Waste Management Plan.
- Sunlight, Daylight and Shadow Assessment.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated the 14th day of April 2022, the Planning Authority **refused** permission for the following stated reasons:

“1. Having to the overall scale, height and form of the proposed development and its siting within the central portion of the site and its consequent relationship with the adjoining properties, the proposal will be detrimental to the residential amenity of the properties within the surrounds of the site. The proposed development fails to provide an appropriate graduation in height across the site and the lack of appropriate boundary setbacks limits the opportunities for meaningful boundary landscaping which would act to filter and soften views of the development from the public realm and from the site’s more sensitive interfaces. As a consequence, the proposal will unreasonably compromise the residential amenity of properties located within the vicinity of the

application site by reason of overlooking, overshadowing and by being visually overbearing. The proposed development is therefore contrary to Zoning Objective 'A' of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022 which seeks 'to protect and /or improve residential amenity'. In addition, the proposal fails to accord within the Building Height Strategy contained within Appendix 9 of Dún Laoghaire-Rathdown County Development Plan, 2016-2022 and does not accord with a number of the Development Management Criteria as set out in 'Urban Development and Building Heights Guidelines' (December, 2018). The proposed development would, therefore, be seriously injurious to the residential amenities of the area and would depreciate the value of the adjoining properties in the area and, if permitted, would set an undesirable precedent for similar development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The Planning Authority has concerns that the proposal in its current form may limit the development potential of the adjoining sites and therefore constitute piecemeal development. An amalgamation of the sites may facilitate a more comprehensive redevelopment of the wider lands and could achieve an appropriate density for the site whilst providing a built form which responds to the character of the site and surrounds. The proposed development is therefore considered to be contrary to Policy UD1 (Urban Design Principles) and Section 8.2.3 (Residential Development) of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022 which seeks to achieve high standards of design and layout to create and foster high quality, secure and attractive areas for living that assists in promoting a 'sense of place'. The proposed development, if permitted, would set an undesirable precedent for similar development in the vicinity and would therefore, be contrary to the proper planning and sustainable development of the area."

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report dated the 13th day of April 2022 is the basis of the Planning Authority's decision.

It includes an overview of the proposed development, the eleven Third Party Observations, the internal and prescribed body reports received. It also sets out local through to national planning policy provisions as well as guidance deemed relevant to the proposed development sought.

Whilst considering that the principle of residential development is acceptable on zoned objective 'A' land; however, it raises concerns in terms of the development's interfaces with development to the north and south of the site. In particular the potential of the proposed development to give rise to undue residential disamenity for these properties.

It also considered that a reduction in height would help to absorb the proposed development against its surrounding site context and would be consistent local through to national planning policy provisions on such matters.

It was further considered that the potential to absorb further adjoining land into the site should be explored. In the absence of this being explored it was considered that the potential for redevelopment of the land at this location would not be coherently realised to its best potential.

This report concludes with a recommendation of refusal as per Section 3.1.1 of this report above.

3.2.2. Other Technical Reports

Transportation Report dated the 6th day of April, 2022, included the following comments:

- There aspirations are for a more comprehensive development which includes neighbouring sites. This lack of comprehensive development would be detrimental to the pedestrian infrastructure along Clonkeen Road.
- Sightlines for the proposed vehicular access is a concern.
- Reallocation of Bus Stop on Clonkeen Road alongside other existing infrastructure is a concern.
- The standards set out in the Mobility Management Report should be required if permission is granted.

- Further interaction with the Council would be required in relation to the Construction Management Plan.
- Whilst 50 no. car parking spaces are required for the proposed development the reduced provision of 40 is deemed acceptable in this case given the easy access to public transport.
- Further information is required for the provision of 3 no. disabled car parking spaces at ground level.
- No concerns are raised in relation to the bicycle parking provision.
- It is not clear whether the proposed basement car park follows the design recommendations required under the Development Plan.
- This report concludes seeking further information which I note includes the above concerns but also seeks that the applicant demonstrate that 10% of the car parking spaces are fully equipped with EV charging points and future EV charging would be achievable from the remainder of the car parking spaces.

Environment Report dated the 1st day of April, 2022, raised concerns that the documentation included the following serious deficiencies:

- Absence of material resource planning to support the circular economy.
- Absence of noise planning to abate ambient traffic noise.
- Absence of measures to support waste segregation in the completed development.

Concludes with 6 recommended conditions. These relate to: 1) Monitoring; 2) Construction Waste; 3) Liaison with Public; 4) Noise Management; 5) Pest Control; and 6) Operational Waste Management.

Drainage Planning Report dated the 29th day of March, 2022, raises no objection to the proposed development subject to 10 no. conditions which relate to several matters including the surface water outfall discharge rate; SuDS measures; a reduction factor of 0.8 for the green roof; access and maintenance of the attenuation tank; suitable separation distance between PV panels and the sedum green roof; surface water management for the existing dwelling; through to details of external bin store.

Lighting Report dated the 28th day of March, 2022, considered the lighting report provided difficult to decipher. It also sets out that it does not recommend the use of bollard lighting and that wall mounted lighting should be above 3m. Further, it is noted that the lighting would not be taken in charge.

Housing Report dated 15th day of March, 2022, notes that the applicant proposes to comply with Part V requirements, subject to compliance with the same no objection to the proposed development.

3.3. **Prescribed Bodies**

3.3.1. **Irish Water:** No objection, subject to standard safeguards.

3.4. **Third Party Observations**

3.4.1. During the course of the Planning Authority's determination of this application they received 11 No. Third Party Observations. The observations included the adjoining semi-detached dwelling of No. 20 Monaloe Cottages. The key issues raised in these observations correlate with those raised by the Third-Party Observers in this case which are summarised under Section 6 of this report below.

4.0 **Planning History**

4.1.1. **Site:** No recent and/or relevant planning history.

4.1.2. **Other – Site**

ABP-316587-23: The Board confirmed the appeal sites inclusion into the Planning Authority's RZLT Map.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. The Dún Laoghaire Rathdown County Development Plan, 2022-2028, is the operative County Development Plan under which the site is subject to land use zoning 'A' which has the objective: "*to provide residential development and improve residential amenity*

while protecting the existing residential amenities". 'Residential' development is permitted in principle under this zoning objective.

5.1.2. Section 12.3.7 of the Development Plan deals with Additional Accommodation in Existing Built-up Areas and Section 12.3.7.1 Extensions to Dwellings.

5.1.3. Section 12.3.7.1(ii) in relation to Extensions to the Rear states that: "*ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house*".

5.1.4. Section 12.3.7.7 - Infill

In accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area.

5.1.5. Section 12.3.7.5 - Corner/Side Garden Sites

Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site, to provide an additional dwelling(s) in existing built-up areas. In these cases, the Planning Authority will have regard to the following parameters:

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Accommodation standards for occupiers.
- Development Plan standards for existing and proposed dwellings.
- Building lines followed, where appropriate.
- Car parking for existing and proposed dwellings provided on site.
- Side/gable and rear access/maintenance space.
- Adequate usable private open space for existing and proposed dwellings provided.
- Level of visual harmony, including external finishes and colours.

- Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas where it may not be appropriate to match the existing design.
- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.
- Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.
- Use of first floor/apex windows on gables close to boundaries overlooking footpaths, roads and open spaces for visual amenity and passive surveillance.

5.1.6. Policy Objective PHP18 - Residential Density

It is a policy objective to: increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill / brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12. Encourage higher residential densities on the proviso proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.

5.1.7. Policy Objective PHP20 - Protection of Existing Residential Amenity

It is a policy objective to ensure the residential amenity of existing homes in the Built-Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

5.1.8. Policy Objective PHP27 - Housing Mix

It is a Policy Objective to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future regional HNDA.

5.1.9. Policy Objective PHP42 - Building Design & Height

It is a policy objective to encourage high quality design of all new development; ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF).

5.1.10. Policy Objective PHP44 - Design Statements

It is a Policy Objective that, all medium-to-large scale and complex planning applications (30+ residential units) submit a 'Design Statement' and shall be required to demonstrate how the proposed development addresses or responds to the design criteria set out in the 'Urban Design Manual – A Best Practice Guide' (DoEHLG, 2009) and incorporates adaptability of units and / or space within the scheme.

5.1.11. Policy Objective BHS 1- Increased Height.

This policy objective seeks to support the consideration of increased heights and also to consider taller buildings where appropriate in suitable areas such as those well served by public transport links (i.e. within 1000 metres/10 minute walk band of LUAS stop, DART stations or Core/Quality Bus Corridor, 500metres/5 minute walk band Bus Priority Route) provided that proposals ensure a balance between the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area (NPO 35, SPPR 1 & 3).

Having regard to the Building Height Guidelines and more specifically in order to apply SPPR 3 the Development Plan sets out that there may be instances where an argument can be made for increased height and/or taller buildings in the areas mentioned above. In those instances, any such proposals must be assessed in accordance with the performance-based criteria set out in Table 5.1 which is contained in Section 5 of the Development Plan. This sets out that the onus will be on the applicant to demonstrate compliance with the criteria.

Within the built-up area of the County increased height can be defined as buildings taller than prevailing building height in the surrounding area. Taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height for the area.

5.1.12. Table 5.1 of the Development Plan sets out the criteria for assessing proposals for increased height (defined as building or buildings taller than prevailing building heights in the surrounding urban areas) or taller buildings or for a building that is higher than

the parameters set out in any LAP, or any specific guidance set out in this County Development Plan.

5.1.13. Quantitative Standards for Residential Development include:

- Habitable Rooms: Shall comply with appropriate national guidelines/standards in operation at the date of application.
- Residential Density: The overarching objective is to optimise the density of development in response to type of site, location and accessibility to public transport.
- Separation Between Blocks: All proposals for residential development, particularly apartment developments and those over 3 storeys high, shall provide for acceptable separation distances between blocks. A minimum clearance distance of circa 22 metres, in general, is required, between opposing windows in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. Where minimum separation distances are not met, a daylight availability analysis will be required.
- Dual Aspect: There shall generally be a minimum of 50% dual aspect apartments in a single scheme. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, DLR may exercise discretion to consider dual aspect unit provision at a level lower than the 50% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.
- Minimum Apartment Floor Areas: All apartment developments shall accord with or exceed the minimum floor areas indicated in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities', (2020), as set out in the Table 12.4.
- Transport: Proposals are sought to provide for pedestrians and cyclists as part of the development management process with all new development required to maximise permeability and connectivity for pedestrians and cyclists and to create direct links to adjacent roads and public transport networks in accordance with the provisions of the 'Urban Design Manual – A Best Practice Guide' (2009), 'Sustainable Urban Housing:

Design Standards for Apartments' (2018) and the 'Design Manual for Urban Roads and Streets' (DMURS, 2019).

- Car Parking Provisions: These are provided for under Policy Objective T18, Section 12.4.5 and Map T2.
- Cycle Parking Provisions: These are provided for under Section 12.4.6.

5.1.14. Chapter 4 of the Development Plan sets out that higher densities can be justified along existing QBCs on the N11.

5.2. Regional

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. 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) and 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. Of further note RSES's RPO 3.2 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.

5.3. National

5.3.1. The following are of relevance to the consideration of the proposed development:

- **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; NPO 3(b) which seeks to provide 50% of new homes in the five largest cities, including Dublin; NPO 4 which seeks attractive, liveable, and well-designed urban places; NPO 13 which sets out development standards; NPO 27 which deals with the matter of transport alternatives) and NPO 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.

- Other relevant provisions and guidance 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 include:
 - 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).
- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BR 209 2022 Edition).
- BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.
- BS EN 17037:2018 'Daylight in Buildings'.
- Rebuilding Ireland - Action Plan for Housing and Homelessness (2016).
- Framework & Principles for the Protection of Archaeological Heritage, 1999.
- Cycle Design Manual, 2023.

5.4. Natural Heritage Designations

- 5.4.1. I note the site is not located within or directly adjacent to any Natura 2000 sites. The nearest such sites are Dalkey Islands SPA (Note: Site Code 004172) and Rockabill to Dalkey Island SAC (Note: Site Code: 003000) which is located c4.6km to the east of the site at its nearest point.

