



An
Bord
Pleanála

Inspector's Report

ABP-314445-22

Development	Demolition of two bungalows and construction of 47 apartments for older persons.
Location	5 & 6 Malahide Road, Newtown Cottages, Priorswood, Dublin 17.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	4153/22
Applicant(s)	Melvin Properties Ltd. & Feltrim Properties Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Melvin Properties Ltd. & Feltrim Properties Ltd.
Observer(s)	None
Date of Site Inspection	2 nd October 2023
Inspector	Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 1,910sq.m, is located on the northwestern side of Malahide Road (R107) at Priorswood, Dublin 17. It is occupied by two bungalows – each with independent vehicular access. There is no boundary between the front gardens of the two houses – the rear gardens being divided by a chainlink fence. There are some small sheds within the rear gardens and a semi-mature cherry and a sycamore within the garden of no. 5. The site is largely flat.
- 1.2. To the southwest, the site abuts industrial lands – the boundary with which is a 1.8m high concrete wall, which is capped and plastered. There is a row of mixed deciduous semi-mature trees on the adjoining site side – some of which are dying. On the site side, there is a row of mature evergreen trees with some semi-mature laurel and cherry mixed in. The evergreen trees have been lopped at some stage in the recent past. To the northwest, the site abuts industrial lands – the boundary with which is a row of mature Leyland cypress trees – flanked by a concrete post and chainlink fence on the site side and a newer 2.8m high weldmesh fence on the other site. The row of trees and the weldmesh fence belong to the adjoining site. There is a 6m high industrial building located close to the boundary fence – behind the row of trees. To the northeast, the site abuts the garden curtilage of two single-storey houses (1 & 1A Morgan Mews) – the boundary with which is a 1.7m high concrete post and timber panel fence (broken down in places), with some hedges on the site side. In addition, there is a row of mature Leyland cypress trees on the site side – abutting 1A Morgan Mews. The Malahide Road boundary of the site comprises a low concrete block wall, which is capped, but not plastered.
- 1.3. The 50kph speed restriction applies on this section of the Malahide Road – a dual carriageway, with some semi-mature trees within the central grassed median. There are bus lanes and separate advisory bicycle lanes on either side of the road. Public lighting is in place. There are footpaths on either side of the road – with grass margins flanking them. The road is a Quality Bus Corridor – operating from 0700-1900 hours, Monday to Saturday. There is a signalised pedestrian crossing on this dual carriageway – some 190m to the southwest.

2.0 Proposed Development

2.1. Permission sought on 3rd June 2022, for development comprising the following elements-

- Demolition of two bungalows (203sq.m).
- Construction of apartment block of 4-6 storeys; comprising 47 no. one-bedroom 'Housing for Older People' units (3,225sq.m).
- 278sq.m landscaped communal open space.
- 88sq.m internal community space at ground floor level.
- Bicycle storage for 48 bicycles – with an additional 6 external visitor spaces within the ground floor of the block.
- 4 no. car-parking spaces.
- Electricity sub-station building.
- Refuse storage.
- New vehicular and pedestrian access from Malahide Road.
- Connection to existing sewers and watermains.
- 84.6sq.m solar PV panels on roof.

2.1.1. The application is accompanied by the following documentation of note-

- Letters of consent from owners of the two bungalows to the making of the planning application.
- Validation Letter from DCC Housing Department (dated 27th April 2022), in relation to compliance with Part V.
- Car Club letter (dated 4th April 2022), in relation to provision of club car by 'Yuko' at this site.
- Traffic & Transportation Report – dated May 2022.
- Engineering Planning Report – dated 31st May 2022.
- Site Specific Flood Risk Assessment – dated 31st May 2022.

- Planning Application Report – dated June 2022 (which includes, at Appendix 1, an Appropriate Assessment Screening Report).
- Arboricultural Report – dated May 2022.
- Landscape Architecture Cover Letter – dated 1st June 2022.
- Architecture Report – undated.
- Photomontages (A3-size).
- Sunlight, Daylight & Shadow Assessment (Development Performance) Report (A3-size) – undated.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 28th July 2022, Dublin City Council issued a Notification of decision to refuse permission for 2 reasons, which are summarised below-

1. Detrimental impact on future development potential of neighbouring land. The scale of the building and location of balconies would result in an unacceptable degree of overlooking of adjoining property. The development would seriously injure the amenities of property in the vicinity.
2. It has not been demonstrated that the proposal constitutes social housing or is sheltered housing, or is of a sufficient overall quality to justify not applying the new housing mix requirements set out in SPPR 1 and SPPR 2 of the Apartments Guidelines 2020. The development comprises inadequate numbers of dual-aspect units and has poor-quality communal open space. Development would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report, dated 28th July 2022, incorporates all internal DCC reports on this development; and summarises all objections to the development. Refusal of

permission is recommended. The application was assessed based on the old Dublin City Development Plan 2016-2022.

