



An
Bord
Pleanála

Inspector's Report

ABP-313821-22

Development

Permission for development of a Build-to-Rent residential development 'Woodville' within 1 no. four storey over lower ground floor level apartment block comprising 40 no. residential apartments and associated site development works necessary to facilitate the development.

Location

Lands situated to the south of Ashton (D14 P2Y2) and Thurleigh (D14 R7W9), the east of No. 23 Finsbury Green and north of No. 28 Finsbury Green within Finsbury Park, Churchtown, Dublin 14

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D22A/0213

Applicant(s)

PI Investments Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal	First Party
Appellant(s)	PI Investments
Observer(s)	Rose Gilmartin Finsbury Green Management Co. Louise Mulvany Residents of Finsbury Park Aileen Cronin Tim & Anne Geraghty Liam & Helen Coughlan Michael Colreavy & Judith Meehan
Date of Site Inspection	16/06/2023
Inspector	Gillian Kane

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	8
3.4. Third Party Observations	8
4.0 Planning History.....	8
5.0 Policy Context.....	9
5.3. Rebuilding Ireland – Action Plan for Housing and Homelessness 2016.....	12
5.4. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES) 2019-2031	12
5.5. Circular NRUP 07/2022.....	13
5.6. Dun Laoghaire Rathdown Development Plan	13
5.7. Natural Heritage Designations	14
5.8. EIA Screening	14
6.0 The Appeal	15
6.1. Grounds of Appeal	15
6.2. Planning Authority Response	19
6.3. Observations	19
7.0 Assessment	25
7.2. Principle of Development	25
7.3. Density	26
7.4. Build to Rent Qualifications	27

7.5. Building height, visual impact	30
7.6. Impact on Residential Amenity	32
7.7. Traffic	33
7.8. Precedent.....	33
7.9. Appropriate Assessment	34
8.0 Recommendation.....	34

1.0 Site Location and Description

- 1.1.1. The subject site is a rectangularly shaped area of green space on the western side of Finsbury Park, in the south Dublin suburb of Dundrum. Finsbury Park, which runs south off Churchtown Road Upper is a residential cul-de-sac serving approx. 70 dwellings.
- 1.1.2. The site, which was unused but heavily vegetated on the date of my site visit is bound to the north by dwellings on Churchtown Road Upper, to the west by a gated residential development Finsbury Green and to the east by a large junior and Senior school campus. The site, which appears to be below the adjoining road level is bound on all sides by a 2m high wall, with a vehicular access on to Finsbury Park. A series of recycling containers site adjoining the eastern boundary with Finsbury Park.

2.0 Proposed Development

- 2.1.1. On the 28th March 2022 planning permission was sought for the construction of a four storey over lower ground floor level apartment block, of 40 no. Build-To-Rent apartments, on a greenfield site of 0.14ha.
- 2.1.2. In addition to the required plans and particulars, the planning application was accompanied by the following:
- Planning statement
 - Design Statement
 - Engineering Report
 - Infrastructure Report

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 20th May 2022, the Planning Authority issued a notification of their intention to REFUSE permission for the following reasons:
- 1 Having regard to the overall design, scale, bulk and massing in close proximity to adjacent residences and by reason of the lack of appropriate buffers; set backs and stepping down of height, it is considered that the proposed development would appear overbearing and visually dominant when viewed from adjacent properties to the north, west and south. The proposed

development would give rise to significant overlooking and overbearing impacts upon adjoining and surrounding properties. This proposal would, if permitted, set an undesirable precedent for similar development. The proposed development would, therefore, be contrary to the policy provisions and objectives of the Dun Laoghaire Rathdown County Development Plan 2022 - 2028 and would be contrary to the proper planning and development of the area.

2. The proposed development represents overdevelopment of a limited site as demonstrated by its poor standards for future residents by reasons of the high number of single aspect apartment units, the poor quality and narrow communal open space provision below the adjacent ground levels to the south and west, the lack of daylight/sunlight for some units along the western boundary by reason of ground levels and proposed balcony screening and the poor provision of internal storage for apartments. The proposed development would result in substandard residential accommodation for future occupiers. The proposed development would, therefore, be contrary to the policy provisions and objectives of the Dun Laoghaire Rathdown County Development Plan 2022 - 2028 and would be contrary to the proper planning and development of the area. It is noted that there are also a number of issues that would have to be addressed by the applicant if the planning authority was to consider granting permission. These include, and are not limited to, daylight/sunlight study, site levels and excavation required, unit mix rationale, building lifecycle report, BTR management details, adequate Part V provision, drainage, transportation, environment impacts, unit mix, trees and vegetation, and landscaping detail and the need for a construction and waste management plan.

3.2. **Planning Authority Reports**

- 3.2.1. **Lighting:** Lighting plan for car park required
- 3.2.2. **Housing Department:** Proposed Part V compliance is unsuitable.
- 3.2.3. **Municipal Services, Drainage:** Further information required regarding proposed green roof.