5.5. EIA Screening

- 5.5.1. See completed Form 2 on file.
- 5.5.2. The project falls under Class 15, Schedule 7 of the Planning and Development Regulations 2001, as amended. The project as lodged in summary consists of 35 dwelling units on a site of 0.265sq.m. As such this project falls below the threshold for triggering the need to submit an EIAR and having regard to the nature of the development comprising a significantly sub-threshold residential development on residentially zoned infill/brownfield lands where public piped services are available there is no real likelihood of significant effects on the environment arising from the proposed development.
- 5.5.3. Therefore, 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 are no real likelihood significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

- 5.5.4. Conclusion: The need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

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

- The Board is requested to consider the application as lodged to the Planning Authority *de novo* however a number of design amendments are also proposed in this submission to address the Planning Authority's concerns.
- The Planning Authority failed to identify the unacceptable adverse impacts that would arise from the proposed development on the two existing adjoining residential properties. Of further concern the Planning Authority did not provide them with an opportunity to address these concerns by way of further information.
- It is not possible to maintain the prevailing height of the area on a site that is an appropriate location for higher density.
- Planning precedents in this area are favourable to the emergent pattern of higher density development and there is an established principle of increasing the height in the vicinity of the N11.
- Local through to national planning provisions and guidance support compact urban growth through the consolidation and re-intensification of infill/brownfield sites, including in proximity to quality public transport.
- There is no upper limit on density for this location.
- The design has had regard to adjoining properties in the modulation and setback of the building in order to ensure that no undue residential amenity impacts on them.
- It is accepted that some degree of visual impact is to be expected from densifying built up areas. However, the accompanying LVIA finds that the proposed

development to be reasonably sympathetic to its surrounding context and that this setting has the capacity to absorb the proposed development.

- The proposed landscape design was never intended to screen the building from the road but rather augment and sit it into its setting.
- The impact of the proposed development on the neighbouring properties was assessed in the Sunlight and Daylight Assessment provided. This concludes that these properties will generally not be affected by the proposed development.
- There is no entitlement to a view from a planning perspective.
- Overlooking does not occur from the proposed building due to the main living areas of the apartment units being oriented east and west. In addition, the southern elevation has no windows.
- The retention of and renovation of No. 20 Monaloe Cottages provides an immediate development buffer to No. 21 Monaloe Cottages. In addition, the proposed building staggers down to 4 storeys on its northern side and glazing on the northern elevation is obscure glazing.
- Should the Board agree with the concerns raised by the Planning Authority a reduced 5-storey and 3-storey in height building is proposed by way of an amended design option. This is achieved by omitting the fifth-floor level in its entirety from the building as lodged to the Planning Authority. In addition, the southern 4-storey apartment bay has been reduced to 3m as well as has been moved 3m east and the 4th floor level setback has been increased to achieve a 7.3m setback from the southwestern corner to the southern boundary of the site. These changes provide opportunities for augmented landscaping buffer zone to be introduced on the southern boundary. They also require changes to the bicycle store and the omission of an external store through to reconfiguration of apartments at fourth floor level to facilitate setbacks changing 2 No. 2-Bed and 1 No. 1-Bed to 1 No. 3-Bed and 1 No. 2-Bed units. The proposed changes also include the provision of a darker brick tone at 4th floor level. Overall, the number of units would be reduced by way of these changes to 29. Thus, giving rise to a density of c.113 units per hectare with the inclusion of No. 21 Monaloe Cottage. It is considered that the Board could reasonably condition these changes as part of a grant of permission.

The revised Housing Quality Assessment also provided as part of the amended design option shows that the standards set out in the Apartment Guidelines, 2018, would be exceeded. In addition to this a revised Sunlight and Daylight Assessment is also provided which concludes that no changed impact on the Development Performance Analysis of the floors and rooms tested. In addition, it sets out that the reduction in height would have a positive impact on sunlight to the rear of the proposed renovated cottage through to the reduced overall scale of the building would lessen impact on neighbouring properties.

- It is unreasonable for the Planning Authority to seek to prevent sustainable residential development of the appeal site until the adjoining sites to the south and north becoming available.
- There is an urgent demand for housing.
- The Board is sought to overturn the decision of the Planning Authority.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority's response, which was received by the Board on the 24th day of May, 2022, seeks that regard be had to their Planner's Report and sets out that it considers that the grounds of appeal raise no new matter which would justify a change in attitude to the proposed development.

6.3. Observations

- 6.3.1. During the Boards determination of this appeal, they received 5 No. Third Party Observations which can be summarised as follows:

- 6.3.2. Arthur Choyce (07/06/2022):

- Even with the amendments proposed by the Appellant in their appeal submission the proposed development would be out of context with the existing surrounding properties.
- The examples referred to by the appellant relate to much larger sites.
- This site is very close to the Clonkeen Road / N11 junction with several properties in its vicinity having individual access points, a Texaco Station through to this

section of road is restricted in its width. The proposed development would result in additional traffic hazard on this heavily trafficked road.

- A number of 2 to 3 storeys in height townhouses/apartments would be more appropriate at this site and would result in less traffic impacts.

6.3.3. Mary Sinnott & John Sinnott (31/5/2022):

- The proposed four to 6 storey development on this relatively small site would seriously hinder the development of adjoining sites including the amalgamation of these lands so that their potential is realised.
- This high-density development at 6 storeys in height is out of context with the low-rise residential nature of the area.
- This development would give rise to overlooking, overshadowing as well as would reduce natural light to their property adversely impacting their residential amenities.
- The proposed development would result in significant disturbance, dust and vibrations during the construction which would negatively impact the quality of life and enjoyment of their property.

6.3.4. Colm Sinnott (31/5/2022)

- A development of this size and height on a relatively small site would seriously hinder the development potential of adjoining sites.
- The height of the apartment building is out of context with the low-rise nature of this area.
- The provision of balconies to the front and rear together with the removal of trees would result in No. 20 Monaloe Cottage being overlooked.
- There would be considerable noise, dirt, vibration and other undue disturbances during the construction process which would impact adversely their quality of life and enjoyment of their property.

6.3.5. Stephen Mannix (31/05/2022):

- The observer's family home adjoins the southern boundary of the site (Monaloe Lodge). Their property includes a bungalow to the front of the landholding and a substantial leisure room structure to the rear.

- They support the decision of the Planning Authority to refuse permission on residential amenity grounds.
- The southwestern boundary of the site is such that the southwestern boundary is at an acute 30° to the roadside boundary. Adequate account of this is not had in the design of the proposed apartment block. Therefore the proposed development would give rise to adverse overlooking of their property and the apartment building would be visually overbearing.
- The proposed development has not had adequate consideration of its immediate context.
- The extensive basement proposed will result in virtually all existing vegetation on site having to be removed.
- Their property has not been accurately depicted in the submitted documentation and drawings.
- The amendments put forward in the appeal submission do not overcome their concerns.
- The second reason for concern is valid given the overall block of land associated with this site and its location.
- The proposed development would give rise to piecemeal development.
- The proposed development would give rise to a poor form of urban development and would make sub-optimal use of serviced as well as accessible urban land in proximity to high quality public transport.
- They previously indicated a willingness to the applicant for the development of their property alongside that of No. 21 Monaloe Cottages.

6.4. Further Responses

6.4.1. None.

7.0 Assessment

7.1. Overview

- 7.1.1. Having carried out an inspection of the site and its environs, together with having had regard to all the documentation before me, including, *inter alia*, the report of the Planning Authority; the Third Party Observations received; the provisions of local, regional and national planning policy provisions as well as Section 28 national guidance; the separation distance and the nature of the landscape between the site and nearest designated European site, I consider that the main issues relating to this application are the two reasons for refusal which issued from the Planning Authority alongside the concerns raised by the Third Party Observers.
- 7.1.2. I note to the Board that the application was lodged and decided by the Planning Authority when the Dún Laoghaire Rathdown County Development Plan, 2016-2022, was in place. On the 21st day of April, 2022, a new County Development Plan was adopted, i.e., the Dún Laoghaire Rathdown County Development Plan, 2022-2028. The residential zoning of the site has not changed under this new Plan; however, the Building Height Strategy has been altered in the current Plan, with upward/downward modifiers now omitted and instead new performance-based criteria provided for the assessment of development applications seeking increased height within the County. I consider that the qualitative standards and the development management criteria applicable to residential schemes under the new Plan are consistent and align with national planning policy provisions and guidelines.
- 7.1.3. I also note to the Board that the First Party Appellant included with their appeal submission an amended design option whilst setting out that their preferred outcome is that the Board overturn the Planning Authority's decision and grant permission for the proposed development as lodged. However, should the Board have similar concerns to the Planning Authority they have put forwarded this amended design option that aims to overcome these concerns. In particular the concerns that have given rise to the Planning Authority's first reason of refusal.
- 7.1.4. It is not an uncommon practice in the appeal process for an amended design option to be put forward by an applicant. With the amended design option provided by the First Party in this case proposing to reduce the overall scale, massing and providing

increased setback of the proposed building from Monaloe Lodge, the adjoining property to the south and southwest.

- 7.1.5. In this regard, the most notable change being the reduction in height of the building from a part four storey and part six storey building to a part three and part five storey building. With this amended design also giving rise to a reduced number of apartment units to 29 including the introduction of one larger 3-Bed apartment unit on the amended fourth floor level as part of the revised mix of units proposed. The appeal submission sets out that a revised Housing Quality Assessment has been prepared by their architects which confirms that the apartments of the amended design exceed the standards required by the Apartment Guidelines. However, a copy of this assessment is not included with their appeal submission.
- 7.1.6. There are other more modest in nature amendments included in the amended design option. These include but are not limited to changes in the palette of materials through to the loss of an external store. With the amended design also providing improved opportunities for landscaping mitigation measures with the aim of improving the visual assimilation of the proposed apartment building in its immediate context.
- 7.1.7. In this case I consider that these amendments do not give rise to material considerations for Third Parties. Particularly they lessen the potential impact of the proposed development on the adjoining properties of No. 20 Monaloe Cottages to the north and Monaloe Lodge to the south. This is on the basis that these adjoining properties are active parties in this case as well as neighbouring properties and the Planning Authority. As such opportunity has been afforded to these Third Parties to comment on the amended proposals contained within the appeal submission. Accordingly, on this basis I am satisfied that adequate opportunity has been afforded for comment on the amended design and I have no objection to its consideration as part of the appeal.
- 7.1.8. I therefore propose to consider that the main issues in this appeal under the following broad headings:
- Procedural
 - The principle of development
 - The impacts of the proposed development on residential amenities

- Building Height
- Other Matters Arising

7.1.9. The matter of 'Appropriate Assessment' also requires assessment. This I propose to examine at the end of my assessment below.

7.2. Procedural

7.2.1. One of the Third-Party Observers in their submission to the Board raised concerns that the documentation provided with this applicant does not accurately depict the adjoining property of Monaloe Lodge. This property I note adjoins the southern and southwestern boundary of the site and occupies a triangular shaped parcel of Objective 'A' zoned land located between the site and Clonkeen Roads junction with the N11. I note that it contains a detached dormer dwelling with a leisure room situated to its rear.

7.2.2. The subject planning application was fully validated by the Planning Authority and deemed to be generally in accordance with the requirements of the regulations.

7.2.3. I am satisfied that there is sufficient material on file which to make an informed assessment of all aspects of the proposed development including the potential impact of the proposed development on this property. With this information also added to by inspection of the site and available in the public domain recent aerial photography of the site environs.

7.3. Principle of the Proposed Development

7.3.1. The proposed development as lodged with the Planning Authority seeks permission for a residential development which in summary comprises of 35 no. apartment units accommodated in a part 4 and part 6-storey building alongside the partial demolition of a rear extension of an existing habitable dwelling (No. 21 Monaloe Cottages) and the provision of a smaller reconstructed extension to the rear of this dwelling together with associated ancillary works and services.

7.3.2. I also note that the Planning Authority's first reason of refusal for this proposed development in summary considered that its overall scale, height, form and contextual setting outcome together with its interrelationship with adjoining residential properties would give rise to detrimental residential amenity in a manner that would be contrary to the land use zoning of the site and its setting. It also considered that the proposed

development would not accord with relevant local to national planning policy provisions, in particular the Urban Development and Building Heights Guidelines management criteria.

- 7.3.3. For these reasons it was considered that the proposed development would not only result in serious injury to residential amenities and depreciate property in its vicinity but would also set an undesirable precedent for similar developments in a manner that would be contrary to the proper planning and sustainable development of the area.
- 7.3.4. Against this context I note to the Board that this irregular triangular shaped and modest in area appeal site (Note: circa 0.265ha) is zoned Objective 'A' under the Development Plan. The stated zoning objective for such land under the said Plan is: *"to provide residential development and improve residential amenity while protecting the existing residential amenities"*.
- 7.3.5. This land use zoning objective extends beyond the site boundaries onto the adjoining and neighbouring land to the north, south and southwest of the site.
- 7.3.6. In addition, the land on the opposite side of Clonkeen Road is similarly zoned and the prevailing character of this urban landscape can be in my opinion described as one that is predominantly residential in its nature and low rise in its scale. Whereas the adjoining linear pocket of land and to the immediate west of the site is zoned Objective 'F' land under the Development Plan. The land use zoning objective for which is: *"to preserve and provide for open space with ancillary active recreational amenities"*.
- 7.3.7. In addition to this, the land immediately bounding the western boundary of the site forms part of the N11 corridor and the land to the immediate east consists of the heavily trafficked public domain associated with the Clonkeen Road (R827).
- 7.3.8. This regional road also accommodates Dublin Bus Route with a Bus Stop located roughly midway along this roadside boundary together with cycle lanes on opposite sides of its carriage edge.
- 7.3.9. According to the Development Plan '*Residential*' use is permitted in principle on '*Objective A*' zoned lands, subject to safeguards. Including in this context for such residential infill brownfield developments to demonstrate that they achieve an appropriate balance between protecting existing residential amenities and the provision of residential development as well as residential improvements. With I note

a number of residential infill/brownfield developments having been permitted in the wider urbanscape in recent years.