3.2.2. Other Technical Reports

Engineering Department – Drainage Division

Report, dated 23rd June 2022, indicates no objection, subject to compliance with conditions relating to surface water drainage and attenuation.

Transportation Planning Division

Report, dated 13th July 2022, recommended additional information in relation to quantum of car-parking and a Car-Parking Management Plan.

Parks Services

Report, dated 21st July 2022, indicates no objection. Conditions relating to a tree bond, tree protection, landscaping scheme and contribution in lieu of provision of public open space should be attached to any grant of permission are recommended (€4,000 per unit in lieu of provision of on-site public open space).

3.3. **Prescribed Bodies**

Uisce Éireann

Report, dated 3rd June 2022, indicates no objection. Note is made of proposal to divert an Uisce Éireann foul sewer.

3.4. **Third Party Observations**

There are a number of objections from adjacent residents, elected representatives, and 3rd parties from further afield – summarised within the DCC Planner's Report.

4.0 **Planning History**

Ref. 5113/22: Permission granted to Melvin Properties Ltd. & Feltrim Properties Ltd, for widening of vehicular access points to each of the two bungalows on the current appeal site, on 13th December 2022. A 3rd Party appeal was lodged with the Board (**ABP-315398-22**). An Inspector's Report has been submitted to the Board.

Ref. 3793/19: Permission refused on 8th October 2019, for demolition of the two bungalows on the site, and construction of 8 no. semi-detached and 1 no. detached, two- & three-storey houses.

Ref. 2921/18: Permission refused for demolition of all structures on site to the immediate west of the current appeal site (Crown Paints), and construction of a mixed-use development. On appeal to the Board by the 1st Party (**ABP-302155-18**), permission was refused on the 21st day of January 2019, for two reasons relating to the 'Z6' zoning of the site and impact on future development potential of adjoining lands.

Ref. ABP-313182-22: BusConnects Clongriffin to City Centre Core Bus Corridor Scheme (Strategic Infrastructure Development) application with the Board. The route runs along the Malahide Road in front of the current appeal site. No lands within the appeal site are affected by this SID application.

5.0 Policy Context

5.1. Development Plan

The relevant document is the Dublin City Development Plan 2022-2028.

- The site is zoned 'Z1' – Sustainable Residential Neighbourhoods'. The general objective for such areas is 'To protect, provide and improve residential amenities'. Newtown Cottages (to the northeast) is similarly-zoned. Lands to the west are zoned 'Z10' – Inner Suburban and Inner City Sustainable Mixed-Uses. Lands on the opposite side of Malahide Road are zoned 'Z4' – Key Urban Villages/Urban Villages.
- The site is within the Dublin Airport Noise Zone.
- The site is outside of any flood zone – as identified on Map B of the Strategic Flood Risk Assessment of the Development Plan.
- The site falls within Parking Zone 3 – as per Map J of the Development Plan.
- There is a Proposed BusConnects Radial Bus Corridor indicated along Malahide Road.

- Chapter 5 contains various policies supporting the provision of appropriate housing for older people.
- Chapter 15 of the Plan deals with development standards. Section 15.5.2 states in relation to infill development, that it should “respect and complement the prevailing scale, mass and architectural design in the surrounding townscape”. Section 15.5.5 states, in relation to density, that “New development should achieve a density that is appropriate to the site conditions and surrounding neighbourhood. The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future amenity”. Table 15.4 indicates a requirement for 10% public open space with ‘Z1’ lands – but allows, at section 15.8.7, for ‘financial contribution in lieu of open space’. Section 15.9 deals with apartment standards.
- Appendix 3 of the Plan deals with compact growth and contains a Height Strategy. Locally Higher Buildings are defined as being significantly higher than their surroundings and are typically up to 50m in height. Table 1 gives Density Ranges of 60-120 units for ‘Outer Suburbs’. Table 2 indicates that ‘Outer Employment and Residential Areas’ have an Indicative Plot Ratio of 1.0-2.5 and an Indicative Site Coverage of 45-60%. Page 223 of the Appendix states- “There is recognised scope for height intensification and the provision of higher densities at designated public transport stations and within the catchment of major public transport corridors including: BusConnects/Core Bus Corridors...”.
- Appendix 5 deals with car-parking and bicycle-parking standards.