- 3.2.4. **Environment Section:** Omission of a materials source & management plan, construction environmental management plan, construction waste management plan, noise plan, operational waste management plan, energy and building services plan noted. 6 no. conditions recommended.
- 3.2.5. **Environmental Health:** FI required regarding construction management plan, demolition waste and operational waste.
- 3.2.6. **Parks & Landscape:** FI required: Tree Survey, landscape plan, public open space contribution in lieu.
- 3.2.7. **Transportation Planning:** Eleven items of further information required.
- 3.2.8. **Planning Report: Summarised as follows:**
- Policy PHP28 and section 12.3.6 of the 2016 development plan BTR schemes only in suitable locations. Notes SPPR7 and 8 assessment criteria.
 - Notes lack of detail on the extent of excavation. Notes that excavation would create communal open space 3.8m below the adjacent ground level, with a 5m high boundary wall.
 - Absence of a shadow study, under provision of parking and lack of visibility at entrance are concerning (site layout).
 - Regarding compliance with building height, notes overall height of 13.8m with a set back on all northern and eastern boundaries. Planning Authority is not satisfied that the site is capable of absorbing the proposed height in close proximity to residences, without being overbearing and creating overlooking.
 - Proposed density of 286no. units per ha is considered to be very high in a suburban accessible location and is indicative of over development. Proposed development is considered to be oppressive and overbearing, contrary to policy PHP20. Notes that a sunlight / daylight study has not been submitted. Serious deficiencies merit refusal. Undue overlooking would arise to the immediate north, west and south of the block. Concerns regarding levels of daylight entering the units on the western side.
 - Lack of detail regarding management of development. Lack of communal facilities.
 - Private open space is sufficient but communal open space is substandard in terms of quality and layout. 8 no. units (20%) are true dual aspect, no

discretion available so scheme fails to achieve a high design quality as per SPPR4 and section 12.3.5.1 of the development plan.

- Proposed development does not contain a sufficient housing mix (policy PHP27).
- Proposed development complies with minimum floor areas, floor to ceiling heights but is seriously deficient in terms of internal storage. No public open space proposed.
- Notes comments of Parks, Transportation and Drainage departments regarding items required as FI.
- No details on relocation of existing recycling facility.
- Significant under-provision of car parking, shortfall in bicycle parking. No disabled or motor cycle parking. Travel plan required.
- Conclusion that Planning Authority has serious concerns and recommendation to refuse for two reasons.

3.3. Prescribed Bodies

3.3.1. None on file.

3.4. Third Party Observations

- 3.4.1. 40 no. submissions were received. The issues raised can be summarised as follows:
- Scale, height, massing design and visual impact, out of character with area, increase in density,
 - Impact on residential amenity from overlooking and overshadowing.
 - Traffic, car parking, infrastructure
 - Zoning, policy
 - Construction impacts

4.0 Planning History

4.1.1. None on the subject site.

5.0 Policy Context

5.1. Project Ireland 2040: National Planning Framework

- 5.1.1. This national policy seeks to support the future growth and success of Dublin as Irelands leading global city of scale, by better managing Dublin's growth to ensure that more of it can be accommodated within and close to the city. Enabling significant population and jobs growth in the Dublin metropolitan area, together with better management of the trend towards overspill into surrounding counties.
- 5.1.2. The NPF recognises that at a metropolitan scale, this will require focus on a number of large regeneration and redevelopment projects, particularly with regard to underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development.
- 5.1.3. National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.
- 5.1.4. Of relevance to the subject application are the following:
- **National Policy Objective 2a:** A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.
 - **National Policy Objective 5:** Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.
 - **National Policy Objective 6:** Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.
 - **National Policy Objective 13:** In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated

outcomes, provided public safety is not compromised and the environment is suitably protected.

- **National Policy Objective 33:** Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- **National Policy Objective 35:** Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-base regeneration and increased building heights.
- **National Policy Objective 27:** seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- **National Policy Objective 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.

5.2. **Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018**

- 5.2.1. Reflecting the National Planning Framework strategic outcomes in relation to compact urban growth, the Government considers that there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes, by building up and consolidating the development of our existing urban areas.
- 5.2.2. The first of the 10 National Strategic Outcomes in the National Planning Framework that the Government is seeking to secure relates to compact urban growth. Securing compact and sustainable urban growth means focusing on reusing previously developed 'brownfield' land, building up infill sites and either reusing or redeveloping existing sites and buildings, in well serviced urban locations, particularly those served by good public transport and supporting services, including employment opportunities.

- 5.2.3. While achieving higher density does not automatically and constantly imply taller buildings alone, increased building height is a significant component in making optimal use of the capacity of sites in urban locations where transport, employment, services or retail development can achieve a requisite level of intensity for sustainability. Accordingly, the development plan must include the positive disposition towards appropriate assessment criteria that will enable proper consideration of development proposals for increased building height linked to the achievement of a greater density of development.
- 5.2.4. **SPPR1:** In accordance with Government policy to support increased building height in locations with good public transport accessibility, particularly town / city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.
- 5.2.5. **SPPR3:** It is a specific planning policy requirement that where;
- (A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;
- then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.
- (B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme
- (C) In respect of planning schemes approved after the coming into force of these guidelines these are not required to be reviewed.

- 5.3. **Rebuilding Ireland – Action Plan for Housing and Homelessness 2016**
- 5.3.1. **Pillar 4:** Improve the Rental Sector. The key objective is to address obstacles to greater private rented sector deliver and improving the supply of units at affordable rents. Key actions include encouraging the “build to rent” sector.
- 5.4. **Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES) 2019-2031**
- 5.4.1. MASP Housing and Regeneration policy object **RPO 5.4** states that “Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for New Apartments’ Guidelines, and ‘Urban Development and Building Heights Guidelines for Planning Authorities”
- 5.4.2. **RPO 5.5** goes on to identify that “Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns”.
- 5.4.3. **RPO 3.3:** Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites in line with the Guiding Principles set out in the RSES and to provide for increased densities as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for new Apartments Guidelines’ and the ‘Urban Development and Building Heights Guidelines for Planning Authorities’.
- 5.4.4. **RPO 4.3** seeks to “support the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.”