- 7.3.10. In addition, the Development Plan in relation to transitional zoned land sets out under Section 13.1.2 that: *“it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones”* and *“in dealing with development proposals in these contiguous transitional zonal areas, it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone”*.
- 7.3.11. On this basis I consider that given that the adjoining land to the west is zoned ‘F’ it is incumbent that any development on this site avoids detrimental amenity impacts arising on this adjoining land. I note that the proposed design and layout as lodged and as amended in the documentation submitted with this appeal sets back the proposed apartment building from the adjoining modest linear strip of land zoned ‘F’ land. It also positions the main communal space at grade in this setback area. With this including reinforced tree planting and reinforcement of the existing dense planting that is present with limited loss of existing trees and hedge species. I consider that this design and layout approach is consistent with the Development Plan in such transitional in zoning character area and at a location where robust planting has the ability to absorb some of the impacts arriving from the N11, a heavily trafficked national road, and the higher buildings at the Cornelscourt District Centre/Cornelscourt Shopping Centre, which is located on the opposite side of the N11 and Clonkeen Road junction.
- 7.3.12. I note that the Development Plan subject to safeguards supports infill development on serviced brownfield sites like this alongside the Core Strategy supports the compact urban development approach with development focused on serviced land including land in proximity to transportation corridors including the N11. This I consider is evident under Development Plan policies objectives including but not limited to Policy Objective PHP18 which sets out that the Planning Authority will seek to increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill / brownfield sites having regard to proximity and accessibility considerations, subject to safeguards.

- 7.3.13. Further, the Development Plan's Core Strategy is consistent with regional planning policy provisions including RSES's RPO 3.2 by way of it promoting 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.
- 7.3.14. Moreover, there is no indication that the existing public infrastructure in this urban locality does not have the spare capacity to absorb the proposed intensification of dwelling units at this site or cumulatively in combination with other permitted or planned projects also dependent upon public mains water and foul drainage serving this area.
- 7.3.15. At a national planning policy level, the National Planning Framework (NPF) policies in relation to the development of the five major cities, including Dublin, are relevant to this appeal. With National Policy Objectives (NPO) 2a and 3b of the NPF together requiring that 50% of future population and employment growth will be focused in the existing five cities and their suburbs and that at least 50% of all homes should be provided within their existing built-up areas.
- 7.3.16. Additionally, NPO11 of the NPF also sets out that there is a presumption in favour of development that can encourage more people and generate more jobs as well as activity within existing urban areas like Dublin, subject to development meeting appropriate planning standards and achieving targeted growth.
- 7.3.17. Against this context I consider that the general principle of the proposed additional 35 dwelling units at this site is acceptable and I note that the positioning of the residential elements of this proposed development setback from the western boundary of the site provides a buffer from the adjoining land that is zoned for the preservation and provision of open space with ancillary active recreational amenities. In addition, the location of the communal open space at grade is complimentary to transitionally Objective 'F' zoned land.
- 7.3.18. In relation to the other components of the proposed development sought under this application the design of the apartment building includes a single level basement. Within this basement it is proposed to accommodate the main car parking provision serving this multi-unit residential development. In terms of the main concerns arising from the proposed basement level these in my view relate to archaeological impact and flood risk.

- 7.3.19. In relation to the matter of archaeology I note to the Board that this application is accompanied by a report titled: 'Archaeological Assessment 21 Monaloe Cottage, Clonkeen Road, Co. Dublin'. This report indicates that the site itself once formed part of lands owned by the church and that the site is within 80m of Recorded Monument DU023-042 (Note: Classification 'Cist'). This RMP is situated to the northwest of the site and within a radius of 1km this report identifies a further 5 RMP's.
- 7.3.20. It is of note in terms of this report's comments on topographical files and previous excavations of this area based on the authors desktop investigation of the site as well as its setting. This investigation found a Bronze Age burial 562m to the north of the appeal site as well as other Bronze age artifacts and structures within the general vicinity of the site. Other archaeological finds of interest more remote from the site are also noted in this report. As well as of course the surviving features present and observable at ground level from inspecting the site are also commented upon.
- 7.3.21. In terms of built heritage impact of the proposed development this report considered that the basement component of the apartment building should have no impact on the existing semi-detached property on site. With this dwelling likely dating to Victorian times. In terms of archaeological impact, it notes no known archaeological features of interest or merit present at the site, though the authors acknowledge that the site itself forms part of a landscape that has been occupied for millennia. Therefore, they consider that there is potential for unidentified archaeological features to be present below ground at this site. No test trenching was carried out to provide further clarity on this. Notwithstanding, the authors recommended a programme of test-trenching should be undertaken particularly on the southern portion of the site which it notes formed part of a townland boundary in the event of any grant of permission. In addition, the authors recommend that the granite gate post and the iron gate along the southern boundary be retained as part of the proposed development.
- 7.3.22. Of concern these historic built features are located in very close proximity to the proposed site of the basement and apartment building over as lodged. Whereas the amended design option provided as part of the First Party Appeals submission provides an improved setback from the southern boundary. This improved setback would give rise to an improved opportunity for these features to be more sensitively incorporated into and legible within the landscape scheme. This would in my view be a more appropriate outcome when compared with the residential scheme design and

layout as lodged which is very tight for a building of the height, scale, mass and volume to its northern as well as southern boundaries and the residential building as well as private amenity spaces contained therein. In addition to this any grant of permission should as a precaution include protection of these features during the course of construction works.

- 7.3.23. I therefore consider that the amended design option together with an appropriate archaeological condition that seeks to achieve the conservation of the archaeological heritage of the area alongside seeks to secure the preservation (*in situ* or by record) and protect any archaeological remains that may exist within the site would be a more site sensitive and appropriate outcome should the Board be minded to grant permission for the proposed development. In addition, I consider such measures are consistent with Section 11.3.1 and Section 11.3.1.2 Policy Objective HER2: Protection of Archaeological Material in Situ of the Development Plan.
- 7.3.24. On the matter of flood risk, I firstly note that this appeal site is not located in an area identified as being at risk of flooding and is remote from land identified in the OPW flooding maps at risk of flooding and with no adverse flood events identified.
- 7.3.25. In reaching this conclusion I note that the proposed development as lodged is accompanied by a document titled: 'Hydrology and Hydrogeology Impact Assessment Monaloe Apartments, Clonkeen, Cabinteely, Dublin 18'.
- 7.3.26. This report notes that the Kill of Grange River also known as the Deansgrange River contains multiple flood zones downstream of the site where this river discharges to the sea.
- 7.3.27. It further notes that the Deansgrange Flood Relief Scheme includes this entire river and a catchment of between 200 to 300m distance from the river in each direction. I note that having examined the map associated with this scheme that the site lies to the west of the identified catchment area.
- 7.3.28. This report considers that the risk of flooding at the site is low and likely to be limited to a brief pluvial localised extreme weather condition. It sets out that local and regional flood relief measures are applicable to the proposed development and in this regard, as well as in accordance with the guidance set out under the Planning System and Flood Risk Management Guidelines that a number of measures are proposed to reduce the potential impact of the development on flood risk downstream of the site.

- 7.3.29. I note to the Board that this includes but is not limited to reduced hard surfacing through to measures that increase the site's hydrological response to rainfall.
- 7.3.30. Overall, the mitigation measures that would be applied to this development would in the opinion of the authors of this report attenuate the net increase in runoff from the site to ensure a neutral impact. I am satisfied that the measures proposed will not give rise any adverse impacts to the catchment of Kill of Grange River, subject to appropriate safeguards. I therefore consider that in this case 'A Justification Test' is not required for the residential development sought under this application on a site that is within 'Flood Zone C' lands and with the lowest residential finished floor level (FFL) at 39.250m.
- 7.3.31. The proposed development also seeks demolition, alterations, and extension to the existing single storey semi-detached dwelling house on site. This existing dwelling is referred to in the documentation as 'No. 21 Monaloe Cottages' and at the time of my site inspection I observed that it did not appear to be in habitable use. This dwelling is accessed from Clonkeen Road by way of an existing separate vehicle and pedestrian access.
- 7.3.32. According to the accompanying Archaeological Assessment already referred to above, No. 21 Monaloe Cottages, appears to have been constructed in the early 20th Century with its architectural features of note correlating with characteristic Victorian forms. The authors of this report consider that this is apparent in the symmetry of this semi-detached building's front façade with its adjoining pair, the window form with their rounded heads and thick sills, the wooden eaves brackets, the slate roof with ceramic roof tiles and the red brick chimney. This report recommends that these features be retained as part of the redevelopment of the site.
- 7.3.33. The main works proposed to the existing dwelling house on site is the demolition of c74.3 sq.m. of its habitable floor area and the construction of a modest rear single storey addition with a given floor area of 29.3 sq.m.
- 7.3.34. Thus, resulting in a modest reduced in floor area two-bedroom dwelling house (Note: 63 sq.m.) with the main architectural features of this early 20th Century semi-detached building being largely retained. As such conserving the visual interest of this property, the authenticity and legibility of its historic built form when viewed from the public domain with No. 20 Monaloe Cottages. At the same time the reduced and

consolidated built form of this building facilitates the provision of the proposed apartment building that would contain the 35 apartment units already mentioned and relocating the existing pedestrian and vehicular access to serve the proposed 35 no. apartment units sought under this application. The existing pedestrian entrance serving No. 21 Monaloe Cottages would also be retained.

- 7.3.35. To this I note that Section 11.4.3.2 Policy Objective HER20 of the Development Plan which deals with the matter of vernacular buildings sets out that the retention where appropriate of such buildings are encouraged as is their rehabilitation and that this is preferred over their demolition and redevelopment.
- 7.3.36. In tandem with this Section 12.3.7 of the Development Plan deals with the matter of additional accommodation in existing built-up areas and Section 12.3.7.1 deals specifically with extensions to existing dwellings with Section 12.3.7.1 (ii) in relation to extensions to the rear of habitable dwellings stating that: *“ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house”*.
- 7.3.37. In addition, Policy Objective PHP19 sets out adaption of existing housing stock subject to safeguards is generally supported.
- 7.3.38. As such I consider that the overall works to the existing early 20th Century modest dwelling on site is consistent with Development Plan provisions and would alongside the retention of other built heritage man-made features of interest, i.e., the surviving sections of historic stone wall and the gate post, would cumulative ensure that they continue to contribute to the site and this locality’s sense of place as well as legibility of its built evolution over time. Additionally, the demolition relates to non-original floor area to the rear of this vernacular cottage. These are of no architectural merit or other interest that would support their retention. I therefore consider that subject to sensitive construction phase works, qualitative palette of materials and conservation of its key architectural features is acceptable and would contribute to the legibility of the semi-detached pair it forms part of and their surviving authenticity as appreciated from their visual setting.
- 7.3.39. Further, subject to an appropriate design and layout for the redevelopment of this site this existing dwelling has the potential to function as a buffer visually and spatially

between the adjoining residential development of No. 20 Monaloe Cottages and other neighbouring properties to the north of the proposed part four to part six storey apartment building. These properties like Monaloe Lodge to the south would have a significant change to their visual setting should permission be granted for the proposed development as lodged. Particularly in the context of a grant of permission of the sites modest site area, its triangular shape relative to adjoining and neighbouring residential plots through to this locality's low rise and low density urbanscape.