5.2. Natural Heritage Designations

- 5.2.1. The application was accompanied by an Appropriate Assessment Screening Report. The site is not located either within or immediately abutting any Natura 2000 site. The closest such are the North Dublin Bay SAC (Site Code 000206) and the North Bull Island SPA (Site Code 004006) – some 2.8km to the southeast. The South Dublin Bay & River Tolka Estuary SPA (Site Code 004024) is located 3.8km to the south. The Baldoyle Bay SAC (Site Code 000199) and Baldoyle Bay SPA (Site

Code 004106), are located approximately 4.2km to the east. The Santry River, which debouches into Dublin Bay, is located approximately 0.2km to the southwest of the appeal site.

- 5.2.2. The significant distance between the proposed development site and any European Sites, and the very weak and indirect ecological pathways are such, that the proposal would not result in any likely changes to the European Sites, that comprise part of the Natura 2000 network in Dublin Bay. Having carried out screening for appropriate assessment of the project, it has been concluded that the project, individually or in combination with other plans or projects, would not have a significant effect on European Sites, including European Site No. 004006 (North Bull Island SPA), European Site No. 000206 (North Dublin Bay SAC), European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 000199 (Baldoyle Bay SAC) and European Site No. 004106 (Baldoyle Bay SPA), in view of the sites' Conservation Objectives, and Appropriate Assessment is not, therefore, required.

5.3. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development on zoned land. 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. The appeal from Brock McClure Planning & Development Consultants, agent on behalf of the applicant, received by the Board on 24th August 2022, can be summarised as follows-

- The planning authority could have sought additional information from the applicant.

- Substantial revised proposals are submitted for the consideration of the Board – three alternative options, A, B & C.
- There is a national shortage of housing for older people.
- The application is supported by DCC Housing Department.
- Malahide Road is served by bus routes 15, 42 & 43.
- The development will not hinder the future redevelopment of surrounding sites.
- The development provides an opportunity to introduce much-needed step-down accommodation for local older people.
- The applicant engaged in pre-planning consultation with DCC.
- The development is an appropriate response to the adjoining residential and commercial sites.
- All units comply with the Apartments Guidelines.
- A wide variety of one-bedroom unit types is included in the scheme.
- Appropriate set-back distances from boundaries ensure that there will be no overlooking, overbearing or overshadowing; which allows for increased height at the centre of the site. The height is appropriate to the site.
- Car-parking is often not a key factor for occupants of a city, where good public transport links are available. A car-club proposal accompanies the application. There are good pedestrian and cycle links in this area.
- The development, once completed, will be managed and run by Circle Voluntary Housing Association.
- Shadow calculations for this development show only a minor impact on the adjacent garden of 1 Morgan Mews at 15.00 hours at the equinox – a reduction of only 4%. Negligible impacts were also recorded on 21st June and 21st December.
- It is acknowledged that a number of the northeast- and northwest-facing apartments, whilst evincing good average daylight factor, fail in relation to good average sunlight factor. This is to be expected in relation to their

orientation and partial overshadowing, caused by higher elements of the block. There will always be design constraints with an infill site such as this one. All tenants have access to the landscaped communal open space to the front of the block.

- The planning authority was satisfied with much of the development – permission being refused for only two reasons.
- Minimal car-parking is appropriate at this site – notwithstanding the opinion of the Transportation Planning Division of DCC. The end-user generates the demand for car-parking – not the location of the site.
- The Drainage Division of DCC had no objection to the development.
- There were four 3rd Party submissions to DCC – none from boundary neighbours. The development is of an appropriate scale for the site. Mitigation measures are included to minimise the impact on neighbours. The building responds to the streetscape and amenities of surrounding properties. Windows are a minimum of 13.6m from the northeastern boundary. The separation distances from industrial lands to the northwest and southwest are appropriate to the site's setting. The four-storey element of the building has no windows addressing residential property to the northeast – and is separated from this boundary by 7.7m. The set-back top storey reduces the mass of the building, when viewed from Malahide Road. Industrial buildings to the northwest and southwest are not susceptible to overlooking. There are no true north-facing units within the block.
- The agents for the applicant had only one exchange of e-mails with DCC on 21st March 2022. Any other pre-planning exchanges were with other agents.
- The enclosed communal open space within the block was not included in the calculation of communal open space for residents (external space). A combined area of 366sq.m is in excess of the requirement contained in the Apartments Guidelines. The only area included as communal open space is the area fronting onto Malahide Road (278sq.m).
- 48% of the units are dual-aspect. This is made clear in a 'Dual Aspect Unit Summary' drawing submitted with the appeal.