- 5.4.5. **Section 5.3** identifies guiding principles for development of the metropolitan area, which include:

Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built-up areas, supported by improved services and public transport.

5.5. **Circular NRUP 07/2022**

- 5.5.1. As the subject appeal was submitted to the Board before 21st December 2022, it falls under the transitional arrangements provided for under circular NRUP 07/2022. It therefore remains to be considered and decided in accordance with the 2020 Sustainable Urban Housing Design Standards which include SPUR 7 and SPUR 8.

5.6. **Dun Laoghaire Rathdown Development Plan**

- 5.6.1. Section 4.3.2.4 of the 2022 plan refers to Build to Rent. **Policy Objective PHP28:** Build-to Rent and Shared Accommodation/ Co-living Developments:

“It is a Policy Objective to facilitate the provision of Build-to-Rent in suitable locations across the County and accord with the provisions of ‘Sustainable Urban Housing: Design Standards for New Apartments’, 2020 (and any amendment thereof).

Proliferation of Built to rent should be avoided in any one area. As the HNDA does not support provision of shared accommodation there shall be a presumption against granting planning permission for shared accommodation/co-living development”.

- 5.6.2. Section 4.3.2.4 of the plan continues stating that “Build-to-rent (BTR) accommodation will be facilitated at appropriate locations across the County in accordance with land use zoning objectives. For the avoidance of doubt, BTR is permitted in principle in areas zoned objective MTC (major town centre) and DC (district centre) and open for consideration in areas zoned objective NC (subject to retaining an appropriate mix of uses), A, A1, and A2. BTR shall be located within a 10-minute walking time from high frequency public transport routes. BTR will be considered as a component part of achieving an appropriate mix of housing, however, a proliferation of Build to Rent in any one area shall be avoided.

5.7. Natural Heritage Designations

- 5.7.1. The subject site is approx. 4.3km from the South Dublin Bay SAC (000210) and the South Dublin Bay and River Tolka Estuary SPA (004024).

5.8. EIA Screening

- 5.8.1. The subject proposal refers to a greenfield site of 0.14ha, which is zoned Objective A 'to protect and improve residential amenity'. Permission is sought for the demolition of all structures on site and the construction of an up-to 4 storey building with 40 no. Build-To-Rent apartments.
- 5.8.2. The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. An environmental impact assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling units or 10 hectares, or 2ha if the site is regarded as being within a business district.
- 5.8.3. The nature and the size of the proposed development is well below the applicable thresholds for EIA. I note that the uses proposed are similar to some of the land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance.
- 5.8.4. Having regard to nature and scale of the development and the built-up suburban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An agent for the applicant has appealed the decision of the Planning Authority to refuse permission. The appeal provides detail of the site location and the proposed development as lodged with the Planning Authority.

6.1.2. The grounds of the appeal can be summarised as follows:

Precedent

- The proposed apartment block reads as three-storey with setback penthouse.
- Separation distances exceed 9m, 11.75m and 15.75m to the west, south and north respectively.
- All immediately adjoining dwellings have attic level accommodation.
- As the first reason for refusal refers to overbearing and visually dominant appearance from the north, west and south, it is understood that the building is not considered to have any undue impact on the visual amenity of the wider area.
- Image submitted which shows the site in relation to adjoining properties:
 - Ashton and Thurleigh - 15.8m to the north slight adverse impact on internal views from the properties and external views from the gardens,
 - Drinagh – 18.9m to the north, slight adverse impact on internal and external views,
 - 28 Finsbury Park – 11.96m to the south, negligible impact on internal and external views as no direct views
 - 22-23 Finsbury Green – 9.2m to the west with substantial planting, no impact on internal views and slight adverse impact on external views
 - 24-26 Finsbury Green – 18.1m to the west, negligible impact internally and no impact externally,
- The primary aim of the subject proposal is to achieve the efficient residential development of the site an appropriate density and therefore a certain degree of visual impact is to be expected.

- A four-storey building does not need setbacks at upper floors. The separation distances to the south and west are sufficient to prevent overlooking.
- The Board is welcome to review the provisions of the Daylight Analysis and Overshadowing report which confirms that adequate levels of daylight to internal rooms will be achieved within the apartment block and the immediate built form. The communal amenity space will also be well-lit.

Residential Amenity

- Regarding the second reason for refusal, the appellant acknowledges that 72% of the units are single aspect, less than the required minimum. It is submitted however that the Planning Authority in classifying the area as suburban / intermediate, they have not carried out a site-specific analysis and have enforced an unduly high bar of development standards.
- The appellant submits that as the site is within 500m of the Dundrum Luas stop, is directly accessible to 5 no. bus routes, 1km from Dundrum shopping centre and as such should not be assessed as being as accessible as a site in the foothills of the Dublin mountains.
- The Board is requested to apply SPPR 4, which allows 33% dual aspect units in more central and accessible locations. Should the Board rigidly apply a 50% standard, the quantum of development on the site and the financial viability of the scheme are at risk.
- The single aspect apartments facing Finsbury Park are stepped in plan so that their balconies face west. All apartments have been carefully considered in design and orientation.
- The appellant agrees that the communal open space is elongated, sunken and proximate to areas of private open space. However, it is divided by a line of trees, proportional, open to the south and west and the sunken nature makes it private. Stepped planted terraces have built-in seating for residents.
- The suggestion that the space is of limited useability and with limited daylight is rejected. The Planning Authority's concerns could have been addressed by way of a request for further information.