- 7.3.40. Whereas the amended design option in my view provides an improved setback and reduced height to three storey as well as a more graduated building form that rises to five storeys more centrally in the site and in its overall built form.
- 7.3.41. In addition, the amended apartment building graduates to three storeys in proximity to the northern boundary of the site, No. 21 Monaloe Cottages and No. 20 Monaloe Cottages but maintains the same limited setback to the building as originally lodged.
- 7.3.42. These changes have the potential to reduce the potential amenity issues arising from the lack of adequate setback and buffering of the proposed multi-unit as well as multi-storey apartment building for properties in the immediate vicinity of the site in the event of a grant of permission. A matter which I examine in further detail in my assessment below.
- 7.3.43. Having regard to the existing separate vehicle and pedestrian access serving No. 21 Monaloe Cottages I note that these are not adequate in themselves to safely cater for the quantum and type of additional traffic the proposed residential development would generate as lodged or as revised in the amended design option onto Clonkeen Road. With this road having a curving alignment and being recognised as a heavily trafficked regional road that provides connectivity to the N11 circa 58m to the south of the site at its nearest point. As such the principle of the provision of revised access serving vehicle movements through to the improvement of pedestrian movements by way of the creation of an additional pedestrian entrance towards the southern end of the roadside boundary is in my view acceptable subject to safeguards.
- 7.3.44. In relation to the proposed relocation of the existing bus shelter, the design seeks to position the bus shelter c11m to the south of the proposed vehicle entrance serving this residential scheme. The documentation submitted indicates that the First Party have engaged with the NTA in relation to this component of the development sought

and that they have raised no substantive concerns to this component of the proposed development. This bus shelter is situated on public owned land and whilst I note that the consent for the inclusion of the public land from the Planning Authority and the relocation of the bus stop from the NTA is provided with this application. Of concern the Planning Authority are of the view that they are not fully satisfied with this aspect of the proposed development as sought and that it would require further consideration as well as agreement with them and the NTA by way of further information.

- 7.3.45. I note to the Board that one of the main concerns raised by the Planning Authority's Transportation Planning Division is that the proposed new vehicle entrance as shown in the submitted drawings falls below the desirable 49m sightlines for a 50kmph road that is a bus route.
- 7.3.46. In this regard I note that Section 14.4.8.1 of the Development Plan states that: "*proper provision shall be made for sightlines at the exit from driveways in accordance with the requirements in DMURS, and as appropriate to the particular road type, and speed being accessed*" and Section 12.4.14 of the Development Plan states that: "*adequate sightlines shall be provided in each direction, where signs, bus shelters and taxi ranks are located in close proximity to junctions and entrances*".
- 7.3.47. In this regard, I note that Table 4.2 of the Design Manual for Urban Streets sets out an SSD standard for 49m forward visibility on bus routes. Yet the drawings submitted with this application do not show that 49m of unobstructed views would be available from the proposed new vehicle entrance in either direction. With views limited by man-made and natural obstructions contained on the public footpath and verge.
- 7.3.48. Whilst the First Party have put forward an amended design option with their appeal submission to the Board this does not include amendments to the proposed vehicle entrance. Nor does it include the other amendments sought by the Planning Authority to address their transportation and traffic concerns.
- 7.3.49. For example, the Planning Authority's Transportation Division also raised concerns with regards to the constrained roadway in front of the disabled car parking spaces to allow for vehicle movements to the lack of clarity that the basement car park design meets the required standards. They also raised concerns that clarification would be required to demonstrate that a minimum of 10% of the overall residential car parking

allocation would be fully equipped EV Charging Points as well as that all proposed car parking can accommodate future installation of EV charging points.

7.3.50. However, given the length of road frontage arguably the adequacy of the sightlines through to the other matters of concerns in my view should be addressed prior to the grant of any permission given the constraints of the Clonkeen Road which caters for heavy volumes of traffic, accommodates public bus routes, the site's location in close proximity to the heavily trafficked junction of the N11/Clonkeen Road through to its visual amenity as a streetscape as contributed to by the presence of street tree planting.

7.3.51. Conclusion

7.3.52. Having regard to the above considerations, while I am generally satisfied that residential development is an appropriate type of development for this underutilised and serviced garden plot in a highly accessible urban location in close proximity to the N11 as well as various social, community, recreational amenities, retail offers, services and the like. Notwithstanding, a more detailed examination is required in terms of whether or not the proposed development as lodged and/or as revised in the amended design option in the First Party's appeal submission demonstrates that it is not contrary to the protection of existing residential amenities afforded under the Development Plan for Objective 'A' zoned lands in the context of an infill/brownfield development that varies significantly from the prevailing low scale and low rise character of this locality. Additionally, I consider that adequate sightlines should be demonstrated as part of any redevelopment proposal for this site prior to any grant of permission for the residential development sought. In the absence of the same I raise a concern that the proposed development has the potential to give rise to undue traffic hazard and road safety concerns for road users of Clonkeen Road as well as this regional road's junction with the N11 which is situated in close proximity, i.e. c60m, to the south of the site.

7.4. Amenity Impact – Residential

7.4.1. The Third-Party Observers in this appeal case have raised several concerns in relation to the proposed developments potential impact on their residential amenities were it to be permitted as lodged and also as revised in the First Party's appeal submission. These concerns range from overbearing impact, loss of privacy, overshadowing, overdevelopment through to depreciation of their properties value. Their submissions

collectively support the Planning Authority's refusal of permission for the proposed development as lodged.

- 7.4.2. This included their support of the Planning Authority's first stated reason for refusal which in part considered that the proposed development would be contrary to the Objective 'A' land use zoning of the site. With this land use zoning including the protection and improvement of residential amenities. This consideration was based on the overlooking, overshadowing and visual overbearing that would arise from the proposed development were it to be permitted as lodged.
- 7.4.3. The Third-Party Observers therefore seek that the Board uphold the Planning Authority's decision and they also seek that the Board reject the amended design option on the basis that it similarly fails to overcome the adverse residential amenity impacts that would arise from this proposed residential scheme.
- 7.4.4. The First Party on the other hand consider that the proposed development whilst giving rise to a change in context would not give rise to any undue adverse residential amenity impacts that sustain a refusal of permission for the proposed development as lodged. They also contend that the proposed development accords with local through to national planning policy provisions as well as guidance. However, as part of their considerations of the Planning Authority's stated reasons for refusal and as a precaution they have included as part of their appeal submission an amended design option for the Boards consideration should it share similar concerns. This amended design option they contend would result in a reduction to the overall scale of the development including in terms of building height, massing, and scale. It would also give rise to greater separation with the property to the south and opportunity for more robust landscaping of this boundary. Overall this amended design would reduce the visual and residential impacts of the proposed on not just properties in its vicinity but also as lessen its visual impact on its streetscape scene.
- 7.4.5. Given the site context, including its location within a built-up, low rise and low scale urban area, I consider that the residential amenity concerns arising from the proposed development are not unreasonable. Particularly in terms of overlooking, overshadowing, and the overbearing / visually dominant appearance of the proposed apartment building with both the proposed apartment building as lodged being a significant departure in building height and built form in an immediate urbanscape

where residential built forms are typically single and dormer in their design and contained within garden plots which in turn give rise to a low density and low scale character to the buildings that characterise this locality.

7.4.6. In this respect, I am of the view that consideration needs to be given to the overall design, positioning, setbacks through to orientation of the proposed apartment scheme relative to the adjacent residential properties to the north and south respectively but also to the future amenities of No. 21 Monaloe Cottages as part of examining the potential residential impacts that would arise. This I propose to do below on a broad topic basis.

7.4.7. Overlooking

7.4.8. In relation to the matter of overlooking, as previously set out in this report, this proposal includes the demolition, alterations, and new additions to the existing single storey dwelling house on site. I consider that this component of the proposed development would not give rise to any new overlooking and/or diminishment of privacy for existing residential properties in its vicinity. This is on the basis that it relates to a reduction in its built form, scale, mass, and volume. In addition, I consider that the alterations proposed would not give rise to any additional height and the replacement rear addition would effectively be positioned where the extension to be demolished is sited, albeit with a much-reduced footprint. Its windows would not directly overlook the adjoining property of No. 20 Monaloe Cottages and there are existing robust boundaries that appear to be largely retained that would diminish the potential for any increased levels of overlooking to arise to this adjoining property.

7.4.9. In relation to overlooking arising from the proposed apartment building, I note this building as lodged has a graduating four storey to six storeys in height built form. It is also positioned on site with a north - south axis and its principal façade would address the Clonkeen Road and with its western façade similarly articulated addressing the N11 on its western side.

7.4.10. According to the submitted plans the four storey elements closest to the northern and southern boundaries would have an overall height of 13.56m. With the six-storey element rising an additional 7.05m above this thus giving rise to an average height of 20.065m.

- 7.4.11. The main living spaces and above ground private amenity spaces serving the apartment units therein having an east and westerly orientation together with the southernmost elevation of the four-storey façade nearest to the southern boundary with Monaloe Cottage contains no window openings. In addition, the northernmost elevation on the northern side contains modest opaque glazed window opening above ground floor level. Notwithstanding, both the southern and northern elevations have a staggered built form and as such the staggered elements above the fourth-floor storey section of the building contain clear glazed window openings located in close proximity to the northern and southern boundaries. This is added to by the above ground level projecting balconies. These features without mitigation measures would result in direct and angled overlooking of the adjoining properties.
- 7.4.12. For example, in the case of No. 20 Monaloe Cottage the nearest windows would be within 6.25m and the nearest projecting balcony above ground level would be positioned circa 5m from the boundary of this property and its private open space amenity.
- 7.4.13. In relation to Monaloe Lodge there is less of a setback between the apartment building and this property. With the nearest above ground level window being within 5.03m of the boundary with this property. In addition, the nearest balcony on the western face of the apartment building would be within circa 5m of the boundary with this property. With the design and layout indicating that the dense planting that is present alongside this boundary inside the site area being removed to facilitate the proposed development.
- 7.4.14. Additionally, the design of the apartment building includes large areas of roof space at fourth and sixth floor level. Whilst the sixth-floor level accommodates a large array of solar panels with the documentation indicating that it would be accessible for roof maintenance only there are large areas of the roof level at fourth floor level that the drawings indicate include private terraces and with the nearest areas to No.s 20 and 21 Monaloe Cottages to the north as well as Monaloe Lodge being indicated as inaccessible roof gardens. The adjoining neighbouring residents raise concern that these spaces which I note are within c1m and less than 1m of the boundaries with adjoining properties private open space to the north and south. Alongside are in close proximity to the rear facades of these properties as well as immediately adjoining in the case of the northern end of the building the private open space of No. 21 Monaloe

Lodge. It is contended that there is potentially for these spaces to be used as amenity spaces for occupants of the proposed apartment units. If so, used the concern is that they have the potential to significantly add to the overlooking that would arise from the proposed apartment building on their properties both as lodged and as amended.

- 7.4.15. On this matter the submitted drawings have confirmed that any access to these areas would be limited to that required for maintenance purposes only. In this regard, I am generally satisfied that the green roofs in question have not been designed for use as makeshift balconies or amenity areas though in saying this they could be easily adapted in future for such use. I would therefore recommend that the Board in the event of a grant of permission, the attachment of a condition expressly prohibiting any such usage, with as said the preferable design option being the amended design option provided by the First Party in their appeal submission given that it gives rise to less serious injury to residential amenities of properties in its vicinity.
- 7.4.16. In order to further mitigate against any potential for overlooking of the adjoining properties to the north and sought as well as neighbouring properties to the north whose rear private amenity spaces are also sensitive to this issue. This is given their limited lateral separation distance from the windows and balconies of concern. I consider that those windows and balconies that give rise to direct and angled overlooking of adjoining properties to the north and south require mitigation measures to minimise the undue level of overlooking that arise from them. Additionally, improvements to the landscaping scheme along the boundaries could in time could also provide meaningful visual buffering protecting from undue level of overlooking of adjoining properties.
- 7.4.17. In this context I consider that the amended design option puts forward a more resolved mitigation measures that lessen the potential for adverse overlooking impacts arising for adjoining properties. This is achieved by reduction in building height from part four storey part six storey to part three storey, part four storey and part five storey with this resulting in less apartment units above floor level with windows and balconies overlooking these properties. In addition, the design proposes a greater setback from the southern boundary with this allowing for more deep soil to accommodate tree planting that would have the potential in time to diminish the levels of overlooking arising from the apartment building on Monaloe Lodge.

- 7.4.18. Notwithstanding these positive improvements to the design and layout of the apartment building I am not satisfied that the changes proposed in the amended design option for the apartment building are substantive enough to overcome the issues of overlooking that would arise with in the case of the adjoining properties situated to the immediate north and south. With for example in the case of No. 20 Monaloe Cottages the amended apartment building would still contain clear glazed windows in its staggered northern elevation with setbacks of just c6m.
- 7.4.19. In addition, the the above ground level projecting balconies at their nearest point to No. 20 Monaloe Cottages would be located within c6.5m of the rear boundary of this adjoining property.
- 7.4.20. I therefore consider that the window and balconies of the apartment building nearest to the northern boundary of the site above ground level would result in direct and angled views over these properties private open space amenity and also of its rear façade. The established residential amenity of this property is one that this property is not directly or indirectly overlooked. Whilst a level of overlooking can be reasonably expected in an urbane landscape like this the level of overlooking that would arise to this property can not be considered to reach a balanced outcome between reasonably protecting residential amenities of existing properties whilst providing new or improved residential amenities in a manner that is consistent with Objective 'A' zoned land.
- 7.4.21. In relation to the property to the south, Monaloe Lodge, I note that the nearest balcony above ground floor level in terms of setback from the southern boundary of the property to the south would be 10m. With these balconies directly overlooking this adjoining property's private amenity space.
- 7.4.22. I consider that the amended design puts forward a more improved residential impact outcome for this property. Notwithstanding, like No. 20 Monaloe Cottages the existing context of this property is one that it is not directly or significantly indirectly overlooked.
- 7.4.23. Further measures could be designed into the staggered southern elevation that would in my view overcome the overlooking that would arise from the balconies on the southernmost side of the western elevation. For example, the use of a suitable height and opaque glazed screening through to louvres on the southern side of these balconies would serve to avoid any undue overlooking of this adjacent property. Alongside more robust planting of trees along the southern and northern boundaries

of the site would also in time reduce the extent of overlooking arising from both the apartment building as lodged and as amended by the documentation accompanying the First Party's appeal submission.

