



An
Bord
Pleanála

Inspector's Report

ABP-314436-22

Development

Permission for modifications to previously granted development Reg. Ref. D19A/0927/ABP Ref. ABP-306758-20, consisting of proposed new additional residential block on the upper ground floor podium, bringing total number of units when granted to 35 no. apartments and all associated site works.

Location

36, 36A and Keem 37 Church Road, Killiney and 7 Mountain Villa, Ballybrack, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D22A/0389

Applicant

Kavco Saint Germaine Projects Ltd

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal	First Party
Appellant	Kavco Saint Germaine Projects Ltd
Observer(s)	None
Date of Site Inspection	9 th February 2024
Inspector	Margaret Commane

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1.0 Site Location and Description

- 1.1. The appeal site is located on the western side of Church Road in Ballybrack Village, Co. Dublin, and has a secondary frontage to Mountain Villa. The site comprises of a 0.25Ha parcel of land, which has been created through the amalgamation of 4 no. separate plots - No. 36 Church Road, No. 36A Church Road, 'Keem' Church Road and No. 7 Mountain Villa. The dwellings originally featuring on these 4 no. plots have been demolished and an apartment development, approved under Reg. Ref. D19A/0927/ABP Ref. ABP-306758-20 and Reg. Ref. D18A/0313/ABP Ref. ABP-301940-18, has been developed on site. There is a c. 3 metre level difference across the subject site, falling from north to south.
- 1.2. The appeal site is situated to the north of the retail/commercial core of the Ballybrack village. More specifically, the site's southern boundary is flanked by a laneway to the south. On the opposite side of this laneway, is No. 35 Church Road which comprises a double storey building with later single storey extension which is currently occupied by a Dry Cleaners. Immediately south of that, is the Ballybrack Credit Union. These premises are served by a parking bay to the front. The subject site's northern boundary abuts Vevay House, which is a Protected Structure (RPS No. 1711). Vevay Lodge, located to the south of the gate serving Vevay House, is situated immediately north-east of the subject site, within approximately 10 metres of the common boundary. Mountain Villa, a cul-de-sac of 6 no. semi-detached dwellings is situated to the west of the subject site. More specifically, No. 6. Mountain Villa immediately abuts the subject site's western boundary.
- 1.3. With regards to public transport, the subject site is located within 1km walking distance of the Killiney Dart Station and proximate to Bus Stops No. 3536 and 3560, on Church Road, which are served by Bus Routes No. 7E, 45A and 45B.

2.0 Proposed Development

- 2.1. Permission is sought for the following alterations to previously approved Reg. Ref. D19A/0927/ABP Ref. ABP-306758-20 (which permitted 31 no. apartments (6 no. 1-beds, 14 no. 2-beds, 7 no. 2-bed duplexes, 2 no. 3-beds and 2 no. 3-bed duplexes)):

- provision of an additional residential block on the upper ground floor podium (in the northernmost part of the site) to accommodate 4 no. apartments (2 no. 1-beds and 2 no. 2-beds), bringing total number of units when granted to 35 no. apartments; an increase in the size of granted bin store and bicycle store to accommodate for additional units at lower ground level; extension to existing lower ground level carpark to provide 6 no. car spaces externally from the granted car parking area, with new access proposed to same; and all with associated site works, drainage, and landscaping.

3.0 Planning Authority Decision

3.1. Decision

On 28th July 2022, the Planning Authority refused permission for the following reasons:

- 1. The application site is located in an area to which the 'A' land use zoning objective applies, 'to provide residential development and improve residential amenity while protecting the existing residential amenities' in the Dún Laoghaire Rathdown County Development Plan 2022-2028. Having regard to the nature, scale, design of the proposed apartment block, its site configuration and proximity to adjoining site boundaries, and having regard to the scale of development previously permitted on site, the proposed development would, if permitted, result in overdevelopment of a restricted site. The proposed development would result in a substandard level of residential accommodation for future occupiers of the proposed apartment block. Furthermore, the proposed development would result in a poor quality of communal open space to serve the overall permitted and proposed apartment blocks on the subject site, and would therefore not comply with Section 12.8.5.3 Communal Open Space – Quality, nor with Policy Objective PHP 18: Residential Density of the current County Development Plan. The proposed development would, therefore, be contrary to the provisions of the Dún Laoghaire Rathdown County Development Plan 2022-2028 and to the proper planning and sustainable development of the area.*

2. *The proposed development, by reason of its scale, design and siting proximate to adjoining site boundaries, would be visually overbearing and visually obtrusive, when viewed from surrounding properties, particularly as viewed from 'Vevay' to the north and east of the application site, and also on the Church Road streetscape. The proposed development would seriously injure the visual and residential amenities of the area and would depreciate the value of property in the vicinity. The proposed development would, therefore, if permitted, be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Given the zoning objective applying, the principle of development is acceptable on site, where the Planning Authority is satisfied that the development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects and would otherwise be consistent with the proper planning and sustainable development of the area.
- The proposed increase in unit nos. from 31 to 35 results in a density of 140uph. While the Planning Authority notes Policy Objective PHP19, it is considered that the further increase in density of development on site is excessive, noting the context of the application site, the scale of the proposed development and its proximity to adjoining sites in particular.
- The proposed block is sited 2.2 metres from the northern elevation of the northern section of the permitted block and 8.2 metres from the northern elevation of the western portion of the permitted block. The limited separation distance is a concern. It is thought that the apartment development permitted to the south would have an overbearing impact on the proposed apartments due to its proximity. Similarly, the proposed apartment block would result in undue visual overbearance on previously permitted apartments 01 and 02.
- Overlooking has been mitigated by way of obscure glazing.