- The development will not cast shadows significantly in excess of what already subsists, due to the presence of mature evergreen trees on some boundaries.
- Vegetation is usually discounted when running daylight and sunlight analysis for new buildings. However, the applicant has recalculated figures for northwest and southwest-facing windows – which include for the vegetation in place – with only four windows failing (one of which is marginal). The site owners of the adjacent site have given their approval to the removal of the row of evergreen trees on the northwest boundary during the demolition and construction stage of the proposed development. However, it is noted that the Board does not need to rely on the removal of the trees to conclude favourably on this issue. An e-mail from the owner of the adjoining site, consenting to the removal of the trees on the northwest boundary, is embedded in the appeal documentation. [I note that the e-mail is not dated – but does refer to the current planning application].
- The site is close to Coolock village and all services and amenities. The development represents a sustainable use of serviced land. Government policy supports an increase in height of buildings in urban areas. The National Planning Framework supports compact development within urban areas. ‘Housing for All – A New Housing Plan for Ireland’ supports development of this type – providing wider options for older people. The development complies with the provisions of the Development Plan in relation to housing for older people. The building is 19.05m at its tallest. There is no maximum height included within the Draft Dublin City Development Plan 2022-2028.
- The development is set back 4.7m from the northwest boundary. This boundary is characterised by industrial units. There is no master plan in place for the redevelopment of the adjacent industrial lands. It is likely that redevelopment will follow a similar block pattern to the current appeal site – based on design submitted with application 2121/18 for redevelopment of the Crown Paints site (subsequently refused permission). The design layout showed roads adjoining the northwest and southwest boundaries of the current appeal site. Any new block on the northwestern or southwestern

boundary will be set back by 22m from the block on the current appeal site. [I note that pp36 & 37 of the appeal mistakenly refers to the SW boundary, when the paragraph is headed in bold NW Boundary]. The development will not hinder the future development potential of adjoining industrial lands. It is unlikely that individual house sites to the northeast (in multiple ownership) will be redeveloped in the near future. Notwithstanding this, the set-back distances included within the design will allow for future redevelopment of adjoining lands to the northeast.

- Because of the need for security of residents, it is not proposed that the site will be linked to lands for redevelopment to the northwest and southwest – and there is no need for permeability at this location.
- The applicant is acting in partnership with Circle Voluntary Housing Association. Circle VHA operates 28 schemes across Dublin and Kildare.
- DCC Parks Department had no objection to the proposal.
- The applicant is proposing 3 options for the consideration of the Board – whilst still considering the original proposal to be in accordance with the proper planning and sustainable development of the area.

Option A

Provision of roof terrace area of 226.5sq.m – with 212sq.m retained at ground level. This would allow for 3 additional car-parking spaces on part of the original communal open space area.

Option B

Removal of one typical floor (with provision also including a roof terrace and 3 additional car-parking spaces). This would result in the omission of 10 units – bringing the total number to 37. Provision is made for 1.8m high opaque glazed screens on balconies where there is potential for overlooking of adjoining sites.

Option C

Reduction in the number of units from 47 to 44, by inclusion of 3 no. two-bedroom units in place of 6 no. one-bedroom units at fourth- and fifth-floor

level. This redesign provides for opaque glazing and opaque screen glazing to some balconies on the fourth and fifth floors. The redesign provides for the insertion of an additional squint window on the fourth floor within unit 4-07. This redesign option is compatible with the option of roof garden and 3 additional car-parking spaces.

6.1.2. The appeal is accompanied by the following documentation of note-

- Circle Voluntary Housing Association additional letter of support – dated 22nd August 2022. This letter states that the applicant has received the support of DCC Housing Department, and residents will come from the DCC housing list. Residents will not require wrap-around support services. The introduction of a small number of two-bedroom units can offer better operational optionality when allocating tenancies. Circle Voluntary Housing Association will ultimately seek to purchase the property.
- Auto-Tracking Drawing for Options A, B & C.
- Revised photomontages with one floor removed (A3-size).
- Outline Operational Waste Management Plan – dated 19th August 2022.
- Outline Construction & Demolition Waste Management Plan – dated 15th August 2022.
- Building Lifecycle Report – undated.
- Arboricultural Report showing removal of tress consented by owner of adjoining land to the northwest – dated August 2022.
- Traffic & Transportation Report – dated August 2022. It is noted that occupants would not be commuting to work. An increase in parking from 4 to 7 spaces is included with options presented to the Board with the appeal. A refuse collection vehicle can now enter the site and turn within it. The site is adjacent to a Quality Bus Corridor. It is also on a proposed BusConnects spine – which will involve alterations to locations of bus stops in this area. Of the 7 parking spaces, 2 are proposed for ‘Yuko’ car-sharing. An EV charging station will be installed to service two adjacent spaces. It is not intended that occupants will require regular visits from support services such as health workers or carers. The Newtown Cottages cul de sac to the northeast has

limited on-street parking. There is little opportunity for residents to own a car and to park it off-site in this area. There are support services in the wider area for transport of older residents to shopping centres. Charging for e-scooters and mobility scooters will be provided within the scheme. The requirement for 24 visitor cycling spaces would constitute a significant over-provision; and 6 spaces is considered to be adequate.