7.4.24. In conclusion, I am not satisfied on the basis of the information before me I am of the view that the proposed apartment building component of the proposed development would give rise to undue diminishment of the residential amenity of adjoining properties in a manner that is contrary to local planning policy provisions. In particular the site and the neighbouring land to the north and south are zoned Objective 'A' and Policy Objectives PHP20 and BHS 1 of the Development Plan which collectively seek to ensure that a reasonable balance is reached where taller buildings are proposed and the protection of existing amenities.

7.4.25. **Sunlight, Daylight and Overshadowing**

7.4.26. In relation to the potential for diminishment of sunlight and daylight as well as the potential of additional overshadowing from the proposed development on properties in its vicinity I note that the subject application has been accompanied by a document titled: 'Sunlight, Daylight & Shadow Assessment (Impact Neighbours and Development Performance)' in addition to comments made by the authors of this report on the amended design option. The latter accompanies the First Party's appeal submission.

7.4.27. Overall, the expert opinions on the matter of overshadowing considered that this development has been successfully designed to maximise access to light by future occupiers of the proposed development as lodged. As well as that the apartment building has been designed so that it would result in no undue impacts in terms of light as well as overshadowing on existing buildings.

7.4.28. Further this document concludes that the proposed development generally complies with the recommendations and guidelines set out in the document titled 'Site Layout Planning for Daylight and Sunlight: A Good Practice (BRE, 2011)'; BS 8206 Lighting for Buildings and Part 2: Code of Practice for Daylighting. This conclusion is based on the following findings:

Skylight – VSC (Note: Building Research Establishment has defined the Vertical Sky Component (VSC) as the ratio between that part of illuminance that is received directly from a CIE standard overcast sky at a point on a set vertical plane, and the horizontal illuminance from a complete hemisphere of sky).

- The impact to neighbouring residential buildings tested windows gave rise to a figure of 84% passing the VSC checks.
- There are compensatory measures relating to all windows which dip below the BRE document requirements.
- The average change ratio for VSC is 0.88.

Sunlight APSH (Note: Overshadowing, or loss of sunlight to existing premises, is analysed using annual probable sunlight hours (APSH). This is a measure of how much sunlight the window can receive with and without the new development) & *WPSH* (Note: The Winter Probable Sun Hours indicator variant (WPSH) that uses the period from 21st September to 21st March).

- 100% of the relevant and tested windows pass the relevant Annual APSH.
- 95% also pass the winter WPSH.
- The average change of APSH is 0.90.

Shadow

- 100% of tested neighbouring amenity spaces pass the 2-hour test requirement for the 21st of March.
- The average change ratios for shadow and sunlight are 0.99.

7.4.29. I note that the document BS 8206-2 has now been superseded by BS EN 17037: 2018 'Daylight in Buildings' and the updated Apartment Guidelines that came into force in December, 2022, on this matter refers to the updated guidance of: 'A New European Standard for Daylighting in Buildings' IS EN17037:2018, the UK National Annex BS EN17037:2019 and the associated BRE Guide 209: 2022 Edition (June, 2022). In this regard, Section 6.6 of the revised Apartment Guidelines sets out that planning authorities, and therefore the Board on appeal, should have regard to quantitative performance approaches to daylight provision outlined in guides like IS EN17037:2018, BS EN17037:2019 and the BRE Guide 209: 2022 or any relevant future standards or guidance specific to the Irish context.

7.4.30. As such I consider that a more robust analysis of the daylight, sunlight and overshadowing impact of the proposed development, its open spaces and impact on adjoining properties is now required in order to comply with the Apartment Guidelines requirements. Such an examination is likely to show that the existing dwelling house and the adjoining property of No. 20 Monaloe Cottages to the north would be adversely

impacted by way of overshadowing due to the lack of any meaningful setback from the proposed apartment building as lodged and as amended from these properties.

7.4.31. Moreover, it would also likely show that as a result of splayed nature of the site boundaries that the private open space amenity of the adjoining property to the south would also be significantly impacted by way of overshadowing.

7.4.32. Given the overall building height, scale, volume, mass, and positioning of the proposed apartment development as lodged, its orientation on site and relationship with the existing dwelling on site which would be retained with private open space to its rear, with this dwelling located to the north of it and forming part of a semi-detached pair with No. 20 Monaloe Cottage which lies outside of the red line area. When taken together with the triangular shape of the site which results in a splayed southern boundary. With this boundary having a north westerly alignment to the rear of Monaloe Lodge would result in overshadowing of this properties rear private amenity space and ancillary residential building. I am not satisfied that the documentation provided has demonstrated that if permitted, would not significantly and materially diminish the residential amenities of adjoining properties by way of additional overshadowing over the existing context. Nor am I satisfied that the documentation provided by the applicant supports that the rear private open space amenity serving No. 21 Monaloe Cottages would give rise to quantitative or qualitative amenity provision for its future occupants as a result of the significant overshadowing it would receive.

7.4.33. As such these concerns further add to the previous concerns raised that the resulting residential amenity impact of the proposed development would be contrary to the land use zoning of the site and its setting as well as various policy objectives as provided for under the Development Plan.

7.4.34. **Outlook and Overbearing Impacts**

7.4.35. The Third-Party Observers in this appeal case assert that the proposed development would be overbearing on neighbouring properties. Whilst the First Party appellant on the other hand acknowledges that the proposed development as lodged or as amended would give rise to a change in visual context, they contend that this would not be out of context with the emerging pattern of development that characterises urban landscape, including those in proximity to high quality public transport.

- 7.4.36. I consider that a key consideration is whether the height, scale and mass of the proposed development and its proximity to neighbouring properties to the north and south is such that it would be visually overbearing as appreciated from and in relation to adjoining as well as neighbouring properties in its vicinity.
- 7.4.37. The proposed development as lodged and as amended clearly exceeds the prevailing lower building heights of residential development that characterise both sides of the Clonkeen Road in the vicinity of the site as well as in the surrounding area. Given that the immediate context is one that the adjoining dwellings of No. 20 Monaloe Cottages and Monaloe Lodge to the south are single storey in built form but with Monaloe Lodge also containing dormer windows at attic level. Dwellings neighbouring the site are predominantly single storey and dormer in their built form. With the existing semi-detached dwelling of No. 21 Monaloe Cottages which this proposal seeks to retain with a modified lesser rear addition to the original building envelope having a modest height of 4.8m.
- 7.4.38. The apartment building in the proposal as lodged with the Planning Authority steps down to four storeys at both its northern and southern end points with limited setback proposed. In this context I note the northernmost elevation's four storey element would have a height of 13.65m with this raising by 7m (Note: 20.65m) for the six-storey element. It is of note that there is limited setback of both elements from the boundary with No. 20 Monaloe Cottages. With the four-storey element being within 1m to 5.4m to the rear of No. 20 Monaloe Cottages and the six-storey element being within 6.25m of the boundary at their nearest point with this property.
- 7.4.39. At this close proximity to the adjoining property the apartment building would as a result of its height and proximity when taken together with its mass, scale and volume would be visually dominant in terms of its visual and spatial relationship with it. This dramatic change in built forms in such close proximity to the more modest semi-detached pair would in my view be visual incongruous.
- 7.4.40. Of further concern is the relationship of the proposed apartment building and this adjoining property given that their separating boundary has a significant south westerly direction in its alignment. Thus, this gives rise to the western façade being highly visible and dominant as viewed from the private amenity space of this property.

- 7.4.41. It is further of note that the four-storey element would demarcate the southern boundary of the existing dwelling of No. 21 Monaloe Cottages. With this triangular shaped c41 sq.m. space. At 13.65m the height of the four-storey building would result in an overbearing sense of containment and enclosure of this space. With this added to by the level of overshadowing that would arise due to the relationship of the proposed apartment building located to the immediate south of this modest in scale and height semi-detached property. A property whose original curtilage would be significantly reduced as part of this residential scheme in order to cater for the taller and significantly more dense apartment building.
- 7.4.42. In terms of the relationship between the proposed apartment building as lodged I raise similar concerns that its four storey and six storey elements are unduly proximate to the adjoining property of Monaloe Lodge with lateral separation distances of circa 1m and 5.03m respectively.
- 7.4.43. In addition, the north south axis of the proposed apartment building lines up centrally with this property's private open space amenity with limited visual buffering to visually screen and/or soften the appearance of this significant built insertion were it to be permitted as proposed. This visual overbearance would in my view be added to by the actual overlooking that would arise from the western elevation of this building and the additional overshadowing. The irregular south westerly alignment of this modest triangular shaped site is more pronounced in comparison to the northerly boundary. This results in the proposed building being highly visible as viewed from the rear of this adjoining property and in particular its rear private open space amenity.
- 7.4.44. In terms of the amended design proposal the reduction in height of the proposed apartment building and the revised modulation of the apartment building relative to existing properties to the north on site and adjoining to a three-storey (Note: 10.1m) and raising from a four storey (Note: 13.65m) to five storeys (Note: 17.1m) centrally would result in less visual overbearance of Monaloe Cottages, in particular No. 20 Monaloe Cottage which adjoins the site. Notwithstanding, there is no improvement in terms of the separation distance between the proposed apartment building. As such I raise concern that there is still a concern that in the context of the modest semi-detached pair of No. 20 and 21 Monaloe Cottages together with south westerly inclination of the northern boundary this building would still be unduly overbearing in

its built form due to the lack of any meaningful visual separation buffer between the two contrasting built forms.

7.4.45. In terms of the southern adjoining property of Monaloe Lodge similarly the building height as said in the amended design changes from its central five storey height of 17.1m down to four and nearest to this boundary three storey height of 10.1m. Unlike the amendments to the northern side of this building the revised amended design option has increased the separation distance between the amended apartment building and this adjoining property. In this regard the southernmost façade of the amended apartment building would be within 2.95m of the boundary with Monaloe Lodge at its nearest point and the five-storey element would be withing 5.03m. The amendments proposed also appear to include more robust tree planting along this boundary which together with the reduced height and greater lateral separation distance would give rise to the building being less visually dominant and overbearing when viewed from this property with this improving over time.

7.4.46. Despite these improvements, I consider that the amended design when considered as a whole does not fully overcome the apartment buildings visual overbearance and lack of visual harmonisation with adjoining properties to the north and south of it. In saying this I consider that the proposed development would be contrary to Section 4.3.1.3 and Policy Objective PHP20: Protection of Existing Residential Amenity of the Development. These local planning policy provisions sets out that on sites abutting low density residential development (less than 35 units per hectare), which I note is the case in this situation, and where the proposed development is four storeys or more, an obvious buffer must exist from the rear garden boundary lines of existing private dwellings. In addition, it also sets out that where a proposal involves building heights of four storeys or more, a step back design should be considered as part of respecting the existing built heights of its setting. The proposed apartment building as lodged and as amended does not in my view satisfactory demonstrate compliance with this.

7.4.47. Overdevelopment

7.4.48. The Third-Party Observers to this appeal raise concerns that the proposed development as lodged and as amended would give rise to overdevelopment as well as out of context development of this modest in area site. With further concerns raised that in the absence of this site's amalgamation with the adjoining residentially low-

density low rise developed adjoining sites to the north and south. The latter concern is expressed also by the Planning Authority and gives rise to their second reason for refusal. This particular reason for refusal considered that the proposed development in its current form may limit the development potential of the adjoining sites and therefore constitute piecemeal development.

- 7.4.49. The First Party assert that the proposed development would not give rise to overdevelopment of the site and that the adjoining lands to the north and south are outside of their legal interest but that the design and layout of this residential scheme would not prejudice their future redevelopment. They also assert that it would be unfair to prevent the development of this site pending such time that there is potential for the sites to the north and south to be amalgamated. They further assert that the proposed development is consistent with the emerging pattern of development along the N11 corridor as well as other residential schemes within the surrounding area that conform with the principles of providing compact and higher density residential schemes.
- 7.4.50. On these points I note to the Board that the Third-Party Observer with an address given for the adjoining site to the south indicates that they are not unwilling to amalgamation of their property with the site to achieve a more comprehensive development and that the applicants are aware of the same. It is unclear from the documentation what level of consideration was given to such a possibility. Particularly considering the importance of this site in relation to addressing the N11 and Clonkeen Road junction.
- 7.4.51. This appeal site is located in an established residential area, which is characterised by considerable pressure for development, in particular further residential development, arising from its location proximate to key public transport routes, on lands which are zoned for residential purposes and where public services, local amenities and access to employment is readily available. As also as discussed, the prevailing character of this area is low rise and low density predominantly residential development of varying quality. Whereas the National Planning Framework recommends compact and sustainable towns/cities, brownfield development and densification of urban sites.