- The proposed development satisfies requirements regarding internal/external storage, minimum floor areas, floor to ceiling heights and private amenity space set out in the Development Plan and Apartment Guidelines.
- The proposed development significantly reduces the quantum of open space previously permitted on site. In terms of the quality of the proposed open space, it would appear that the area, which is bound by blocks on three sides would be overshadowed. The application was not accompanied by a daylight/sunlight assessment. In the event of a grant of permission being considered, one should be required by way of further information so as to allow assessment of overshadowing and daylight/sunlight access. In the absence of sufficient details regarding the proposed communal open space, it has not been demonstrated as acceptable.
- The proposed development, in combination with the permitted development, represents overdevelopment of the subject site and fails to accord with the zoning objective. It is considered that the proposed development fails to provide for a high quality design which provides a balance between the protection of existing residential amenities and the established character of the area and fails to provide for a high quality sustainable residential development.
- Notwithstanding the considerable distance to the main house at 'Vevay', it is considered that the proposed development (at 3-storeys) would be visually overbearing in the context of this northern abuttal and adversely affect the residential/visual amenities of the same. Refusal is therefore recommended.
- Given the separation distance proposed to 6 Mountain Villas, there are concerns that the proposed block will unreasonably overshadow its private open space. In the event of a grant of permission being considered, additional information is required in this regard. The proposed development would obviate potential overlooking of this westerly abuttal by way of obscure glazing.
- There are concerns in the context of the internal amenity of the proposed apartments given the use of obscure glazing. Such glazing is required due to limited separation distances being provided and is indicative of overdevelopment.

- There are concerns about the proposed car parking area extension eating into private amenity space and thus reducing residential amenity.
- The design of the block is not considered to provide high quality design. While it would be partially visible only from Church Road, it is considered that the proposed development would not enhance the Church Road streetscape.
- The proposed development has been screened for AA and it has been determined that the proposed development would not significantly impact upon a Natura 2000 Site.
- Having regard to the nature and scale of the proposed development, it is considered that there is no real likelihood of significant effects in 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.

3.2.2. **Other Technical Reports**

Drainage Planning (06/07/2022): Recommended that further information be requested in relation to drainage calculations and compliance with the Council's Green Roof Policy.

Transportation Planning (11/07/2022): Recommended that further information and revised drawings be requested in relation to sightlines onto Church Road, the provision of a 1.8 metre wide footpath along the access lane, the provision of electric vehicle charging points, cycle parking provision, relocation of the motorcycle parking space to the west of the development and a Construction Management Plan.

Housing Dept. (08/07/2022): No objection, subject to a condition being attached requiring the entering into an agreement in accordance with Part V of the Planning and Development Act, 2000, as amended, prior to commencement, unless the applicant/developer shall have applied for and been granted an exemption certificate.

3.3. Prescribed Bodies

Irish Water (07/06/2022): Recommended that the submission of a Pre-Connection Enquiry be requested in order to determine the feasibility of connection to the public water/waste water infrastructure.

3.4. Third Party Observations

No third-party observations were received by the Planning Authority during the consultation period for the application.

4.0 Planning History

4.1.1. The following applications pertaining to the subject site, or part thereof, are of relevance:

PA Reg. Ref. D19A/0927 (ABP Ref. ABP-306758-20)

Permission was sought for demolition of a residential dwelling and amendments to an approved residential development (Reg. Ref. D18A/0313/ABP Ref. ABP-301940-18) seeking to add 12 no. apartments (increasing the overall number of apartments from 20 to 32) by way of extending the previously approved development northwards along Church Road on the site of the adjoining house 'Keem', 37 Church Road.

Permission was refused by Dun Laoghaire Rathdown County Council on 31st January 2020. The Planning Authorities decision was appealed to An Bord Pleanala by the applicant (ABP Ref. ABP-306758-20). The development was granted permission by the Board in September 2020, subject to 21 no. conditions, including Condition No. 2 which required the omission of one of the proposed apartments (31 no. apartments in total to be provided on foot of this permission).

PA Reg. Ref. D18A/0313 (ABP Ref. ABP-301940-18)

Permission was sought for demolition of 36 Church Road, 36A Church Road and 7 Mountain Villa, along with all other existing structures on the site; and construction of a 2, 3 and 4 storey apartment building of 20 apartments, consisting of 3 no. one-bed

apartments, 6 no. two-bed apartments, 2 no. three-bed apartments, 7 no. two-bed duplex units and 2 no. three-bed duplex units and served by 22 no. car parking spaces.

Permission was refused by Dun Laoghaire Rathdown County Council in May 2018. The Planning Authorities decision was appealed to An Bord Pleanala by the applicant (ABP Ref. ABP-301940-18). The development was granted permission by the Board in February 2019.

PA Reg. Ref. D15A/0792 (ABP Ref. PL06D.246894)

Permission was sought for: (i) the demolition of all structures on site including three dwellings 7 Mountain Villa, 36a Church Road & 36 Church Road, Ballybrack, Co. Dublin; (ii) the construction of 8 no. dwellings comprising 2 no. 2 bed and study, two-storey semi-detached dwellings (type A: 105.4 sq.m. each), 4 no. 3 bed two storey terraced dwellings (type B: 121.9 sq.m. each), and 2 no. 4 bed three storey semi-detached dwellings (type c: 165.6 sq.m. each) with 16 no. car parking spaces; (iii) vehicular access via existing laneway at Church Road, and; (iv) ancillary development works including c. 150 m of off-site foul drainage works to public connection at Oakton Park, an underground attenuation tank, partial widening and extending the access laneway at Church Road, landscaping, etc.

Permission was granted by Dun Laoghaire Rathdown County Council in June 2016. The Planning Authorities decision was appealed to An Bord Pleanala by a third party (ABP Ref. PL06D.246894). The development was granted permission by the Board in November 2016. This permission has not been implemented and expired in November 2021.