- Planning Appeal Report – dated August 2022.
- Architecture & Design letter – dated 22nd August 2022 – with revised accommodation schedule. [I note that Schedule SK_501_C mistakenly indicates that new two-bedroom unit 4-08 has a floor area of 49.29sq.m. This is a misprint – the floor area referring to the original one-bedroom floor area. The floor area is indicated as being 79.36m on Drg. L_105_C]. Included is a drawing SK_10 master plan for the adjoining site to the southwest and northwest – taken from a previous planning application on that site. Provision is made for aerated brick boundary on Malahide Road to improve amenity. It is possible to combine Options A & B, or A & C, or B & C, or even A & B & C.

6.2. Planning Authority Response

None received.

6.3. Observations

None received.

7.0 Assessment

The principal issues of this appeal relate to the impact of the development on the future development potential of adjoining lands to the west; the impact on the residential amenities of housing to the northeast; unit mix, residential amenity of future occupants, and car-parking.

7.1. Development Plan Considerations

- 7.1.1. The proposed use of the site is in line with the residential zoning. The plot ratio is 1.69 – within the range of 1.0-2.5 set down in the Plan. The site coverage is 37% - below the 45-60% coverage indicated within the Plan. The density of development is 246 units per ha – more than twice the maximum density indicated in the Plan for outer suburbs – 60-120 units. The appeal documentation suggests a possible removal of one floor of the block (Option B) – which would result in the omission of 10 units, and also the introduction of 3 two-bedroom units (Option C). Taken together, these two Options would reduce the number of units to 34, with a consequent reduction in density to 178 units per ha – which would still be significantly above the 60-120 units suggested in the Plan for outer suburban areas. To some extent the density figure is elevated – because all apartments are one-bedroom units. The density proposed is within the Development Plan net density range given for ‘City Centre and Canal Belt’ sites, at 100-250. Whilst the site may be well-served by public transport, and whilst acknowledging Government policy to increase residential densities within serviced urban areas, I would consider that the density of development is excessive at this location – indicated by the negative impact which it would have on the future development potential of adjoining lands to the southwest and northwest.
- 7.1.2. Section 5.5.4 of the Plan supports the provision of appropriate, accessible and affordable housing for Older People – given the increasing numbers in private rental accommodation. Policy QHSN18 states- “To support the needs of an ageing population in the community with reference to housing, mobility and the public realm having regard to Age Friendly Ireland’s ‘Age Friendly Principles and Guidelines for the Planning Authority 2020’, the Draft Dublin City Age Friendly Strategy 2020-2025 and Housing Options for our Aging Population 2019”. Section 5.5.5 of the Plan states- “The provision of specific accommodation for older people is supported as this provides alternative residential choices for older people not wishing to enter a nursing home and who wish to remain within their communities. As a general rule, all new developments for step down housing for the older people should be located in close proximity to existing village centres and amenities and services”. Policy QHSN23 states- “To support the concept of independent living and assisted living for older people, to support and promote the provision of specific purpose built

accommodation, including retirement villages, and to promote the opportunity for older people to avail of the option of 'rightsizing', that is the process of adjusting their housing to meet their current needs within their community". The above excerpts from the Plan indicate that housing development of the type proposed, is supported by Development Plan policies. The site is within walking distance of Coolock Village, a retail park to the northeast, and a cinema complex on the other side of Malahide Road.

7.2. Design & Layout

Positioning of Block on Site

- 7.2.1. The block on this site has been located to the southwest and northwest, so as to increase the separation from existing houses to the northeast and the Malahide Road to the southeast. The separation distance from the northwest boundary is 4.7m; from the southwest boundary is 5.2m; from the southeast boundary (Malahide Road) is 13.0m; and from the northeast boundary is 7.7m for the blank four-storey gable elevation portion of the block and 13.95m from windows in the remainder of the six-storey block, windows and balconies within which directly address this boundary. The position of the block adheres to the building line on the Malahide Road established by the house to the northeast (1 Morgan Mews). However, one of the bungalows on the appeal site is significantly forward of this building line. I do not see the necessity of pushing the block so far back into the site – other than to separate it as far as possible from traffic noise on Malahide Road.
- 7.2.2. The first reason for refusal referred to the detrimental impact of the development on the future development potential of neighbouring land. This will be particularly the case in relation to industrial lands to the southwest and northwest – currently vacant. Redevelopment proposals have previously been made for this land, but permission was refused. The applicant refers to building layout on planning application ref. 2921/18 (refused permission) as a type of master plan – arguing that any redevelopment will result in blocks being set back from boundaries of the appeal site. The adjoining site is zoned 'Z10' – Inner Suburban and Inner City Sustainable Mixed-Uses. Whilst I note that the owner of the adjoining site has not objected to the proposed development, the block as proposed, would severely restrict the future