- The Planning Authority did not address the relaxation of private open space standards provided for in the Apartment Guidelines.
- Supplementary storage lockers at lower ground floor level compensates for the shortfall of storage in the units. The Planning Authority did not consider this and this is considered unduly harsh.
- The proposed development does not provide poor standards of residential amenity for future residents. All room dimensions meet or exceed the requirements and lounge, gym, and laundry facilities are provided at an appropriate scale.
- The proposed development complies with the National Planning Framework, particularly Objective 3a, 3b and 35.
- The proposed development complies with the Urban Development and Building Height Guidelines for Planning Authorities. The proposed development allows for the efficient use of the site, in a mature residential well serviced area and will improve the variety of residential accommodation.
- The proposed development complies with the RSES for the Eastern and Midland Regions as it achieves an increased density and contributes to the consolidation of built-up areas.

Revised Design

- Notwithstanding the submission of a revised design, the applicant requests the Board to grant permission for the original design.
- The proposed amendments are:
 - Relocate building 1m eastwards towards Finsbury Park,
 - Add planting rails to the northern elevation to provide visual interest,
 - Omit two 1-bed units, change two 1-beds to 2-beds on second floor,
 - Two 2-beds changed to 1-bed at third floor.
 - Layout of one 1-bed revised and privacy screen fitted along the western elevation on third floor.

- This allows for reduced scale / bulk with setbacks introduced and planting, reduction in unit numbers to 38 no., increase in dual aspect units to 14 (37%), mitigate overlooking through increased separation and screening and increase in width of communal open space by 1m.
- The illustrated architectural drawings directly respond to the Planning Authority reasons for refusal.
- Shadow impact of revised proposal included and Building Lifecycle Report.

Relevant Planning Precedent

- Renesca, Cross Avenue Blackrock D19A/0292 / ABP-304913-19: Board granted permission after a Planning Authority refusal. Inspector noted the central / accessible location, a 5-storey building proximate to large two and three storey dwellings. Density of 286 units per ha is higher than density of Renesca (102 no. units per ha) but context of higher density noted.
- Árd na Glaise, Stillorgan Park D20A/0222 / ABP-307679-20: Board granted permission after a Planning Authority refusal. Board referred to the well serviced area proximate to public transport. Requests the Board to apply the same reasoning to the subject proposal.
- Deerpark Road, Mount Merrion D15A/0121/ PL06D.245755: Board granted permission after a Planning Authority refusal. Board noted proximity to QBC, six storey development and pattern of development in the area. Requests the Board to apply the same reasoning to the subject proposal.
- Oatlands, Mount Merrion D16A/0465 / PL06D.247267: Board granted permission for a development of 63 no. units after a Planning Authority refusal, in close proximity to existing and proposed residential dwellings.
- Relative to the above precedents, the proposed development provides for infill development at an appropriate scale with no undue impact on adjoining residential amenities.

Pre-Planning

- A comprehensive pre-planning request was not responded to.

Conclusion

- The Board is requested to grant permission, as the proposed development has been designed to provide a high-quality infill development with no impact on adjoining properties.

6.2. Planning Authority Response

- 6.2.1. The Board is referred to the Planner Report. The grounds of the appeal do not raise any new matter which in the opinion of the Planning Authority would justify a change in attitude to the proposed development.

6.3. Observations

6.3.1. Rose Gilmartin, 8 Finsbury Green

- Strongest objection to the proposed development
- The appeal does not address the Planning Authority's reasons for refusal.
- The scale, design and mass of the development of the character of the area. it will dwarf the buildings in Finsbury Park and Green.
- The proposed development will be overbearing, incongruous and not in keeping with the building line of Finsbury Park.
- Most of the houses in the area do not have attic accommodation. Fernbank is not part of the immediate streetscape.
- The development is not an SHD, nor a large BTR or a landmark building on a prominent site.
- There are already 262 no. BTR in Fernbank. This will not help the housing crises.
- The appeal response tinkers with numbers but does not address the Planning Authority reasons for refusal.
- The proposed development is overbearing and squeezed into the site. The density at 286 units per ha. Is seven times the minimum density (50) for this areas. This is over development of the site.
- This is clearly a suburban area.

- The proposed development will injure the privacy of no.s 24-28 Finsbury Green. The Daylight Analysis is based on historical evidence, not the latest published EN 17037 2018.
- 8 no. parking spaces for 40 no. units is inadequate and will injure the already congested chaotic area. There is not ample parking in the area as claimed by the developer.
- The access point includes traffic from the school, local residents and commercial services in a cul-de-sac. It is a traffic hazard. Turning from Finsbury into Upper Churchtown Road is already problematic. The Planning Authority noted that the applicant failed to address transport impacts.
- The Planning Authority noted that the applicant failed to address site levels and volume of excavation.
- The Board is requested to refuse permission.

6.3.2. Finsbury Green Management Company

- Grounds of objection submitted to Planning Authority remain as grounds for objection in this observation.
- The extent of problems with the proposal is extensive with 31 no. identified deficiencies. The application was also deemed deficient in 13 named areas of information. The only thing right with the development is that the site is zoned for residential development. A housing shortage is not an excuse for substandard development.
- The 26 no. residents of Finsbury Green welcome the decision of the Planning Authority.
- The proposal is over-development on a site of 0.14ha, with a density of 286 ha in a mature suburban location. A density of 50 unit (seven houses) is appropriate for this site.
- The precedents used by the appellant are for 205 no. units per ha. There are no precedents for mature suburbs where such high densities would be accepted.
- The site locational context provided by the appellant is not reflective of the true human relationship to the proposed development. Trees shown in the images

have been removed. These trees are protected by a TPO. Other trees shown by the appellant are on third-party lands. The six-storey apartment block is far removed from the subject site.