4.2. Adjacent Sites

4.2.1. There have been no recent applications on sites adjacent to the subject site of relevance.

5.0 Policy Context

5.1. Dún Laoghaire Rathdown County Development Plan 2022-2028

5.1.1. *Land Use Zoning*

The site is zoned Objective 'A' in the Dún Laoghaire Rathdown County Development Plan 2022-2028, with a stated objective '*to provide residential development and improve residential amenity while protecting the existing residential amenities.*'

5.1.2. *Other Relevant Sections/Policies*

The following policies are considered relevant to the consideration of the subject proposal:

Section 4.3.1.1 Policy Objective PHP18: Residential Density

'It is a Policy Objective to:

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

Section 4.3.1.2 Policy Objective PHP19: Existing Housing Stock – Adaptation

'It is a Policy Objective to:

- *Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.*
- *Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.'*

Section 4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity

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

Section 4.4.1.1 Policy Objective PHP35: Healthy Placemaking

'It is a Policy Objective to:

- Ensure that all development is of high quality design with a focus on healthy placemaking consistent with NPO 4, 26 and 27 of the NPF, and RPO 6.1, 6.12, 9.10 and 9.11 of the RSES.*
- Promote the guidance principles set out in the 'Urban Design Manual – A Best Practice Guide' (2009), and in the 'Design Manual for Urban Roads and Streets' (2013).*
- Ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.'*

Section 12.3.3 Quantitative Standards for All Residential Development

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

Section 12.3.5.2 Separation Between Blocks

'All proposals for residential development, particularly apartment developments and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and open spaces. A minimum clearance distance of circa 22 metres, in general, is

required, between opposing windows in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. In all instances where the minimum separation distances are not met, the applicant shall submit a daylight availability analysis for the proposed development.'

Section 12.3.7.7 Infill

'In accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.'

Section 12.4.5.6 Residential Parking

A car parking rate of 1 space per 1 and 2 bedroom apartments and 2 spaces per 3+ bedroom apartment, plus 1 in 10 visitor parking for apartments, is specified for sites located within Parking Zone 3.

Section 12.4.6 Cycle Parking

'Cycle parking should accord with the Council published – 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments' (2018) or any subsequent review of these standards'

This document specifies a requirement of 1 short stay (visitor) parking space per 5 units and 1 long stay parking space per 1 unit in the context of apartments.

Section 12.4.7 Motorcycle Parking

Developments are required to provide motorcycle parking spaces at a minimum of four or more spaces per 100 car parking spaces.

Section 12.8.3.1 Public Open Space

Table 12.8 sets out a minimum public open space requirement of 15% of the site area for residential development in an existing built up area. To qualify as public open space the area must be designed and located to be publicly accessible and useable by all in

the County; generally free from attenuation measures; and capable of being taken in charge. It is acknowledged that in certain instances it may not be possible to provide the above standards of public open space. High density urban schemes and/or smaller urban infill schemes for example may provide adequate communal open space but no actual public open space. In these instances where the required percentage of public open space is not provided the Council will seek a development contribution under Section 48 of the Planning and Development Act 2000, as amended.

Section 12.8.5.3 Communal Open Space - Quality

Communal amenity space within apartment and/or housing developments should be provided as a garden within the courtyard of a perimeter block or adjoining a linear apartment block. Designers must ensure that the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year in accordance with BRE 209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', (2011). The communal open space should be visible from, and accessible to, the maximum number of units within the proposed scheme. Inaccessible, hidden or otherwise back land communal open space, and narrow linear strips of communal open space will not be acceptable.

5.2. Regional Policy

5.2.1. Regional Spatial and Economic Strategy for the Eastern and Midlands Area, 2019

The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Area (adopted June 2019) provides a framework for development at regional level. The RSES encourages promotes the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint. The following Regional Policy objectives are noted in particular:

RPO 3.2 Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 4.3 Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

5.3. National Policy/Section 28 Ministerial Guidelines

5.3.1. Project Ireland 2040 National Planning Framework

The National Planning Framework (NPF) is a high-level strategic plan shaping the future growth and development of Ireland to 2040. The NPF includes 75 no. National Policy Objectives. The following objectives are of note in this instance:

NPO 3(a) - Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

NPO 13 - In urban areas, planning, and related standards, including 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.

NPO 35 - To increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.3.2. Housing for All – A New Housing Plan for Ireland to 2030 (2021)

A multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price.
- built to a high standard and in the right place.
- offering a high quality of life.

5.3.3. Climate Action Plan 2023

The Climate Action Plan 2023 implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

5.3.4. Section 28 - Ministerial Guidelines

The following Section 28 - Ministerial Guidelines are considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).
- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).
- Architectural Heritage Protection - Guidelines for Planning Authorities (2011).
- Development Management - Guidelines for Planning Authorities (2007).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- The Planning System and Flood Risk Management, including the associated Technical Appendices (2009).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Childcare Facilities, Guidelines for Planning Authorities (2001).

Other Relevant Policy Documents include:

- Cycle Design Manual (2023).

5.4. Natural Heritage Designations

5.4.1. There are no Natura 2000 sites within the boundary of the appeal site nor are there any Natura 2000 sites directly abutting the appeal site or within the immediate context of the site. The Rockabill to Dalkey Islands SAC (Site Code 003000) is located c. 2.3km to the east of the appeal site.

5.5. EIA Screening

5.5.1. An Environmental Impact Assessment (EIA) Screening report was not submitted with the application. It is proposed to provide an additional 4 dwellings on the subject site, increasing the overall total no. of residential units on site to 35. The site has an overall stated area of 0.25Ha and is located within an existing built-up area, but not in a business district given the predominance of residential uses. The cumulative number of dwellings proposed, and the site area are well below the applicable threshold of 500 dwelling units and 10ha outlined in Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended), respectively.

5.5.2. Having regard to the nature and scale of the proposed development and its location in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- With regard to the first refusal reason, the scale of the proposal is two stories, with 4 no. units being proposed. This should be deemed minimal to that of the already granted permission Reg. Ref. D19A/0927 of 31 no. units.
- In the context of the Planner's commentary regarding the confusion around communal open space provision, this item could have been dealt with by way of

further information, however, the applicant was not afforded this opportunity. Public Open space in a development of this nature would not generally be required, where communal open space would be. It should therefore be considered that the 279.6sq.m of open space provided constitutes communal open space.