- 7.4.52. More specifically, I note that National Policy Objective 35 of NPF seeks an increase in residential density in settlements, through a range of measures including re-use of existing buildings, infill development schemes through to increased building heights.
- 7.4.53. In addition to this national policy, including the Sustainable Residential Development in Urban Areas promotes increased residential densities in urban areas in close proximity to services and public transport. They also encourage minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, within public transport corridors. I consider that the spirit of national planning policies and provisions are carried through into the current Dún Laoghaire Rathdown Development Plan, 2022-2028. With this plan's core strategy supporting the transition to a low carbon and climate resilient County through the implementation of a compact growth agenda, increased integration between land-use and transportation, increased sustainable mobility and, the sustainable management of our environmental resources. Together with setting out a settlement strategy that is an asset-based approach to spatial development which focuses employment and housing growth on existing and future transport corridors as well as aligning growth with the delivery of supporting enabling and supporting social infrastructure (Note: Section 2.4.2). Through this the core strategy seeks to deliver compact and sustainable growth within the existing built footprint of the County and build upon its existing physical, social, economic, and natural assets which are available. In a manner consistent with this Section 4.3.1 and Policy Objectives PHP18 and PHP19 of the Development Plan promotes sustainable densities particularly in public transport corridors and consolidation/re-intensification of infill/brownfield sites.
- 7.4.54. In this regard, the appeal site is currently well served by public transport as it fronts on to Clonkeen Road. With Bus Stop 3152 present along this roadside boundary and the site also being in close proximity to bus stops on the N11 that form part of the Quality Bus Corridor (QBC).
- 7.4.55. I note that Bus Stop 3152 provides connectivity between Kiltiernan Village and Dun Laoghaire with for example 3 services during peak hours of 08:00 and 09:00 (Note: Bus Route: 63 and 63/A). The N11 QBC Bus Routes in the vicinity of the site are No.s 84, 84A, 143, 145 and 155. Of note Bus Route No. 145 provides connectivity to Heuston Station and Bus Route No. 155 provides connectivity to Bray Rail Station.

- 7.4.56. Additionally, the Development Plan sets out improvements to the N11 QBC over the lifetime of the plan. With these improvements supported under Section 5.5.3 and Policy Objective T6: Quality Bus Network/Bus Connects which states that it is a policy objective: *“to co-operate with the NTA and other relevant agencies to facilitate the implementation of the bus network measures as set out in the NTA’s ‘Greater Dublin Area Transport 2016-2035’ and ‘Integrated Implementation Plan 2019-2024’ and the BusConnects Programme, and to extend the bus network to other areas where appropriate subject to design, environmental assessment, public consultation, approval, finance and resources”*.
- 7.4.57. Having regard to the above factors, under the Sustainable Urban Housing; Design Standards for New Apartments, Guidelines for Planning Authorities, 2020, (the Apartment Guidelines), the site would be categorised as a ‘Central and/or Accessible Urban Location’. I note to the Board that the said Guidelines set out that these locations are deemed to be suitable for small-to-large-scale higher density development that may wholly comprise apartments, subject to safeguards.
- 7.4.58. In relation to the specifics of the proposed development and the site location itself this is provided for under the Development Plan. For example, Chapter 4 in a manner consistent with national planning provisions including the ‘Sustainable Residential Development in Urban Areas’ Guidelines and the accompanying ‘Urban Design Manual’ identifies locations regarded as appropriate for higher densities with this including where a site is located within circa 1 kilometre pedestrian catchment / 10 minute walking time of a rail station, Luas line, Core/Quality Bus Corridor and/or 500 metres / 5 minute walking time of a Bus Priority Route, and/or 1 kilometre / 10 minute walking time of a Town or District Centre, higher densities at a minimum of 50 units per hectare (net density) will be encouraged.
- 7.4.59. I note to the Board that the locations identified include the N11 which as already stated contains an existing Quality Bus Corridor and over the lifetime of the plan is subject to various improvements.
- 7.4.60. The proposed development as lodged with the Planning Authority seeks permission for 35 apartment units as well as the retention of No. 21 Monaloe Cottage on this 0.265ha site. According to the documentation provided this equates to a given density of 136 units per hectare. This density is significantly higher than prevailing density of

the site setting given that residential development surrounding the site is low rise detached dwellings on garden plots.

- 7.4.61. Given the site's location in a serviced residential area with spare capacity to absorb the additional quantum of dwelling units sought without giving rise to any significant prejudice to permitted projects or planned projects, the site's proximity to public transport services and the infill nature of the subject site, I consider that the provision of a higher density residential development on the subject site is in principle consistent with the provisions of the local through to national planning policy provisions as well as guidance on such matters which collectively seek to increase densities at appropriate locations as part of delivering compact and sustainable urban growth.
- 7.4.62. Notwithstanding, I raise concerns that the Development Plan in terms of specifying units per hectare numbers under Section 4.3.1.3 in tandem with Policy Objective PHP20 sets out that all developments with a units per hectare net density of 50 must show how the transition from low density to a higher density scheme is achieved without being overbearing, intrusive and without negatively impact on the amenity value of existing dwellings with regards to the proximity of the structures proposed.
- 7.4.63. It also states that: *"on sites abutting low density residential development (less than 35 units per hectare) and where the proposed development is four storeys or more, an obvious buffer must exist from the rear garden lines of existing private dwellings"*; and, that: *"where a proposal involves building heights of four storeys or more, a step back design should be considered to respect the existing built heights"*. As discussed above I am not convinced that the proposed application demonstrates that it is consistent with these requirements given the residential amenity concerns raised.
- 7.4.64. Against this context I consider that the density of the proposed development as lodged is excessive and I do not consider that the amended design option submitted by the applicant with the grounds of appeal submission which I acknowledge has a lower density of a given 113 units per hectare substantively overcomes the issues raised in terms of compliance with Section 4.3.1.3 in tandem with Policy Objective PHP20 of the Development Plan. This consideration is based on that it too gives rise to significant and material negative impacts on the amenity value of existing dwellings as a result of its proximity and overall built form.

7.4.65. I also acknowledge that the site itself, if amalgamated particularly with the site to the south, would have the potential due to it creating a corner and focal location where Clonkeen Road and N11 meet with Cornelscourt District Centre on the opposite side of the N11 for a taller and denser building. In the absence of including this adjoining site the opportunity to provide a more site appropriate address of this highly visible location where there is latent potential for a taller building to be absorbed due to the width of the N11 and the Clonkeen Road junction fails to be realised. Further opportunities to achieve a more compact and dense form of development whilst providing an appropriate visual buffer between existing residential developments to the north. Particularly in the context of the more imaginative re-use of No.s 20 and 21 Monaloe Cottages for other functional land use that would be less sensitive to adverse amenity impacts arising from this type of residential redevelopment.

7.4.66. In conclusion,

7.4.67. I consider that the density proposed as lodged and as amended as part of the First Party Appeal submission to be excessive and, if permitted, the proposed development would constitute overdevelopment on the basis that it fails to achieve an appropriate and reasonable balance between the protection of existing residential amenities (as will be discussed thoroughly in the subsequent sections of this report) and achieving of densification/intensification of residential development on site. In this regard Policy Objectives PHP18, PHP19 through to PHP20 and Section 4.3.1 of the Development Plan requires this to be satisfactorily demonstrated.

7.4.68. Further, given the modest area of the site, its triangular shape, its relationship with the adjoining properties to the north and south as well as being separated from the corner of Clonkeen Road and N11 junction by the single low scale and low rise residential development of Monaloe Lodge this proposal would in my view diminish the potential of this triangular wedge of urban land which has potential for a focal/land mark building.

7.4.69. Whilst I acknowledge that the adjoining property to the south is in separate ownership and that further coherent redevelopment of this locality could be better realised with the amalgamation of No. 20 Monaloe Cottages this adjoining property to the north is also in separate ownership.

7.4.70. Against this context I consider that a more positive built environment outcome for this urban location would be the amalgamation of these three parcels of land and the

preparation of a coordinated masterplan design and layout for them. Through this building or buildings of greater height as well as density could be more appropriately accommodated at this location. I therefore concur with the Planning Authority's second reason for refusal.

7.4.71. Depreciation of Property Values

7.4.72. On the matter of depreciation of property values of adjoining properties, I note that this is an issue of concern for the Third-Party Observers in this appeal case. I also note that the Planning Authority's first reason for refusal included it as a concern. Whilst I acknowledge that the proposed development as lodged and as revised by the amended design option would significantly change the visual and amenity context of these adjoining properties. With this in turn having the potential to give rise to devaluation of these adjoining properties were they to be sold for the purposes of single occupancy use.

7.4.73. On the other hand, given that the site and this location is one where densification and compact development is encouraged, particularly given the proximity of the site to the N11 corridor QBC as well as collectively if amalgamated with the appeal site arguably the proposed development if permitted has the capacity to absorb a more focal landmark building addressing the corner of Clonkeen Roads junction with the N11.

7.4.74. The latter position is supported by the Development Plan provisions which considers that the N11 as a result of its width, strategic importance and presence of public transport infrastructure has the potential to become an attractive urban corridor enclosed by taller buildings of high quality at locations along it, particularly where sites are proximate to social, educational, community, retail through to amenity infrastructure and services.

7.4.75. Despite these countering opposite opinions there is no substantive evidence provided that would support either scenario. I am not satisfied that a refusal of permission supported by the depreciation of property values is therefore appropriate in this case.

7.4.76. Residential Amenity Impact Conclusion

Having regard to above considerations I generally concur with the Planning Authority's first reason for refusal and consider that the proposed development if permitted as lodged or as amended would be significantly and materially detrimental to residential

and visual amenities of the area. I also consider it would also be prejudicial to realising the potential of this parcel of Objective A zoned land to make a more meaningful address to the N11 / Clonkeen Road junction. I therefore also concur with the Planning Authority's second reason for refusal.

7.5. Building Height

- 7.5.1. As previously noted in my report above the current Development Plan contains some differences to the building height strategy that was set out under Appendix 9 of the Dún Laoghaire Rathdown County Development Plan, 2016-2022. In this regard I note that the upward and downward modifiers outlined in the context of consideration of taller buildings and their replacement with policy objective reflecting the requirements of national planning policies, in particular the Building Height Guidelines 2018, have been removed.
- 7.5.2. Both the Third-Party Observers to this appeal and the Planning Authority as part of their first reason for refusal raised concern that the proposed height of the apartment building failed to accord with the aforementioned Building Height Strategy. Overall, there is concern that the apartment building having regard to its overall scale, height, built form through to limited setback from adjoining properties would be detrimental to the residential amenity of the surrounding area.
- 7.5.3. The Appellant on the other hand contend that the height of the proposed development is not excessively high relative to its immediate surrounds and is appropriate having regard to the precedents established other residential developments at key points along the N11 as well as in the wider area.
- 7.5.4. Upon review of the precedents detailed by them in my view the context of the site is significantly different particularly in terms of its more modest size, irregular shape, it's relationship with other adjoining properties through to the visual appropriateness of a development that excludes to fulfil the latent potential of this key location where amalgamation of the sites to the immediate north and south would allow for greater scope to achieve a taller building alongside provide an appropriate buffer with the low rise low scale development in its immediate vicinity.
- 7.5.5. I also note that the precedent cases referred to were assessed against different local through to national planning policy framework. Irrespective of this, each planning application is considered on its individual merits and the Planning Authority, or the

Board are not bound by previous decisions pertaining to sites which in this case do not form part of the site's visual context or streetscape scene. On this basis it is appropriate that the subject application requires consideration on its individual merits.