- The proposed development is a five-storey block, not three storey with setbacks.
- The separation distances cited by the appellant are not sufficient to prevent significant overshadowing or overlooking, particularly where single aspect units look directly into Finsbury Green.
- The Observer refutes the appellants assertion that the “primary aim of the subject proposal is to achieve the efficient development of the subject site to provide residential accommodation at a sustainable density”.
- The proposed vertical fins on balconies will harm the residential amenity of the apartment residents. The need to insert fins to avoid overlooking is a clear indication of something being wrong.
- The argument of financial viability is not accepted.
- The appellant solution to insert trees into the open space does not adequately address the Planning Authority concerns. The private amenity space will be 3m below adjoining grounds levels, 4.8m below the top of the boundary walls. The area will become an attenuation pond.
- Achieving a minimum quantity of open space is not sufficient. The Board must uphold the Planning Authority’s reason for refusal. The two bedrooms in apartment wall will face a 5m high wall.
- Agrees with the Planning Authority concerns regarding sunlight / daylight.
- The storage at basement level does not compensate for the shortfall in the apartments. The decision of the Planning Authority is not unreasonable.
- The Board is requested to dismiss the revisions proposed at appeal stage. The amended density of 271 units per ha is too high. The relocation and the overlooking measures will not address the concerns.
- The precedent submitted by the appellant were under previous development plans, the sites are materially different, have significantly lower densities and have greater car parking provision.

- The Board is requested to uphold the decision of the Planning Authority to refuse permission.

6.3.3. Louise Mulvany, 23 Finsbury Green

- The proposed development with substantial excavation will cause subsidence.
- The density is excessive, at the expense of design quality.
- Failure to meet dual aspect requirements.
- Breaches building line.
- Lack of a buffer zone with rear gardens
- Loss of privacy and overlooking concerns
- Visual impact and design of development is not in keeping with the established character of the area.
- Proposed development is overbearing, incongruous and not in keeping with the area.
- Does not contain flexible housing units.
- Traffic congestion will be exacerbated.

6.3.4. Finsbury Park Residents (77 no. signatories)

- Submission is in conjunction with observation made to Planning Authority.
- The appeal fails to address the Planning Authority reasons for refusal.
- The precedents are irrelevant as every development must be assessed on its own merits.
- The density is excessive by any standards.
- The appeal does nothing to disprove the correctness of the Planning Authority's decision regarding sub-standard accommodation, poor quality of open space, shortfall in storage, levels of excavation, failure to demonstrate unit mix, drainage impacts, transport impacts, environmental impacts and failure to provide a Construction and Waste Management Plan.

- The daylight analysis is based on BS8206-2.2008 rather than EN17037. The poor results for ADF for three of the five lower ground level apartments is noted.
- The revised proposal is largely cosmetic.
- The Board is requested to refuse permission.

6.3.5. Aileen Cronin, 26 Finsbury Green

- The appellant has not addressed the Planning Authority reason for refusal.
- Observations raised by local residents have not been addressed.
- The appellants submission that the structure would not have an impact is not accepted.
- The proposal is over development, is inappropriate, the site is unable to absorb it and the scale, mass, and height are excessive.
- The development is contrary to the zoning objective as it does not protect or improve residential amenity.
- The provisions of SHD, large BTR or landmark developments do not apply to this development, yet the applicant seeks to apply them.
- The density of 286 units per ha is excessive.
- The proposed development overlooks adjoining properties, is over 5-storeys (not three with a setback) and will be overly dominant.
- Traffic in the area is already problematic. There is not “ample parking” as stated by the applicant. Poor and illegal parking will arise.
- The proposal does not meet the BTR requirements.
- The Board is requested to refuse permission.

6.3.6. Tim & Anne Geraghty, 5 Finsbury Park

- Nothing in the appeal supports the appellants claims that the development is suitable and appropriate for the site or the area.
- The appellants figures clearly show a residential area with one and two storey dwellings, not with attic accommodation as submitted by the appellant.

- Overlooking will be severe, notwithstanding the appellants Daylight and Sunlight Analysis.
- The precedents are irrelevant, every application must be assessed on its own merits. A development of four 3-storey houses on Nutgrove Avenue and Churchtown Road Upper (six 3-storey houses on a 0.155ha site) are good precedents.
- The financial viability of the site is a matter for the developer, not planning.
- The Board is requested to refuse permission.

6.3.7. Liam & Helen Coughlan 42 Finsbury Park,

- The appeal ignores the Planning Authority reasons for refusal, with no attempt to address the deficiencies identified by the Planning Authority.
- The appeal also ignores the concerns of the Observers, including road safety, overbearing height and density.
- The revised design options offer no tangible difference.
- The Board is requested to refuse permission.
- The board will note that the remainder of the Observation is the same as that submitted by the Finsbury Park residents and summarised in 6.3.5 above.

6.3.8. Michael Colreavy & Judith Meehan, 29 Finsbury Park

- The proposed development fails to meet the standards for quality residential development, it will have a negative impact on residential amenity in terms of privacy and overlooking.
- The development fails to meet housing mix requirements.
- The excessive mass will be incongruous, not in keeping with the two-storey pattern of the area.
- The 270 no. apartments in Fernbank have had a deleterious effect on traffic and access to green spaces.
- The wider area has now become traffic congested.

- There is an 881no. scheme proposed for the old Dundrum shopping centre and another on the Old Mental hospital site.
- The schools in the area plus the development will cause an unsafe traffic environment.
- The deep excavation will be noisy, fall hazard and traffic congestion.
- The deep excavation will cause an excessively high boundary wall.
- Surface water and drainage are already under pressure.
- The Board is requested to refuse permission.