- In the context of the second refusal reason, the block previously granted under Reg. Ref. D19A/0927 is closer to the existing adjacent dwellings, than the block proposed as part of this development. The separation distance provided to Vevay far exceeds the 22 metres requirement regarding opposing first floor windows. In the context of the existing residential unit to the east, there are no clear windows proposed along the western elevation.
- As can be seen when the as granted and proposed north elevations are compared, there is little or no change to the visual impact arising from the parent permission (Reg. Ref. D19A/0927).
- With regards to the council's note about devaluing of property, there is no back up information confirming that this would be the case.
- As outlined above, the impact as described by the local authority is unfounded, as are their reasons for refusal.
- The following extracts from the planner's report/policies support DLRCC's decision being overturned:
 - 'The principle of development is acceptable on site'.
 - The proposed 4 no. apartments can be considered to be 'dual aspect'.
 - The Transportation Department, Drainage Department and Irish Water requested further information be requested, not a straight refusal. These matters could have also been dealt with by way of condition, as permitted application is currently under construction.
 - The Housing Department had no objections, subject to standard condition in relation to Part V being included and recommended a decision to grant planning.

- No conservation report or parks / landscaping report were filed - this would therefore suggest that this proposed development was not of concern.
- The proposed development as it stands, could be granted with conditions to clarify any points raised in the reasons for refusal by DLRCC.
- The proposed development is consistent with the National Development Plan 2018-2027 as it is an efficient use of land which aids in securing more sustainable, compact settlements with greater densities. The application seeks to increase density/scale of development on a site, which is available for development and is underutilised, consistent with both the National Development Plan 2018-2027, Project Ireland 2040 and Rebuilding Ireland - Action Plan for Housing and Homelessness (2016).
- The site has been reviewed through a series of site visits and assessments by the various professional consultants. Through careful planning and design, a strategy for the site has been put forward to provide an additional 4 no. apartment units on a generous site, which will positively add to the existing context as a contemporary response to the existing area.
- The current development proposal has been envisaged and designed as a low impact development which both compliments and reflects its surrounding context through its design, scale and materiality while providing a contemporary response to this well-established site and area. This proposal also sits in unison with the previously granted which is currently under construction on site.
- The increase in density on the subject site will further contribute to the surrounding area, providing an increased movement of people helping to sustain public transport networks, small commercial premises and generating increased vitality.
- The proposal creates much needed opportunity for the aging population to downsize, creating other housing opportunities in the area, in addition to providing for units for families and working professionals.

6.2. Planning Authority Response

- The Planning Authority had no further comments in relation to this matter.

6.3. Observations

- None.

7.0 Assessment

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

- Principle of Development and Density.
- Residential Amenity.
- Visual Amenity.
- Access, Traffic and Parking.
- Other Matters.
- Appropriate Assessment.

7.1. Principle of Development and Density

7.1.1. As previously discussed, the development site lies within an area of suburban residentially zoned land and residential use on the site has been established, with an apartment development constructed on site on foot of Reg. Ref. D19A/0927/ABP Ref. ABP-306758-20. Under the applicable land use zoning objective, residential development is generally acceptable in principle subject to the proposed development being acceptable in terms of its impact on the visual amenities of the area and the established residential amenities of properties in its vicinity. These matters are considered in turn below.

7.1.2. The National Planning Framework recommends compact and sustainable towns/cities, brownfield development and densification of urban sites. More specifically, National Policy Objective 35 contained therein seeks an increase in

residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights. National policy, including the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024), promotes residential densities in urban areas in close proximity to services and public transport. These 2024 Guidelines specify that residential densities in the range of 50 to 250 dwellings per hectare (net) shall generally be applied in urban neighbourhoods (highly accessible urban locations with good access to employment, education and institutional uses and public transport) of Dublin and Cork. This sentiment is echoed in the Dun Laoghaire Rathdown Development Plan, 2022-2028, with Section 4.3.1 and Policy Objectives PHP18 and PHP19 promoting sustainable densities particularly in public transport corridors and consolidation/re-intensification of infill/brownfield sites. In this regard, the appeal site is currently well served by public transport as it fronts on to Church Road which is served by Bus Routes No. 7E, 45A and 45B and is also located within 1km walking distance of the Killiney Dart Station. Moving forward, the Bus Connects Local Route L11 is proposed to run along Church Road. In light of this, under the Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities, 2023, (the Apartment Guidelines), the site would be categorised as a 'Central and/or Accessible Urban Location'. Such locations are deemed to be suitable for small-to-large-scale (will vary subject to location) and higher density development that may wholly comprise apartments.

7.1.3. The 4 no. additional apartments proposed results in a total of 35 apartments on a 0.25Ha site, providing an increased density of 140 units per hectare. Given the site's location in a serviced residential area, its proximity to public transport services and its infill nature, the provision of a higher density residential development on the subject site is considered acceptable in principle consistent with the provisions of the Development Plan and Government policy seeking to increase densities and, thereby, deliver compact urban growth. However, the resultant density is considered to be excessive and the proposed development to constitute overdevelopment in this instance as it fails to strike a balance between the protection of existing residential amenities (as will be discussed thoroughly in the subsequent sections of this report) and achieving of densification/intensification of residential development on site. In this

regard, I find the proposed development to be contrary to Policy Objectives PHP18 and PHP19, included in Section 4.3.1 of the Development Plan, as well as the Zoning Objective 'A' applying to the site with a stated objective '*to provide residential development and improve residential amenity while protecting the existing residential amenities*'. Therefore, it is recommended that planning permission be refused in this instance.

7.2. Residential Amenity

7.2.1. Both of the Planning Authority's refusal reasons revolve around the matter of residential amenity. They contend that the proposed development would seriously injure the visual and residential amenities of the area given its scale, design and siting proximate to adjoining site boundaries. Further to this, they also contend that the future residents of the proposed apartments/previously approved apartments would be afforded a poor level of residential amenity. The applicant argues that the proposed block is two stories/comprises 4 no. units and its visual/residential amenity impact will be minimal in the context of the 31 no. unit development already granted permission on site.

Neighbouring Properties

Property to the North/North-east

7.2.2. The site is bounded to the north/north-east by Vevay House, a double storey Protected Structure (RPS No. 1711), and its extensive grounds. More specifically, the grounds serving Vevay House are located immediately north of the subject site, with the Protected House positioning further north. A single storey dwelling positioned south of the gated entry, known as Vevay Lodge, sits immediately north-east of the subject site.