development potential of the adjoining site to both southwest and northwest. If a mirror development approach was considered on the adjoining lands to the southwest – buildings could end up being separated by only 10.4m. This is not acceptable in residential amenity terms – no matter what the use a building on the adjoining lands might be put to. The situation in relation to the northwestern boundary is somewhat different, in that there is a 6.0m high industrial unit constructed between 2m and 5m from the common boundary. This unit is currently screened from view by a row of mature Leyland cypress trees. However, the applicant has indicated that the owners of the adjoining land to the northwest have consented to the felling of these trees. I note that the industrial building is currently vacant and has no windows addressing the appeal site. It is likely to be removed during redevelopment of the adjoining site – but there is no certainty as to when, if ever, this will happen. The proposed block is located 4.7m from the northwest boundary. If a mirror development approach was considered here – buildings could end up being separated by only 9.4m. This is not acceptable in residential amenity terms – no matter what the use a building on the adjoining lands might be put to. There are squint bedroom windows in 10 apartments addressing this boundary. The proximity of the boundary – even if the trees were to be removed, would offer a poor outlook from bedrooms on the ground and first floor, towards the blank wall of an industrial unit (pending the potential redevelopment of adjoining lands). In relation to the future redevelopment of lands to the northeast, I would not consider that the development would restrict such future redevelopment – regard being had to the set-back distances provided at this part of the site. I note the comment of the applicant in relation to the unlikelihood of future redevelopment of lands to the northeast owing to multiple occupancy; however, the same argument might once have been made in relation to the current appeal site, on which two houses are located. Sites to the northeast are generally large, by suburban standards – many with second houses constructed in what would once have been side or rear gardens.

Site Boundaries & Landscaping

- 7.2.3. It is proposed to retain the 1.8m high concrete block wall on the southwest boundary of the site. The northwest boundary of the site is to be replaced with a 2.0m high weldmesh fence – which will extend along most of the northeast boundary also. The remainder of the northeast boundary is to be a 2.0m high hit-and-miss brick wall,

which will extend along the southeastern Malahide Road boundary. Such a high boundary wall on Malahide Road would be at odds with the existing low boundary wall which exists at present. Whilst increasing the level of privacy of future residents, it would lessen the passive over-looking of the road and footpaht at this location, as the expense of passing pedestrians and cyclists. Whilst all trees on site are to be removed, new landscaping will, over time, serve to lessen the harshness of any new block on this site. Provision is made for hard and soft landscaping. Trees within the adjoining industrial lands to the southwest are to be protected by a fence during construction works – notwithstanding that they are separated from the appeal site by a 1.8m high concrete block wall.

Impact on Amenities of Residential Property to the Northeast

- 7.2.4. The proposed block is set back a minimum of 7.7m from the northeastern boundary. This set-back comprises a four-storey blank gable elevation. The fifth and sixth storeys are stepped back further at this location. Projecting balconies are provided with 1.8m high opaque glass screens to prevent overlooking. The six-storey bulk of the block has windows and balconies which directly address the northeastern boundary of the property. This part of the block is set back by 13.95m from the boundary. These windows and balconies will not result in any serious overlooking of rooms within houses in Morgan Mews/Newtown Cottages – as these are oriented towards Malahide Road southeast/northwest. However, there will be some overlooking of private amenity spaces of adjoining houses – particularly those closest to the appeal site – 1 & 1A Morgan Mews and 1 & 2 Newtown Cottages. It would be difficult for residents of adjoining gardens to the northeast, to screen their properties from a six-storey block within any reasonable time frame – where this might be possible with a lower-height block. Permission should be refused on grounds of detrimental impact on the private amenity space of houses to the northeast.
- 7.2.5. At the outset I would note that the mature Leyland cypress trees on the northeastern boundary of the appeal site are already seriously overshadowing adjoining residential property to the northeast. Further, trees on the northwestern boundary (although not in the control of the applicant) would cause significant overshadowing in the evening, even if trees on the northeastern boundary (within the control of the applicant) were removed. That said, the fact that trees on the northeastern boundary

are to be removed, will improve the penetration of daylight and sunlight to houses and gardens to the northeast – particularly 1 & 1A Morgan Mews. The new block will be set back from these houses and gardens and so will not have the same overshadowing impact as the trees do at present: this does not apply to the four-storey section within 7.7m of the gable elevation of 1 Morgan Mews. However, this adjoining house is located close to the common boundary with no. 6 Malahide Road, Newtown Cottages (the appeal site), which must hinder the penetration of daylight and sunlight to some degree. The proposed development will result in a greater separation from a building on the appeal site – albeit from a higher one.