7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Density
- Build To Rent
- Building height, visual impact
- Impact on Residential Amenity
- Traffic
- Precedent
- Appropriate Assessment

7.2. **Principle of Development**

7.2.1. The subject site is zoned for residential development and is located in a prime location with regards to public transport, social and community facilities. The subject site is currently under-used and fails to maximise the opportunities presented by the site in terms of visual amenity and use of zoned serviced land.

- 7.2.2. The objective for lands zoned A is “to provide residential development and improve residential amenity while protecting the existing residential amenities”. Residential-Build to Rent is an open for consideration use.

7.3. **Density**

- 7.3.1. The ‘Sustainable Residential Development in Urban Areas’ Guidelines and the accompanying ‘Urban Design Manual’ include recommendations regarding appropriate densities for various types of locations. The guidelines are consistent with RPO 3.3 and 4.3 in the RSES. I note that policy Objective PHP 18 of the 2022 reflects these national standards.
- 7.3.2. The proposed development of 40 no. units on a site of 0.14ha results in a density of 286 units per hectare. The revisions proposed at appeal stage result in 38 no. units, a density of 271 units per ha.
- 7.3.3. The Applicant and the Planning Authority disagree on the designation of the site. The Planning Authority assessed it as being a suburban location, the applicant has argued that it should be considered a central / and or accessible urban location.
- 7.3.4. Section 2 of the apartment guidelines define a central / accessible urban location as one that is within 15 minutes walking distance (1km, 1.5km) of a principal city centre or significant employment location, within reasonable walking distance of Dart / Luas and within easy walking distance of high frequency urban bus services. The subject site is within 10-minute walking distance of the Dundrum Luas stop and a range of bus services. It is not within walking distance of the city centre, nor significant employment locations. It is however, within 1km walking distance of Dundrum Village, thereby falling under an “Intermediate Urban” classification of the guidelines. On that matter I agree with the reasoning of the Planning Authority. Dundrum, by any definition is a long-established suburb of Dublin city. While the site is accessible, it is not central (within 15 minutes walking distance of a principal city centre).
- 7.3.5. The proposed density at 286 no. (or 271 no.) units per hectare is significantly at odds with the immediate pattern of development. In a suburban location, immediately abutting a series of dwellings that are likely 10-15 units per ha, it is considered that the proposed development does not appropriately respond to its context. Of the 12 criteria of the Urban Design Manual, the first two are that the development seems to

evolve naturally from its surroundings and that the increase in density respects the form of buildings and landscape around the sites edges and respects the amenity of neighbouring uses. This is addressed in greater detail in section 7.7 below.

7.4. Build to Rent

- 7.4.1. In terms of national policy, the Sustainable Urban Housing: Design Standards for New Apartments 2020 identifies the types of locations in towns and cities that may be suitable for apartment development, using broad descriptors.
- 7.4.2. The guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. Specific Planning Policy Requirement 7 (SPPR 7) requires that the proposed development is advertised as such in public notices, this has been done by the applicant. SPPR 7 requires restrictions in relation to ownership, operation and sale for a period of 15 years. The applicant has provided a copy of a draft legal agreement regarding same.
- 7.4.3. The second part of SPPR 7 refers to detailed proposals for supporting communal and recreational amenities. These elements are split in to two categories, as follows:
 - (i) Resident Support Facilities - comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.
 - (ii) Resident Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.
- 7.4.4. In terms of resident support facilities, the lower ground floor of the proposed development has a laundry room and a gym. Resident services are proposed in the form of a lounge with access to a communal garden at lower ground level. With the exception of indicating a space on the ground floor wherein such facilities will be provided, the applicant has not provided *detailed* (my emphasis) proposals for supporting communal and recreation facilities as required in SPPR7(b). Merely indicating that a space for these activities will be constructed does not suffice in my opinion. SPPR7 requires an applicant to provide an evidence basis that the

proposed facilities are appropriate to the intended rental market. This has not been provided.

7.4.5. I am not satisfied that the pre-requisite elements of what constitutes a BTR have been fulfilled in this application. Should the Board disagree, I propose to assess the compliance of the development against the requirements of SPPR 8.

7.4.6. SPPR 8 provides for certain relaxation of development management standards for proposals that qualify as specific BTR development in accordance with SPPR 7.

These are:

- No restrictions on dwelling mix
- Flexibility in relation to storage, private amenity space and communal amenity space; on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development.
- Minimal or significantly reduced car parking provision and a strong central management regime to establish and operate shared mobility measures.
- The requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply.
- The requirement for a maximum of 12 apartments per floor per core shall not apply, subject to overall design quality and compliance with building regulations.

7.4.7. The prevailing housing stock in the wider area provides for mostly three- and four-bedroom housing units, with newer developments largely catering to the apartment for sale market. The introduction of an alternative form of development (one- and two-bedroom units specifically for rent) provides more choice for would-be residents.

7.4.8. In relation to the flexibility for storage, private amenity space and communal amenity space, SPPR 8 is clear that the obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity.

7.4.9. The applicant has acknowledged that inadequate storage has been provided within the proposed units but has provided storage units at basement level. I do not consider the use of basement storage space an appropriate or acceptable

compensation for a deficiency within individual units. Additional storage for bulky items at basement level is a bonus, not a compensation.