7.2.3. With regards to potential overlooking of Vevay House, a c. 60 metre separation distance is provided between the proposed block and this two storey dwelling. This separation distance, as well as the extensive tree cover/planting featuring along the common boundary, is sufficient to obviate potential unreasonable overlooking of windows and the private amenity space areas associated with Vevay House. With regards to the potential overlooking of Vevay Lodge, upon review of the plans

submitted with the application, the proposed block features 4 no. east-facing habitable room windows and 2 no. balconies (associated with Apartments No. 33 and 35) which require consideration in the context of potential overlooking of the same. Overlooking from the east-facing windows (associated with kitchen/living/dining areas) is restricted by way of obscure glazing/raised sill heights and so there are no opportunities for overlooking of Vevay Lodge's open space area to the east. Proposed Units 33 and 35 feature north-facing balconies located within 2 metres of the common boundary with Vevay Lodge. The eastern edge of these balconies features a 2.25 metre high obscure glazed screen which obviates overlooking of Vevay Lodge's private amenity space to the east.

7.2.4. Turning my attention to the matter of potential overbearing/visual amenity. The Planning Authority's second refusal reason makes specific reference to the proposals 'scale, design and siting proximate to adjoining site boundaries' resulting in it being visually overbearing and visually obtrusive, when viewed from surrounding properties, particularly in the context of 'Vevay'. Upon review of the plans, I would share the Planning Authority's concerns in the context of Vevay Lodge. The proposed block occupies an area originally forming part of the podium level communal amenity space serving the apartment development. As the proposed 2-storey block sits atop the podium level car park, it extends to a height of 2.5 storeys relative to and is setback between 1.7 and 2.2 metres from the eastern boundary proximate to Vevay Lodge. I consider that the proposed development will have an unreasonable overbearing impact on/negatively impact upon the visual amenity of Vevay Lodge to the east due to its height and the limited setbacks adopted. Due to the limited setbacks provided, limited opportunity also exists for the introduction of trees/screen planting along the eastern boundary to help mitigate the proposals overbearing impact. In light of the foregoing, I would recommend that permission be refused in this instance.

7.2.5. Although the proposed block is located to the south of Vevay Lodge's grounds, I do not consider the proposed block will result in unreasonable overshadowing given it flanks this site's southern boundary for a very short distance (16.8 metres) and the part of the grounds sitting immediately north comprises an area of heavy tree planting/the access road.

Property to the West

- 7.2.6. The western boundary of the site flanks No. 6 Mountain Villas. More specifically, the part of the appeal site where it is proposed to introduce the additional block flanks this property's rear garden.
- 7.2.7. With regards to the potential overlooking of the dwelling to the west, upon review of the plans submitted with the application, the proposed block features 2 no. west-facing habitable room windows and 2 no. balconies (associated with Apartments No. 32 and 34) which require consideration in the context of potential overlooking. Overlooking from the west-facing windows (associated with kitchen/living/dining areas) is restricted by way of obscure glazing/raised sill heights and so there are no opportunities for overlooking of the adjacent open space area to the west. Proposed Units 32 and 34 feature north-facing balconies located within 8.2 metres of the common boundary with No. 6 Mountain Villas. The western edge of these balconies features a 1.1 metre high glazed balustrade which due to its open nature, provides an opportunity for direct overlooking of the private amenity space to the west to occur in my view. However, I am satisfied that potential overlooking of this private amenity space could be addressed by way of frosted glazed screening to an appropriate height being introduced to the western balcony edge, which could be required by way of condition if the Board is minded to grant permission. I am satisfied that the balconies associated with Proposed Units 33 and 35 are setback sufficiently from the western boundary to obviate potential overlooking and screening of the same is not required.
- 7.2.8. Turning my attention to the matter of potential overbearing impacts on/the visual amenity of the dwelling to the west. A minimum separation distance of 8.2 metres from the common boundary with the western abuttal is provided. The proposed block occupies an area originally forming part of the podium communal amenity space serving the apartment development. The appellant argues that at two stories, the impact from the proposed block would be minimal relative to that already granted permission on site. Although the proposed block comprises of 2 floor levels, as it is being introduced atop the podium level car parking area, it will present as 2.5 stories when viewed from the western abuttal. Despite a generous separation distance being adopted from the common boundary, when read in the context of the 2-5 storey block

already constructed on the subject site, the proposed 2.5-storey block would have an unreasonable overbearing impact on the property to the immediate west. Therefore, I would contend that refusal is merited in this instance.

7.2.9. Given the orientation of the adjacent dwelling to the north-west of the proposed block, the separation distances that exist between the proposed block and the western boundary and the existing wall featuring along/shed featuring proximate to the common boundary, I do not consider the proposed development would result in unreasonable overshadowing of adjacent private amenity spaces to the west.

Apartments Approved Under Reg. Ref. D19A/0927/ABP Ref. ABP-306758-20

7.2.10. In terms of amenity impacts on the apartments approved under Reg. Ref. D19A/0927/ABP Ref. ABP-306758-20, the Planning Authority's first refusal reason states that the proposed development would result in a poor quality of communal - open space to serve the overall apartment development and be contrary to Section 12.8.5.3 Communal Open Space – Quality and Policy Objective PHP 18: Residential Density. The Planning Authority, in their Planning Report, were unclear regarding public open space provision in the context of this development. The appellant has provided clarification on this matter in their appeal submission. The subject site is devoid of public open space with 279.6sqm of communal open space maintained to serve the resultant 35 no. apartments. This is a reduction from the 733.12sqm originally provided.

7.2.11. In accordance with Appendix 1/paragraph 4.13 of the Apartment Guidelines, a minimum of 237sqm of communal amenity space would be needed to serve the entire apartment development and in light of the no. of 2+ bedroom apartments proposed, this is required to contain a small play space (about 85–100 sq. metres) to serve the specific needs of toddlers and children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building. Although reduced in size, the communal amenity space provided complies with the broad numerical requirement, however, it does not feature the required play space. Upon review of the plans accompanying the application, I consider there to be sufficient space for a play area to be provided on site to comply with this aspect of the

requirements. Its provision could be dealt with by way of condition, if the Board is inclined to grant planning permission.