- 7.5.6. As discussed, the existing building on site which would be retained is a semi-detached dwelling with a ridge height of c4.8m according to the details submitted with the application. Thus, No. 20 Monaloe Cottages shares this height whereas the adjoining property to the south which contains a dormer attic level has a maximum ridge height of c6.37m. The proposed six storey building over single basement level building has a maximum height of 20.65m with it lowering to 13.69m at its northern and southern most extents. The proposed development would be substantially higher than the surrounding existing buildings in the immediate area, which consist of mainly single storey, dormer and in the wider area two storey built forms.
- 7.5.7. Having regard to the local planning policy provisions on building heights Policy Objective PHP42 of the Development Plan requires adherence to the recommendations and guidance set out in Appendix 5. This sets out the Building Height Strategy for the county, under which the site is located within a suitable area that is well served by public transport link. In relation to the Development Plan's overall strategy for building heights, Policy Objective BHS 1 is of particular relevance. It supports the consideration of increased heights including in suitable areas well served by public transport links, provided that the proposal ensures that a balance between the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area is achieved. In this regard, increased height is defined as buildings taller than prevailing building height in the surrounding area and taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height for the area.
- 7.5.8. I do not consider the proposed apartment building height as lodged being mainly 6-storey and graduating to 4-storeys in height at its northern to be appropriate in this instance having regard to the requirements of Policy Objective BHS 1 as set out above. This is to say I consider that the development is inconsistent with the established character of the area and would give rise to undue serious injury on the residential and visual amenities of the area.

- 7.5.9. This is not to say that this location does not have the potential to accommodate a tall building, it does. But its ability to absorb it in a manner that is consistent with local planning provisions is difficult to achieve in the absence of amalgamating the residential lands to the north and south adjoining it given the modest and irregular triangular shape of the site itself. This point I have already discussed in my assessment above. Where in summary I have concluded that the proposed development does not realise the potential of this corner location to accommodate a tall landmark/focal building that more appropriately responds to this triangular wedge of residentially zoned serviced infill/brownfield land that is well served by public transport. Similarly, the amended design option also gives rise to the same conclusion.
- 7.5.10. In relation to national planning policy of relevance in my view is the 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines). It provides a detailed national planning policy approach for the assessment of building height in urban areas, and it sets out that in the assessment of individual planning applications, it is Government policy that building heights must be generally increased in appropriate urban locations, and that there is a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility.
- 7.5.11. I have considered these guidelines alongside other relevant national planning policy standards. Including but not limited to national policy in Project Ireland 2040 National Planning Framework. In particular NPO 13 concerning performance criteria for building height and NPO 35 concerning increased residential density in settlements and the general principle of increased building height is consistent with the NPF.
- 7.5.12. In addition, I have also had regard to the Building Heights Guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison.
- 7.5.13. In this regard, SPPRs and the Development Management Criteria under Section 3.2 of these Section 28 Guidelines are also of relevance to this proposal and its apartment building element. I note that SPPR 3(a) of these Guidelines set out that where a Planning Authority is satisfied that a development complies with the criteria under

Section 3.2, then a development may be approved, even where specific objectives of the relevant Development Plan may indicate otherwise. In general the increased height of the apartment building sought is consistent with these guidelines notwithstanding Section 3.2 of these Guidelines which requires applicants to demonstrate to the satisfaction of the Planning Authority, and by virtue of this appeal, An Bord Pleanála, that the proposed development satisfies criteria at the scale of relevant city/town, at the scale of district/neighbourhood/street and at the scale of site/building, in addition to specific assessments.

- 7.5.14. In relation to Section 3.2 Criteria: 'At the scale of relevant city/town', I note to the Board that the first criteria relate to whether the site is well served by public transport with high capacity, frequent service and good links to other modes of public transport. As discussed in my assessment above addressing this appeal site is currently well served by public transport, in particular the N11 QBC and the bus routes in easy access to it provide connectivity to Heuston and Bray train stations. In a manner consistent with one another local through to national planning policy recognise the need for compact development at a sustainable critical mass of population at accessible and serviced locations within the metropolitan area of Dublin.
- 7.5.15. I am satisfied that the site is reasonably-well located and serviced with options to access existing high-frequency, high-capacity public transport routes, as well as increased access and connections available through more active modes of walking/cycling, and with an array of services and amenities within walking and cycling distance. With for example a cycle lane present on either side of the Clonkeen Road.
- 7.5.16. Overall, I am satisfied that the level of public transport currently available is of a scale that can support the future occupants of this proposed development were it to be permitted as lodged or the lesser density of the amended design option.
- 7.5.17. There are also as mentioned qualitative improvements to the public transport in this locality and, in particular, along the N11. With additional planned services in this area like BusConnects being supported by higher density taller residential buildings in its vicinity.
- 7.5.18. As such the proposed development would add to the critical mass of population at this accessible location within the Dublin metropolitan area, in accordance with national policy for consolidated urban growth and higher densities.

- 7.5.19. Point two under this part of the Section 3.2 criteria of the aforementioned Guidelines relates to the scale of the development and its ability to integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, the setting of key landmarks and the protection of key views.
- 7.5.20. The Third-Party Observers and the Planning Authority raised concerns that the proposed apartment building, as lodged, would fail to properly integrate into the area and would unduly impact visual amenity of the receiving environment. In addition, the Third-Party Observers in their appeal submission to the Board consider that the amended design option put forward by the Appellant in their appeal submission does not overcome this.
- 7.5.21. The First Party as set out previously in this assessment contend that whilst the taller apartment building proposed is a change in context from this low rise and low scale area it is not excessively high, and it is consistent with the emerging pattern of development along the N11 and within the wider surrounding area.
- 7.5.22. The site is not within any designated streetscape scene or within the visual setting of any designated Protected Structure. The proposed development's appropriateness in terms of visual amenity in terms of the context of adjoining properties has been previously addressed in my assessment above where I have raised concerns in terms of its visual overbearance on them.
- 7.5.23. With regard to the contribution of the development to place-making and the delivery of new streets and public spaces, I note that there are limited opportunities regarding such provision given the limited size and the narrow nature of the subject site. I also have raised concerns that this proposed development would not realise the potential of the northern corner of the junction between Clonkeen Road and the N11 as a result of the failure to amalgamate the site with the adjoining site to the south at a minimum.
- 7.5.24. As such the ability to provide an appropriate built response to this highly visible location where the wide public domain has the capacity to positively absorb a tall building would not be achieved by this proposal. In tandem with this it would potentially give rise to fragmented, piecemeal, and uncoordinated development at this location if developed in isolation.
- 7.5.25. On the basis of these negative implications of the proposed development I am not satisfied that it would deliver appropriate site and setting sensitive place-making as

well as delivery of new urbanscape at the finer grain of the site in a manner that is consistent with the said Guidelines.

- 7.5.26. In relation to Section 3.2 Criteria: 'At the scale of District / Neighbourhood / Street' and how the proposed development responds to the overall natural and built environment as well as contribution to the urban neighbourhood and streetscape, I note that the Planning Authority raises concern that the landscaping is inadequate to respond to the site setting. In particular, in their view in terms of creating appropriate visual buffers for adjoining properties as well as to settle it with the public domain. This concern formed part of their first reason for refusal and I consider that this reflects the lack of adequate setback of the apartment building from its northern and southern boundaries which limit the potential for any effective landscape mitigation to be utilised to lessen the apartment buildings visual impact.
- 7.5.27. I also note that this lack of setback also lessens the ability of man-made historic items on site which are indicated for preservation to be meaningful preserved '*in situ*' as part of a coherently thought out and site sensitively legible landscaping scheme that responds positively to built heritage legacy features on site that contribute to achieving a sense of place.
- 7.5.28. In addition, the placement of the bike store in the south easternmost corner of the site, albeit single storey and also being in the position of an existing timber shed structure, in nature fails to correspond with the setbacks of buildings from the public domain on either side of this stretch of Clonkeen Road.
- 7.5.29. The First Party consider that the proposed development responds appropriately to its overall natural and built environment by providing a high-quality design, with building heights that maximise the sites potential with the apartments building not dependent upon landscaping for them to be absorbed in the short to long term within their setting and to making a positive contribution to the streetscape.
- 7.5.30. As referred to above, I have raised concerns in terms of the proposed development's ability to positive contribute to its urban neighbourhood and streetscape along Dublin Road. The apartment buildings overall height, scale, mass, volume through to limited setback from the northern and southern boundaries gives rise to undue visual and residential amenity impacts. Alongside would result in a situation where there is insufficient space to provide any meaningful visual buffering by way of landscaping of

these boundaries. Further, the apartment buildings height in this context is visually overbearing with insufficient lateral separation distance between it and the more diminutive built forms of Monaloe Lodge and the semi-detached pair of No.s 20 and 21 Monaloe Cottages.

- 7.5.31. There is also the concern of the breaking of the building line that characterises the western side of Clonkeen Road by the positioning of the bike store.
- 7.5.32. Whilst there are some improvements in the amended design option put forward by the Appellant in their appeal submission to the Board. Including the improved graduation of building heights in proximity to the northern and southern boundaries of the site. As well as the improved lateral separation of the apartment building from the southern boundaries and increased planting alongside this boundary. I consider that collectively the amendments do not overcome the concerns including that this proposed development, if permitted as lodged or as amended, does not realise the latent potential of the northeastern corner of the Clonkeen Road and N11 urban interface.
- 7.5.33. The matters arising from 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities' (2009) have been complied with as part of the applicant's submission. The Engineering Services Report, accompanying the application includes a brief assessment of potential flood risk arising from the proposed development, which I have addressed separately in my assessment above.
- 7.5.34. With regards to the consideration of the criteria relating to legibility, the limited size of the site results and the gated nature of this residential scheme as lodged or as revised in the amended design option would not make a substantive positive contribution to the improvement of legibility of this wider urban area, but the site would benefit from easy connectivity to the existing pedestrian and cycle routes present on Clonkeen Road.
- 7.5.35. In terms of the mix of residential units the provision of apartments albeit equating to the addition of 5 No. 1 bed and 31 No. 2 bed units would add to the typology of housing in this area. Similarly, would the reduced number of 29 apartment units proposed under the amended design option which includes the introduction of one three-bedroom apartment unit which would be more suitable to cater for family occupancy.
- 7.5.36. In terms of Section 3.2 Criteria: 'At the scale of site / building', I have considered in more detail the impact of height on the amenity of neighbouring properties in my

assessment above including issues of concerns to both the Third Parties to this appeal and the Planning Authority, i.e., daylight, overshadowing, loss of light, overlooking through to visual overbearance.

- 7.5.37. From these considerations I concur with the Planning Authority that the proposed development, in particular the apartment building, has not been appropriately considered in this regard to these issues in a manner that could be considered as consistent with relevant planning policy provisions.
- 7.5.38. This conclusion is reached for both the proposed development as lodged and also despite the improvements to the design of the amended reduced in scale, height with improved setbacks the amended design option proposed by the Appellant in their appeal submission.
- 7.5.39. In relation to Section 3.2 Criteria: 'Specific Assessments' of the said Guidelines I consider that the proposed development as lodged with the Planning Authority at four to six storeys in height or as revised by the Appellant in the amended design option which is three to five storey in height when taken together with the orientation of the site and the relationship they would have with their surrounding urbanscape neither building could in my view be considered as being exceptionally tall building that it would be likely to give rise to an acceleration of wind speed or 'downdraft' effects or that they would give rise to any significant undue micro-climate impacts.
- 7.5.40. On the matter of daylight/sunlight impact I have already considered in my assessment above with this concluding that the documentation submitted with this application do not satisfactorily demonstrate that the proposed apartment building would not give rise to adverse amenity impacts on adjoining properties or that the documentation provided is compliant with relevant requirements.
- 7.5.41. Additionally in terms of other urban impacts, on the matter of biodiversity I consider that the site is not in proximity to any sensitive bird and/or bat areas and I am satisfied that no further assessment of impacts on flight lines and/or collision is required. There are no designated sites within the surrounding area or evidence of ecological sensitivity on the site or in its setting.
- 7.5.42. Further, the habitats present on site are common with garden plots in an urban location characterised by low rise and low scale development.

- 7.5.43. The Ecological Impact Assessment provided with this application sets out that the site is not within 15km of any Natural Heritage Areas, and it contains no direct or indirect pathways from the site to them. It does identify four species of invasive non-native species on site. These are identified as the 'Brown Rat', the 'Eastern Grey Squirrel', 'Nuttall's Waterweed' and 'Yellow-bellied Slider'.
- 7.5.44. Measures are proposed to deal with these should works be undertaken on site so that they are not spread from the site.
- 7.5.45. This report concludes subject to best practice and mitigation measures that the proposed project would not result in any significant impacts on flora and fauna in the local environment but could result in a slight positive impact on biodiversity.
- 7.5.46. Having inspected the site I concur with this conclusion but also consider that improved landscaping could further improve positive impact on biodiversity.
- 7.5.47. Conclusion
- 7.5.48. Having regard to the above considerations I am not satisfied that the proposed development would make a positive contribution to the area on the basis that it does not achieve an appropriate balance between protecting existing residential properties in its vicinity whilst appropriately realising the built environment potential of residentially zoned land at a key urban point where there is capacity for a focal/landmark building or buildings of height and density to be absorbed alongside the Clonkeen Road and N11 junction. If permitted, the proposed development as lodged and as revised by the Appellant in their amended design option accompanying this appeal would give rise to poor quality built environment outcome by way of its piecemeal, fragmented and uncoordinated design as well as layout. I am not satisfied that the amendments set out in the Appellants appeal submission sufficiently mitigate the against residential and visual amenity concerns raised from the proposed apartment building component of this proposed development.
- 7.5.49. I am cognisant however that the Board may in circumstances approve development for higher buildings, even where specific objectives of the relevant Development Plan may indicate otherwise, as per SPPR 3(a) of the aforementioned Building Height Guidelines.