- 7.4.10. In terms of communal open space, I note and I share the concerns of the Planning Authority regarding the open space proposed at ground level. Even with the minor amendments suggested at appeal stage, the configuration of the space and its resulting useability is problematic. Drawing no., A-02 shows a rectangularly shaped space along the western side of the site. Access to the space is via a single door from the lower ground floor communal lounge or a staircase down from the street level bike and car park. Apartment no.s 1-5 on the lower ground floor also have access straight into the space. After appeal amendments, the space varies in width from 10.2m to 8.1m, with a full landscaping plan and seating proposed along the western side. The difficulty with the proposed space is that sections of the site are already 2.8m below the adjoining street level and with further excavation proposed, the communal garden will be 3m below the adjoining rear gardens. This could be acceptable in a wide-open space, however a rectangular space of between 8-10m wide immediately adjoining a 5 no. storey block will struggle to achieve sunlight penetration. I note that the 2022 development plan states that in higher density residential schemes (in excess of 100 units per hectare), the quality of the open space becomes of paramount importance (section 12.8.5.1 refers).
- 7.4.11. That the space will be actively overlooked by the apartments on the western side is welcomed. On balance, however it is considered that the applicant has not demonstrated that “an enhanced overall standard of amenity” will be provided to the residents. I am not satisfied that the proposed development complies with SPPR 8.
- 7.4.12. SPPR4 of the guidelines provide that at least 33% of the apartments must be dual aspect in central / accessible locations and 50% in intermediate locations. As noted above I agree with the Planning Authority that the subject site is an intermediate site and as such must provide 50% of the proposed units as dual aspect. I note however that section 3.17 provides some discretion on this, stating that “ it is a policy requirement that apartment schemes deliver at least 33% of the units as dual aspect in more central and accessible and some intermediate locations, i.e., on sites near to city or town centres, close to high quality public transport and subject to high quality design”. Under that criteria, the subject site being near to a town centre would qualify for providing only 33% of the units as dual aspect.

- 7.4.13. The Housing Quality Assessment sheet submitted with the original application listed 11 no. units as dual aspect. I note that the Planning Authority did not consider no. 37 to be dual aspect. On drawing no., A-07rev 3, it is questionable that either unit no. 37 or 38 are dual aspect – as stated by the applicant in their HQA. I suggest that only 9 no. of the apartments as originally submitted are truly dual aspect. That would lead to a total of only 22% of the units being dual aspect.
- 7.4.14. The proposed amendments at appeal stage increase the number of dual aspect units to 14 no. according to the applicant. I do not consider apartment no. 19 (drawing no. A-07rev4) to be dual aspect, so my reading of the proposed plans provides 13 no. dual aspect units. This is 34% of the overall. Either way, the development either falls significantly short or just meets the criteria.
- 7.4.15. In relation to the single aspect units proposed, I share the concern of the Planning Authority regarding the use of timber fins. Whilst these are proposed to prevent overlooking of adjoining sites, they will reduce the penetration of light to the balconies and interior spaces. I question the residential amenity provided within the single aspect units on the western side of the block.
- 7.4.16. Regarding minimum floor areas, I note that at 45-60sq.m. (one bed/ two person) and 76-82sq.m. (two bed / four person), all units meet the Apartment Guideline standards.
- 7.4.17. The proposed density and the difficulty providing more than the bare minimum of dual aspect units, the poor quality open space and the lack of enhanced communal facilities all lead to the conclusion that the proposed development is too large for the subject site.

7.5. Building height, visual impact

- 7.5.1. The Planning Authority and each of the observers have raised the height, scale and massing of the proposed building as a concern. I note Policy Objective BHS 3 Building Height in Residual Suburban Areas in Appendix 3 of the 2022 development plan which specifically refers to the Building Height Guidelines and SPPR 3. Policy Objective BHS 3 states that it is a policy objective to promote general building height of three to four storey, coupled with appropriate density, provided that proposals ensure a balance between the reasonable protection of existing amenities including

residential amenity and the established character of the area. The criteria for assessing proposals for increased height in Table 5.1 of the appendix match those of SPPR 3.

- 7.5.2. SPPR1 of the Building Height Guidelines (2018) provides for increased height and density in locations with good public transport accessibility, particularly town/ city cores. The subject site is within 500 of the Dundrum Luas stop. I am satisfied that the proposed development complies with SPPR1.
- 7.5.3. SPPR 3 provides criteria against which proposals for taller buildings are to be assessed; namely at the town scale, district / neighbourhood / street scale and last at the scale of the site / building.

Scale of the city / town

- 7.5.4. There are three elements to the town scale assessment: public transport, the character and public realm of the area and on larger urban redevelopment sites: place making. The subject proposal is not a large urban redevelopment scheme but is located in an area with excellent public transport.
- 7.5.5. In terms of the character of the area, the immediate surrounds to the north, west and south are two-storey dwellings. The applicant has submitted that the majority have attic accommodation and should therefore be considered to three-storey in terms of setting a context for the subject site. To the east of the site is a Gaelscoil and an Educate Together of two storeys. Further east is a large residential development Fernbank varying in height from four to five storeys. Fernbank is sufficiently far from the subject site for it not to form part of the site context, being separated from the site by two-storey school buildings. The established scale of the site is of two storey dwellings. The guidelines require developments that incorporate increased building height to successfully integrate with into the character and public realm of the area. As noted in section 7.3 above and as detailed further in section 7.6 below, I consider that the proposed development does not successfully integrate into the scale of the area.
- 7.5.6. The scale of the district / neighbourhood / street there are 5 no. criteria. The first, is that the proposed building makes a positive contribution to the urban neighbourhood and streetscape.