7.2.12. From a qualitative perspective, although I am satisfied that the proposed communal amenity space is appropriately overlooked and conveniently located relative to the permitted/proposed apartments, I would share the Planning Authority's concerns regarding the quality of the proposed communal open space. The Apartment Guidelines require that designers '*ensure that the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year*'. A similar sentiment is expressed in Section 12.8.5.3 (Communal Open Space – Quality) of the current Development Plan. Due to it being sited to the north (rear) of the originally approved block and the majority of its perimeter being enclosed by blocks, the communal open space would be overshadowed. The communal amenity space originally approved extended much further north, the proposed block now occupies what would have been the northernmost part of the same. The application was not accompanied by a daylight/sunlight assessment of the communal open space area. In the absence of this, it has not been appropriately demonstrated that the resultant communal open space would receive adequate levels of sunlight/provide an appropriate level of residential amenity for residents of the permitted/proposed apartments.

7.2.13. Further to this, the Planning Authority raised concerns about the proposed blocks overbearing impact on the previously approved apartments due to its proximity to the same. Particular concern was iterated in the context of permitted Apartments No. 01 and 02. Permitted Apartments No. 01 and 02 are positioned in the westernmost part of the permitted apartment block, located immediately adjacent to the site's western boundary, and their primary outlook is northwards, with the balconies serving them featuring on the northern elevation. The proposed block is setback from the site's western boundary by between 8.2 and 9.9 metres and adopts a minimum separation distance of 7.7 metres from the northern façade of the permitted apartment block proximate to Permitted Apartments No. 01 and 02. Given the proposed block's offset from the western boundary and the separation distance provided between them, I do not consider the proposed block will have an unreasonable overbearing impact on these 2 no. apartments specifically.

7.2.14. However, I would have concerns about the proposed blocks overbearing impact on/impact on the visual amenity of the lower level apartments bounding the proposed communal open space area, in particular Permitted Apartments No. 05, 16 and 21. A minimum separation distance of 7.7 metres is provided between the proposed block and Permitted Apartment No. 05 and 2.2 metres is provided between the proposed block and Permitted Apartments No. 16 and 21 which falls considerably short of the 22+ metre separation distance required under Section 12.3.5.2 of the current Development Plan. While I find this 22+ metre requirement to be quite onerous, I am not satisfied that the separation distance adopted between the proposed block and the permitted apartments is sufficient in this instance. The introduction of the proposed block in the northern part of the site will dramatically alter the outlook/visual amenity of these apartments and in my view have an unreasonable overbearing impact on these permitted apartments.

7.2.15. With regards to potential overlooking, I note that the southern façade of the proposed block features 2 no. habitable room windows (associated with Apartment Nos. 32 and 34's kitchen), which require consideration in terms of potential overlooking of the permitted apartments to the immediate south. Both windows feature obscure glazing/raised sill height. I am satisfied that the glazing utilised/sill height adopted will appropriately restrict potential overlooking of opposing habitable room windows from these rooms.

7.2.16. Having regard to the poor level of residential amenity the revised communal open space affords residents of the development and the proposed block's overbearing impact on the permitted lower level apartments bounding the proposed communal open space area, it is recommended that that permission be refused in this instance.

Proposed Apartments

Unit Mix

7.2.17. The proposal would entail alterations to previously approved Reg. Ref. D19A/0927/ABP Ref. ABP-306758-20 comprising the provision of an additional residential block on the upper ground floor podium level providing 4 no. additional apartments (2 no. 1-beds and 2 no. 2-beds). The overall proposed unit mix of the

resultant 35 no. apartments is 8 no. 1 bed apartments, 16 no. 2-bed apartments, 7 no. 2-bed duplexes, 2 no. 3-bed apartments and 2 no. 3-bed duplexes. This complies with the 50% one bed/studio units specified in relation to unit mix in Specific Planning Policy Requirement 1.

Floor Areas and Apartment Layout/Daylight and Sunlight

7.2.18. As detailed in the floor plans/Housing Quality Assessment accompanying the application, the additional 1-bed apartments proposed would have a floor area of 58.4sqm and the additional 2-bed (4P) units proposed would have a floor area of 85sqm. With respect to minimum floor areas, the proposed apartments exceed the minimum overall apartment floor areas specified in Specific Planning Policy Requirement 3 as well as generally complying with the associated minimums set in relation to aggregate floor areas for living/dining/kitchen rooms; widths for the main living/dining rooms; bedroom floor areas/widths; and aggregate bedroom floor areas. In addition, there is a requirement under Section 3.8 for '*the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)*'. In this case this standard is also met.

7.2.19. Having reviewed the proposed floor plans, despite achieving the minimum floor areas/widths specified in the Apartment Guidelines, I am not satisfied that the apartments are suitably laid out internally to provide an adequate level of residential amenity to future residents. All the 4 no. apartments proposed feature windows with obscure glazing/a raised sill height on their eastern, western and southern facades to restrict overlooking of adjoining residential properties from the habitable rooms they serve. More specifically, Proposed Apartments 32 and 34 feature a window with obscure glazing/a raised sill height, associated with the kitchen/living/dining area, on their western and southern elevations and Proposed Apartments 33 and 35 feature window with obscure glazing/a raised sill height, associated with the kitchen/living/dining area, on their eastern elevation. While the glazing utilised/sill height adopted obviates potential overlooking of neighbouring properties/permitted

apartments, I would have concerns in relation to the outlook afforded the proposed apartments as well as the level of daylight/sunlight received by them (having regard to the depth of the apartments proposed and the small size of the applicable windows provide). The Apartment Guidelines state that levels of natural light in apartments is an important planning consideration and regard should be had to the BRE standards. The application was not accompanied by a daylight/sunlight assessment of the habitable rooms featuring in the proposed apartments. In the absence of this, it has not been appropriately demonstrated that the proposed apartments would receive adequate levels of daylight/provide an appropriate level of residential amenity for future residents. I think the extent of obscure glazing/windows with raised sill heights required to address potential overlooking of neighbouring properties is an indication that the subject proposal comprises overdevelopment of the subject site.