- 7.5.50. In this regard, the proposed building heights would be greater than the height of existing neighbouring buildings. I am not satisfied that the proposed development would provide for a well-considered suburban development at this reasonably accessible site, and the building heights proposed would not be in accordance with local through to national planning policy provisions and guidance where compact consolidated growth with higher density and taller buildings in the footprint of existing urban areas are generally supported.
- 7.5.51. While the proposed scheme may be of a contemporary design, I am not satisfied that it would make a positive contribution towards place-making in the area for the reasons cited above.
- 7.5.52. Therefore, for these reasons it would fail to satisfy the development management criteria required under Section 3.2 of the Building Heights Guidelines to allow the development to be approved.
- 7.5.53. Further, I consider that the proposed apartment building component of this proposed development as lodged and as amended, with this being the substantive element of the residential scheme sought under this application, would have a detrimental impact on the character and visual amenity of the area in a manner that would be contrary to Policy Objective PHP35 of the Development Plan. This policy objective deals specifically with the matter of healthy placemaking. Nor would it as discussed above be consistent with the building height strategy contained in the Development Plan or the Building Height Guidelines 2018. As such I concur with the Planning Authority that building height is a substantive issue that supports refusal of permission be refused due to the height of apartment building being giving rise to injurious to residential and visual amenity outcomes for its surroundings.

7.6. Other Matters Arising

- 7.6.1. **Demolition of Other Structures on Site:** There are a number of ancillary buildings on this site for which demolition is required as part of facilitating the proposed development. They are no built or other merit that would warrant their retention. I therefore consider that subject to standard safeguards this component of the proposed development gives rise to no substantive concerns.
- 7.6.2. **Design:** In terms of design, I consider that the architectural approach of providing a building of its time stepped back from the public domain of Clonkeen Road so that the

apartment building achieves a staggered building line with the existing buildings to its north and south through to the use of a qualitative palette of materials that in terms of the overall building envelope is acceptable. As such, I consider the overall architectural design of the proposal as lodged and as amended, to be consistent with Section 12.3.1.1 of the Development Plan. Alongside would provide a new architectural form for a streetscape scene that is of a variable character and quality. I therefore raise no substantive issue with the architectural design put forward under this application despite the other visual concerns raised in my assessment above.

7.6.3. Residential Amenity for Future Occupants: Outside of the concerns raised in relation to the significant overshadowing that would occur to the rear of No. 21 Monaloe Cottage the proposed future residential amenity give rise to no substantive planning issues given that the apartment units proposed as lodged. In relation to the apartment building as lodged and as revised by the proposed amended design option provided by the Appellant in their appeal submission I consider that the design, layout, and scale, through to the communal and private amenity spaces, will provide a high standard of internal and external amenity for the future occupants of the scheme in a manner that is consistent with relevant local through national planning provisions, guidance and standards. In addition, due to the orientation of the block relative other man-made and natural features the internal spaces of the apartment building would receive a good standard of daylight through to natural ventilation.

I also do not anticipate any adverse or unduly negative impacts on the amenity of the apartments or on open spaces within the scheme due to overbearance, overshadowing, or overlooking.

In addition, I consider that offering of mix of unit types within the scheme, with the proposal as lodged consisting of 1- and 2- bedroom apartment units in addition to renovation of Monaloe Cottage is acceptable.

Given the modest site area the proposed residential scheme would in my view contribute to the existing residential offer available in an area that is characterised by low density, detached and semi-detached dwellings in its immediate vicinity. Thus, allowing for varying household formations in a manner compliant with the Development Plan, including Section 4.3.2.3, Policy Objective PHP27: Housing Mix and Section 12.3.3.1, Residential Size and Mix. This is similarly the case with the

amended design option which whilst reducing the number of apartment units to 29 does include the addition of a three-bedroom unit. This larger bedroom unit I consider is a positive outcome on the basis that would provide for a greater variety in the mix proposed allowing this residential scheme to include a dwelling unit that could cater for family. I am therefore satisfied that the residential amenity for future occupants is not a substantive issue of concern in this appeal case.

- 7.6.4. **Parking Provision:** According to Section 12.4.5.1 of the Development Plan within parking zone 2 maximum standards shall apply for all uses except for residential where the standard is required. However, it also sets out that for residential uses reduced provision may be acceptable dependent on criteria set out in Section 12.4.5.2 of the Development Plan. Having regard to this criterion set out under the said section of the Development Plan the reduced provision of car parking spaces may be considered for small infill residential schemes of up to 0.25 hectares or brownfield residential schemes in Zones 1 and 2. This appeal site modestly exceeds the area threshold but is an infill / brownfield site that falls within Zone 2 and is in close proximity of the N11 Quality Bus Corridor.

The locality of the site can be described as having access to a good level of existing or planned public transport services; a good level of service accessibility, existing and planned, by walking or cycling; and, as discussed is an area that has the capacity to accommodate a higher density of development.

In this context the reduced provision of 40 car parking spaces (Note: 34 no. at basement level and 6 no. at grade) for the development as lodged and as amended taken with the required cycle parking spacing for long stay and short stay parking as well as the provision of three disabled spaces on site is in my view acceptable. This however is subject to the implementation of the Mobility Management Report measures, the provision of a minimum 10% of the overall residential car parking equipped with EV Charging points and the demonstration that all car parking spaces in future can accommodate the installation of EV Charging Points. The latter provision would be consistent with Section 12.4.11 of the Development Plan.

In conclusion, whilst I am of the view that there are concerns in terms of the constrained space around the disabled car parking provision on site which requires addressing and amendments to the site layout plan prior to the commencement of any

development on site, this could be achieved by an appropriate worded condition should the Board be minded to grant permission for the proposed development as lodged or as amended. In my view, such a condition alongside appropriate worded conditions requiring the implementation of the measures set out in the Mobility Management Report through to addressing EV Charging facilities for future occupants through to other standard safeguards would give rise to an acceptable car parking provision at this highly accessible by public transport site. In addition, the reduced car parking provision at this highly accessible site would also reduce vehicle movements associated with the Clonkeen Road entrance. This entrance is situated in close proximity to its heavily trafficked junction with the N11 and also in terms of movements along Clonkeen Road itself which I observed is also heavily trafficked two-way road despite the site inspection occurring outside of peak hour. This regional road also accommodates a Dublin Bus Route with stops on both sides of the road to the south of the entrance serving that would serve the proposed development.

- 7.6.5. **Nuisance:** The Third-Party Observers raise concern that the proposed development would result in significant diminishment of neighbouring residential amenity during the construction phase. Given the nature of the development, which includes but is not limited to site clearance through to excavation for a single level basement serving a substantial apartment building over, it is accepted that significant levels of noise, dust, vibrations, and other associated construction nuisances would arise.

As part of the documentation included with this planning application is a preliminary outline construction and environmental management plan and it is standard practice should a development like this be permitted that a condition be attached to the control and mitigate the variety of nuisances that have the potential to arise during the construction phase.

Any construction phase impacts would whilst giving rise to a change in residential amenity for neighbouring properties would only be of a temporary nature.

Should the Board be minded to grant permission for the development as lodged or as revised by the amended design options put forward by the First Party in their appeal submission, I recommend the inclusion of suitably worded condition (or conditions) to deal with nuisances arising from the construction phase. In particular such a condition should require the written agreement of a Construction and Environmental

Management Plan; Noise, Dust and Vibration Controls prior to the commencement of any development on site with the Planning Authority.

I also consider that once operational the occupation of the proposed residential scheme would be comparable with other contemporary residential development in the immediate area and would not be likely to give rise to any undue significant impacts on neighbouring properties that would warrant or sustain a refusal of permission.

- 7.6.6. **Basement Car Park:** As a precaution should the Board be minded to grant permission I recommend that it considers the inclusion of a condition requiring prior written agreement of the basement design with the Planning Authority so that it meets the requirements for access ramps, widths of corridors, pedestrian routes and the like. This is on the basis that having reviewed the documentation provided on file I concur with the Planning Authority's Transportation Planning Division that the details provided with this application do not clearly demonstrate this and considered it a matter that required addressing by further information.
- 7.6.7. **Drainage:** Should the Board be minded to grant permission I consider that the ten recommended conditions set out in the Planning Authority's 'Drainage Planning Report' satisfactorily address drainage issues arising from the proposed development. Subject to these conditions I concur with the Planning Authority that the proposed development as lodged or should the Board be minded to grant the amended design option that these satisfactorily address all substantive drainage measures to the required standards for the type of development proposed.
- 7.6.8. **Lighting:** I note to the Board that should they be minded to grant permission for the proposed development as lodged or as amended the Planning Authority's lighting department raised concerns with regards to the lighting scheme. It is considered that these concerns could be addressed by way of a condition requiring a revised lighting scheme with details of which to be agreed in writing with the Planning Authority prior to the commencement of any development on site.
- 7.6.9. **Part V:** The applicant proposes to comply with their Part V requirements, subject to compliance with the same no objection to the proposed development. A condition requiring the final details could be conditioned should the Board be minded to grant permission for the proposed development as lodged or as amended.

- 7.6.10. **Amended Design Option:** For clarity I consider that the amended design option would reduce the visual and residential amenity outcomes raised above it would not overcome them to any substantive degree.

8.0 Appropriate Assessment

- 8.1. Having reviewed the applicant's Appropriate Assessment Screening Report and having had regard to the nature and scale of the proposed development (a small infill apartment building which includes a single basement level and renovated existing dwelling within an established urban area), the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

9.0 Recommendation

- 9.1. I recommend that permission be refused for the following reasons and considerations:

10.0 Reasons and Considerations

1. Having regard to the building height, density, mass, volume through to the lack of an adequate separation between the proposed apartment building and the existing residential properties to the north and south, it is considered that the proposed development would constitute overdevelopment of this restricted and irregular shaped site and it would result in unreasonable overbearing, overlooking through to overshadowing consequences for these properties.

The proposed development would, seriously injure the residential and visual amenities of property in the vicinity of the site, it would result in an undesirable precedent for other similar development in its setting, and it would be contrary to the Objective 'A' land use zoning of the site as provided for under the Dún

Laoghaire Rathdown Development Plan, 2022-2028, as well as the policy objectives set out in this plan, in particular PHP18, PHP19, PHP20 and BHS 1 that seek that collectively seek that such developments achieve a reasonable balance in protecting established residential amenities, providing and improving residential development particularly where they significantly depart in building height, density, scale and built form from the prevailing character of the area.

For these reasons the proposed development would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development in its current form has the potential to give rise to piecemeal, fragmented and uncoordinated development at an urban location that has the potential to accommodate a more comprehensive, high density and of an appropriate height redevelopment for that addresses the northeastern Clonkeen Road and N11 junction. The proposed development is therefore considered to be contrary to Policy Objective PHP35: Healthy Placemaking of the Dún Laoghaire Rathdown Development Plan, 2022-2028, which seeks to achieve high quality with a focus on healthy placemaking outcomes through to ensure that development proposals are cognisant of the need for proper consideration of context.

Further, it would be contrary to Section 4.4.1.3 Policy Objective PHP37 which seeks that all development proposals should contribute positively to an enhanced public realm and should demonstrate that the highest quality in public realm design is achieved.

The proposed development would not achieve an appropriate sense of place for this highly visible location and in isolation from the site's amalgamation with the sites to the north and south which albeit are outside the redline area are, particularly in the case of the adjoining site to the south, pivotal for appropriate place-making and qualitative built environment outcomes for the redevelopment of this location.

For these reasons, 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

17th day of November, 2023.

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	35 no. apartment units (Note: 30 No. 2-bed and 5 No. 1 bed units) together with site services and associated ancillary works including new access onto Clonkeen Road as well as connections to public water and foul infrastructure. In addition, part demolition of existing structures on site is sought, i.e., the rear extension to the existing dwelling on site (Note. 74.3 sq.m.) and the construction of an extension of 29.3 sq.m.		
Development Address	21 Monaloe Cottages, Clonkeen Road, Deansgrange, Blackrock, Co. Dublin.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (That is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		No.	EIA Mandatory EIAR required
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (If relevant)
No		N/A	No EIAR or Preliminary Examination required

Yes		Class (10)(b) of Schedule 5 Part 2	Does not exceed the area and dwelling unit thresholds.	Proceed to Q.4
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4. Has Schedule 7A information been submitted?				
No	√		Preliminary Examination required	
Yes			Screening Determination required	

Inspector: _____ Date: _____