- 7.5.7. The introduction of a new form of residential development in an area dominated by three- and four-bedroom houses is welcomed. The development of an under used zoned site with excellent public transport links is welcomed. The proposed finishes of the block are of a high quality. At streetscape level, the replacement of the long expanse of blank wall with an active elevation is welcomed. In terms of the third and fourth criteria – urban design of public spaces and legibility through the site or wider urban area, the proposed development is not of a scale to provide such elements.
- 7.5.8. At the scale of the site / building, it is required that the proposed development is carefully modulated to maximise access to natural daylight / ventilation and views and minimises overshadowing and loss of light. As noted above, the proposal does not provide adequate numbers of dual aspect units. In terms of overshadowing, the appellant submitted a Daylight Analysis and Overshadowing report. This report assessed the ADF, the impact on adjacent garden amenity areas and the development amenity areas, VSC and APSH analysis. The report concludes that all spaces assessed for ADF, amenity overshadowing within and external to the site, VSC, APSH and WPSH all meet the BRE guidelines.
- 7.5.9. I am satisfied that the assessments carried out are accurate and reflect the likely impacts of proposed development on the surrounding area. The proposed development is acceptable in relation to daylight and sunlight impact upon neighbouring residents. As noted above, I consider the low provision of dual aspect units and the use of timber fins on balconies unsatisfactory.
- 7.5.10. In summary, I consider that the proposed development has not demonstrated compliance with SPPR3, namely that the proposed development will not successfully integrate with existing development in the vicinity and would therefore be contrary to the advice given by section 3.2 of the Urban Development and Building Heights – Guidelines for Planning Authorities.

7.6. Impact on Residential Amenity

- 7.6.1. In terms of overlooking, I note the proposal by the applicant to move the block 1m towards Finsbury Park (eastern boundary). This provides for a separation distance of just over 9m from the private open space of the dwelling at 22 Finsbury Park. This is considered insufficient to prevent overlooking from a storey building. I note the proposal to add a privacy screen at third floor level and timber fins on balconies. This

will not prevent overlooking from the windows on the western elevation, however. As noted above, I consider that the use of timber fins on the balconies will reduce the residential amenity available to the residents.

- 7.6.2. The proposed block is just over 1m from the northern boundary of the site. The northern elevation of the block (incorrectly labelled as the south elevation on drawing no. A-04rev5) has a blank elevation of 4m height, then the top two floors have terraces screened to 1.8m high with opaque glass. It is considered the visual impact on the private open space of the dwellings on Upper Churchtown Road, particularly Ashton and Thurleigh would be significantly adverse. The northern-most balconies on the first floor (eastern and western elevations) and on the western elevation on the western elevation of the second floor would have a direct line of sight into the rear gardens to the north.
- 7.6.3. I note the submission of the appellant that the primary aim to achieve the efficient development of the site must allow for a degree of visual impact. I do not accept this submission and consider it unreasonable to expect the existing residents of the area to.

7.7. Traffic

- 7.7.1. The accessibility of the subject site and its proximity to high frequency public transport services are such that the provision of on-site car parking is in compliance with SPPR8(iii) and the development plan. The aim for such a well serviced site should be to actively encourage the use of the many public transport, walking and cycling options available.

7.8. Precedent

- 7.8.1. The applicant has submitted a number of examples of developments in the wider area, wherein the Board or the Planning Authority have granted planning permission.
- 7.8.2. The development at Cross Avenue, Blackrock (ABP-304913-19) involves a proposal of 33 no. units on a site of 0.3235ha, a density of 102 no. units per ha. The Inspector made no comment on whether the site was central or suburban, only that the proposed density was acceptable. The development at Stillorgan Road (ABP-307679-20) has a density of 77units per ha. The development at Oatlands, Mount

Merrion (PL06D.247267) was for 56 no. units on a site of 1.12ha, a density of 50 units per ha.

- 7.8.3. While all of the examples submitted as precedents lend weight to the provision of taller buildings adjoining standard two storey dwellings, none of the examples seek to provide the quantum of development on sites as restricted at the subject site. Furthermore, the Board is required to assess each appeal before it on its own merits.
- 7.8.4. As stated above, the subject site is a suitable location for a development of higher density, one that represents the efficient use of zoned and serviced land in close proximity to high quality public transport routes. The subject proposal which would injure the residential amenity of adjoining properties, provide inadequate residential amenity for future residents is not considered to be in accordance with the proper planning and sustainable development of the area.

7.9. Appropriate Assessment

- 7.9.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.
- 7.9.2. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of

8.0 Recommendation

- 8.1. I recommend permission be REFUSED for the following reasons:
- 1 It has not been satisfactorily demonstrated that the proposed development would successfully integrate into or enhance the character and public realm of

the area, having regard to prevailing heights in the surrounding area. The height of the proposed building would not make a positive contribution to place-making and does not respond in a positive way to adjoining developments. At the scale of the site and the neighbourhood, the proposed development would not successfully integrate with existing development in the vicinity and would therefore be contrary to the advice given by section 3.2 of the Urban Development and Building Heights – Guidelines for Planning Authorities: issued by the Department of Housing, Planning and Local Government in December 2018. The proposed development would therefore be contrary to the above-mentioned plan and Ministerial Guidelines issued to planning authorities under section 28 of the Planning and Development Act, 2000, as amended, and would be contrary to the proper planning and sustainable development of the area.

- 2 The proposed development, by reason of its height relative to surrounding buildings, scale, massing and bulk resulting in an excessive density at this site, would constitute overdevelopment of the site and would be out of character with the pattern of development in the vicinity. The proposed development would constitute over development of the site by virtue of its height, scale and massing and would result in an unacceptable negative visual impact on this prominent site entering Finsbury Park.

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.

Gillian Kane
Senior Planning Inspector

27 July 2023