Dual Aspect

7.2.20. Specific Planning Policy Requirement 4 requires that a minimum of 33% of apartments proposed are dual aspect units in more central and accessible urban locations. Upon review of the plans submitted with the application, the 4 no. additional apartments proposed are dual or triple aspect and more broadly 34 of the 35 apartments resulting from the subject proposal constitute dual or triple aspect units. At 97%, the proposed development complies with the numerical requirements of SPPR 4. However as previously discussed, I would have concerns about the amount of daylight received by the 4 no. proposed apartments given the apartment depths/size of the windows featuring.

Apartments per Core/Storage

7.2.21. Specific Planning Policy Requirement 6 specifies a maximum of 12 apartments per core. A maximum of 2 apartments per core is proposed in the context of the new apartment block, thus complying with this requirement.

7.2.22. As detailed in the floor plans/Housing Quality Assessment accompanying the application, the 1-bed apartments would be provided with 3sqm of storage and the 2-

bed (4P) apartments with 8.9sqm of storage which complies with the storage requirements specified in Appendix 1 of the Apartment Guidelines, 2023.

Private Amenity Space

7.2.23. Turning to private amenity space. As detailed in the floor plans/Housing Quality Assessment accompanying the application, the 1-bed apartments would be served by 6.1sqm balconies and the 2-bed (4P) apartments by 8.1sqm balconies, which have a minimum depth exceeding 1.5 metres, thus complying with the quantitative requirements set out in relation to private amenity space. However, I am not satisfied that the private amenity areas proposed satisfy the qualitative requirements of the Apartment Guidelines which require that private amenity spaces '*be located to optimise solar orientation and designed to minimise overshadowing and overlooking.*' Due to the proposed blocks close proximity to the site's eastern boundary and its positioning relative to private amenity spaces on neighbouring properties to the east and west/permitted apartments and the communal open space featuring further south on the subject site, the proposed balconies have had to be positioned to the north of the proposed apartments. This is a sub-optimum position in terms of solar access and yet another indicator that the subject proposal comprises overdevelopment of the subject site.

Communal Open Space

7.2.24. The appropriateness of the communal open space serving the entire development was considered earlier in this section of the report.

Conclusion

7.2.1. In conclusion, I am not satisfied that the proposed development would provide quality apartments which provide a suitable level of amenity for future residents. While the proposed development complies with a number of the numerical standards set out in the Apartment Guidelines, a number of qualitative issues were uncovered upon review of the drawings. When the various qualitative issues are considered cumulatively, I think it is clearly illustrated that the proposed development comprises overdevelopment of the subject site. Therefore, it is recommended that the proposed

development is refused in this instance due to the poor level of residential amenity afforded future residents of the development.

7.3. Visual Amenity

- 7.3.1. This section will consider the proposed development's impact on the visual amenity of Church Road (the proposed block's impact on the visual amenity of neighbouring properties/previously permitted apartments on site was considered in the preceding section of this report). The Planning Authority's second refusal reason makes specific reference to the proposed development being visually overbearing/visually obtrusive, in the context of the Church Road streetscape.
- 7.3.2. The appeal site is a corner site located on the western side of Church Road, immediately north-west of its intersection with a laneway providing rear access to Nos. 32-35 Church Road and Nos. 1-13 Dale View. It is proposed to construct a new 2-storey block in the northernmost part of the subject site atop the previously approved undercroft car parking area, in a part of the site previously comprising part of the communal amenity space serving the development. There will be limited views from Church Road of the proposed block due to the unusual shape of the subject site (the applicable part of the site being tucked behind Vevay Lodge) and its positioning to the rear of the existing 2-5 storey apartment building constructed on site, setback c. 25.5 metres from the Church Road frontage.
- 7.3.3. Having regard to the foregoing, I would form a contrary view to the Planning Authority. In my view, the provision of an additional block could be accommodated on site without any significant visual impact on the Church Road streetscape being felt, particularly given the concealed nature of the applicable part of the site. The proposed block is also lower in height than the existing block constructed on site and fits in well with architectural character of the same, therefore it does not constitute a significant alteration to the relationship between the development on the appeal site and the adjacent Church Road streetscape. However, as discussed in the previous section of this report the proposed block will have an unreasonable impact on the visual amenity of its immediate western/north-easterly abutments, as well as the existing apartments on the subject site, and therefore the proposed development merits refusal in this instance.

7.4. Access, Traffic and Parking

7.4.1. The resultant development will continue to be served by an undercroft carpark accessed via the laneway flanking the site's southern boundary which is accessible off Church Road, as previously approved under Reg. Ref. D19A/0927/ABP Ref. ABP-306758-20. The subject application seeks permission to extend the existing lower ground level carpark to provide 6 no. car spaces, adjacent to the site's western boundary external to the granted car parking area. Upon review of the submitted plans, removal of 2 no. of the originally permitted car parking spaces is required to facilitate access to the 6 no. new spaces proposed, thus the resultant development will be served by 39 no. car parking spaces.

7.4.2. In terms of the design of the carparking area serving the development, the layout of the undercroft carpark remains generally the same as that approved in the context of the original application under Reg. Ref. D19A/0927/ABP Ref. ABP-306758-20, save for the omission of 2 no. spaces in the northernmost part to facilitate the provision of an external parking area, adjacent to the site's western boundary, accommodating 6 no. spaces. Upon review of the plans lodged with the application, I am satisfied that the resultant carparking area is suitably designed and that the introduction of an external carparking area will cause limited disruption to access to/functioning of the northernmost part of the carpark. Upon review of the commentary provided by the Planning Authority's Transportation Planning Section, it would appear that their concerns raised regarding layout relate to visibility onto Church Road and the footpaths featuring along the north side of the existing laneway. The appropriateness of these items was previously determined in the original application under Reg. Ref. D19A/0927/ABP Ref. ABP-306758-20. The subject application does not propose modifications to the originally approved access arrangements.