7.2.6. The application is accompanied by a series of Solar Studies, indicating shadowing occurring during existing and proposed scenarios (3 no. A3-size drawings). These are presented for 21st June, March/September and December. For 21st June 0900, 1200, 1500 & 1800 hours are selected. For 21st December 0900, 1200 & 1500 hours are selected. For the equinox 0900, 1200, 1500 & 1800 hours are selected. The scenarios do not include vegetation although they do include the industrial unit to the northwest. I have elsewhere in this report commented on the long shadows which mature Leyland cypress trees on the northeast boundary cast (within the applicant's ownership) and others on the northwest boundary (outside the control of the applicant). The six-storey block will result in overshadowing of property to the northeast during late afternoon in summer. The block will result in extensive overshadowing of property to the northeast during winter afternoons. At the equinox, the block will result in extensive overshadowing of property to the northeast during the afternoon. I would note that houses to the northeast have large gardens. No calculations have been presented for windows within adjoining houses to the northeast which might be affected by loss of sunlight or daylight, as a result of the proposed new block (whilst noting that felling of mature Leyland cypress trees on the northeast boundary might, in fact, improve the situation in relation to daylight and sunlight). Neither have figures been presented to indicate the extent of the loss of sunshine which might result within rear gardens to the northeast, resulting from the construction of this block. The reduction in height of the block, as outlined in Option B, would obviously lessen the degree of overshadowing caused by the block. I would consider that the overshadowing caused by the proposed block would

negatively impact on the residential amenities of properties to the northeast, and that permission should be refused for this reason.

Unit Mix

- 7.2.7. The second reason for refusal referred to inadequate unit mix. Section 15.9.1 of the Development Plan, in relation to apartment mix, references SPPR 1 of the Apartments Guidelines – which states that up to 50% of the units may be one-bedroom/studio units. The Plan goes on to refer to Housing Need & Demand Assessments (HDNA) which are undertaken by the Council to determine if a different mix of units is required for a particular area. DCC has identified two such areas – the Liberties and the North Inner City. HDNAs were prepared for these two areas – justifying a different housing mix to that set down in SPPR 1. No such HDNA has been carried out for the part of the city in which the appeal site is located – such as to justify the 100% provision of one-bedroom units – notwithstanding what Circle Voluntary Housing Association, which is to operate the scheme, considers to be appropriate. I note that Option C submitted with the appeal proposes 3 two-bedroom units in place of 6 one-bedroom units. Section 15.9.1 does state- “Standards may be relaxed for other social housing needs and/or where there is a verified need for a particular form of housing, for example for older people, subject to the adjudication of the Housing & Community Services Department”. There is no correspondence on the appeal file to indicate that this application/appeal has the support of the Housing & Community Services Department of DCC. The proposed development would contravene SPPR 1 and SPPR 2 of the Apartments Guidelines in relation to the proportion of units which can be one-bedroom – up to 50% in the case of SPPR 1 and for SPPR 2, for schemes of between 10-49 units, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1 shall apply from the 10th residential unit to the 49th unit.

Unit Size

- 7.2.8. Table 15-5 of the Plan indicates a minimum floor area requirement for one-bedroom apartments at 45sq.m. All of the proposed apartments exceed this minimum requirement. It is a further requirement that the majority of all apartments in schemes of 10 or more units, must exceed the minimum floor area by at least 10%. Within this scheme, some 28 apartments exceed the minimum floor area by at least

10% - in excess of the 24 required. All apartments are designed so as to be suitable for older people, in line with the Universal Design Guidelines for Homes in Ireland 2015.

Aspect

- 7.2.9. Section 15.9.3 of the Plan requires a minimum of 50% of units to be dual-aspect, in line with SPPR 4 of the Apartments Guidelines. I calculate that 23 of the 47 units originally proposed could be considered to be dual-aspect – just shy of the 50% requirement. This quantum is acceptable. Where units are single-aspect, north-facing units will only be acceptable where they face an area of high amenity, water body or another view of significant interest. There are no units within the scheme which face fully north. However, there are eight, single-aspect units which face east-northeast – offering a poorer level of amenity for future residents.

Floor-to-Ceiling Heights

- 7.2.10. Section 15.9.4 of the Plan refers to minimum floor-to-ceiling heights of 2.7m for ground floor units and a minimum of 2.4 for upper floor units. More generous floor-to-ceiling heights, if possible, are suggested in the Apartments Guidelines. 2.7m is provided for at ground floor level within this scheme and 2.625m is provided at upper levels. These heights are in accordance with Plan standards.

Lift/Stair Core

- 7.2.11. Section 15.9.5 of the Plan refers to no more than 10 units per floor being served by each stair/lift core. There is one stair/lift core within the proposed block – with maximum 10 units per floor sharing it.