7.4.3. In terms of quantum of car parking, the proposed undercroft parking area/newly created external parking area contain 39 no. car parking spaces. This complies with the car parking requirements specified in relation to apartment residents in Section 12.4.5.6 of the Dun Laoghaire Rathdown County Development Plan 2022-2028. Given the minimal increase in carparking provision involved, I do not contend that the

proposed development would endanger public safety by reason of traffic hazard or cause increased congestion.

7.4.4. With regards to bicycle parking provision, upon review of the plans accompanying the application the resultant development will accommodate 31 no. bicycle parking spaces in the undercroft parking area for residents of the development. This is a 14 no. space reduction from the 45 no. spaces approved pursuant to Reg. Ref. D19A/0927/ABP Ref. ABP-306758-20. The quantum of bicycle parking provided falls short of the Apartment Guidelines standards, which require 1 no. resident cycle space per bedroom and 1 no. visitor cycle space for every 2 no. units, and the standards set out in the Standards for Cycle Parking and Associated Cycling Facilities for New Developments (2018), which require 1 short stay (visitor) parking space per 5 units and 1 long stay parking space per 1 unit in the context of apartments. I am satisfied that the provision of bicycle parking in accordance with the applicable standards could be dealt with by way of condition if the Board was inclined to grant permission.

7.4.5. In terms of quantum of motorcycle parking, the proposed development contains 5 no. motorcycle parking spaces (4 no. within the undercroft parking area and 1 no. in the newly created external parking area, adjacent to the site's western boundary). This is in excess of the motorcycle parking requirements specified in relation to apartment residents in Section 12.4.7 of the Dun Laoghaire Rathdown County Development Plan 2022-2028. The Planning Authority's Transportation Planning Section raised concerns about the motorcycle parking space proposed within the newly created external parking area deeming it cause an obstruction to the pedestrian access provided adjacent to the western boundary. I would share this concern. Therefore, if the Board are inclined to grant permission, it is recommended that this motorcycle parking space be removed by way of condition.

7.5. Other Matters

7.5.1. *Built Heritage* – As previously mentioned, the subject site's northern boundary abuts the curtilage of Vevay House, which is a Protected Structure (RPS No. 1711). Therefore, consideration of the impact of the proposed development in terms of built heritage, is required in this instance. Although the proposed block is to be developed

in the northernmost part of the subject site, there will be very limited views of the proposed block in the context of Vevay House. The proposed block is located c. 60 metres from this Protected Structure and flanks this site's southern boundary for a very short distance (16.8 metres). Further to this, the southern part of this neighbouring site features extensive tree cover. In light of this, I am satisfied that the proposed block will not detract from the character or the special interest of Vevay House.

7.6. Appropriate Assessment

Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

8.1. Having regard to the foregoing, it is recommended that permission be refused for the proposed development for the reasons and considerations set out below and overleaf.

9.0 Reasons and Considerations

1. The proposed apartment block, by reason of its scale, design, siting proximate to adjoining site boundaries, the site configuration and its positioning relative to the recently constructed apartment development on the subject site, would be visually overbearing/obtrusive when viewed from the properties to the immediate north-east and west of the site/the recently constructed apartment development on the subject site, would constitute overdevelopment of this restricted site, would be contrary to Policy Objectives PHP18 and PHP19 contained in and the Zoning Objective 'A' applying to the site under the Dun Laoghaire Rathdown County Development Plan 2022-2028. Further to this, the proposed development would result in a substandard level of residential accommodation for future occupiers of the proposed apartment block, specifically as a result of the glazing utilised, sill heights/window sizes adopted

and location of balconies, and would result in a poor quality of communal open space to serve the recently constructed and proposed apartment blocks on the subject site, and would therefore be contrary to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023) and Section 12.8.5.3 Communal Open Space – Quality of the current County Development Plan. The proposed development would, therefore, if permitted, 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.

Margaret Commane
Planning Inspector

20th February 2024

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-314436-22		
Proposed Development Summary	Permission for modifications to previously granted development Reg. Ref. D19A/0927/ABP Ref. ABP-306758-20, consisting of proposed new additional residential block on the upper ground floor podium, bringing total number of units when granted to 35 no. apartments and all associated site works.		
Development Address	36, 36A and Keem 37 Church Road, Killiney and 7 Mountain Villa, Ballybrack, Co. Dublin		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	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) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	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	Conclusion No EIAR or Preliminary Examination required

Yes	✓	10(b)(i)(iv) - Infrastructure Projects. Thresholds: > 500 homes > 10 hectares	Sub-threshold	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:** _____

Appendix 2 - Form 2
EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-314436-22	
Proposed Development Summary	Permission for modifications to previously granted development Reg. Ref. D19A/0927/ABP Ref. ABP-306758-20, consisting of proposed new additional residential block on the upper ground floor podium, bringing total number of units when granted to 35 no. apartments and all associated site works.	
Development Address	36, 36A and Keem 37 Church Road, Killiney and 7 Mountain Villa, Ballybrack, Co. Dublin	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	Proposal for modifications to previously granted development Reg. Ref. D19A/0927/ABP Ref. ABP-306758-20, consisting of the construction of an additional 4 no. apartments to the 31 no. previously permitted. The proposal is not considered exceptional in the context of the existing urban environment. No significant emissions resultant.	No No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations	Site measuring 0.25ha. The proposal involves the provision of an additional 4 no. apartments. The proposal is not considered exceptional in the context of the existing urban environment. There is a residential development, approved under D19A/0927/ABP Ref. ABP-306758-20, currently under construction on the subject site. Given the	No

<p>having regard to other existing and/or permitted projects?</p>	<p>scale of the subject proposal and that of the previously approved development, it is not considered that there would be a significant cumulative impact arising.</p>	<p>No</p>
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The appeal site is located a significant distance away (c. 2.3km) from the nearest European sites, being the Rockabill to Dalkey Islands SAC (Site Code 003000). It is not considered that the development would have a significant impact on the same.</p> <p>Given the scale and nature of the subject proposal and the nature of the surrounding area, the proposed development would not significantly affect the area's environmental sensitivities.</p>	<p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)