Internal Storage

- 7.2.12. Section 15.9.6 references Appendix 1 of the Apartments Guidelines in relation to minimum 3sq.m internal storage for one-bedroom apartments. All of the proposed apartments meet with or exceed this minimum requirement.

Private Amenity Space

- 7.2.13. Section 15.9.7 of the Plan references Appendix 1 of the Apartments Guidelines in relation to minimum 5sq.m private open space for one-bedroom apartments. Within the scheme, all units are provided with either balconies or terraces which exceed,

and in most cases comfortably exceed, the minimum requirement. All balconies/terraces meet with or exceed the minimum 1.5m depth requirement.

Communal Amenity Space

7.2.14. Section 15.9.8 of the Plan references Appendix 1 of the Apartments Guidelines in relation to external community space – with a requirement of 5sq.m per one-bedroom apartment. With 47 apartments proposed – this results in a requirement for $47 \times 5 = 235\text{sq.m}$. The external community amenity space is stated to be 278sq.m – entirely to the front of the building. It will be partially screened from the road by a new 2.0m high wall with railing insets or hit-and-miss wall (as suggested in the appeal documentation). Whilst not ideal in terms of location, this side of the block has the benefit of an uninterrupted southeasterly aspect – for maximum sunlight penetration. There are trees located within grass margins on Malahide Road – which will provide some degree of screening from passing traffic – particularly buses. The area is overlooked by large windows within the internal communal space and the terraces and balconies which face the Malahide Road. Notwithstanding this, I would consider that it would provide a poor level of amenity for residents given its proximity to a busy Regional Road and the lack of privacy which would result from passing pedestrians and cyclists.

7.2.15. The appeal document provided a number of Options for the consideration of the Board – all of which allow for the inclusion of a new roof garden for residents of 226.5sq.m. Provision is made for the retention of 212sq.m of communal open space at ground level. The revised Options also provide for hit-and-miss brick boundary wall on Malahide Road to improve privacy for residents using the external communal open space to the front of the building. I would consider that the introduction of a roof garden on top of this building would constitute a material alteration in the design proposal, and that should the Board be minded to grant permission, that the re-advertising of the proposal should be considered, to draw attention to the revised provision of a roof garden.

Internal Communal Space

7.2.16. Section 15.9.10 of the Plan refers to the provision of communal space within an apartment building or scheme – where there are more than 100 units proposed. This scheme is for 47 units, but nonetheless proposes 88sq.m of communal area at

ground-floor level adjacent to the entrance and reception area. The indicative layout shows tables/chairs and what could be a kitchenette. There is an adjacent WC. The provision of a facility such as this one would be in the best interests of future residents and would improve the amenity of the development.

Option B Submitted for Consideration of the Board

7.2.17. This Option provided for the conversion of 6 one-bedroom units to 3 two-bedroom units at fourth- and fifth-floor levels. I confirm that the new two-bedroom units comply with all of the standards of the Apartments Guidelines

Daylight and Sunlight for Proposed Apartments

7.2.18. The Sunlight, Daylight & Shadow Assessment submitted with the application indicates that 97% of rooms comply with the Average Daylight Factor (ADF) requirements – for bedrooms and living rooms – those rooms failing being located on the ground and first floor. As kitchens and living rooms are integrated within this scheme – the higher requirement of 2% ADF for kitchens is applied to the entire space. Some 13 living rooms fail to achieve the recommended BRE Annual Probable Sunlight Hours (APSH) of 25%, by varying degrees. Units failing are located on all floors except the ground floor – affected by the fact that their principal aspect is northeast. Some 10 units fail to achieve the recommended Winter Probable Sunlight Hours (WPSH) of 5% by varying degrees – affected by the fact that their principal aspect is northeast. Studies such as this one, ignore the presence of vegetation on adjoining sites – although buildings are included. This is particularly relevant in relation to daylight and sunlight in summer for apartments which face southwest – where there are semi-mature deciduous trees along the boundary wall within the adjoining industrial lands. The block is located only 5.2m from this boundary – and ground, first and perhaps second floors would be impacted, notwithstanding proposals to lop trees which overhang the site. The same is true of the impact which mature Leyland cypress trees on the northwestern boundary of the site would have on the new block – although the applicant has indicated that the adjoining owner is amenable to these trees being felled. If they were to remain in place, they would have a serious impact on the degree of daylight and sunlight reaching the northwestern façade of the building – separated from the common boundary by only 4.7m. Squint windows offer a poor degree of amenity for

occupants – arising from the limited view available from them. I note that it is only for bedrooms where squint windows have been proposed.

- 7.2.19. It is stated that compensatory measures include generous window opens and access to good-quality communal open space (both inside and out).

Security

- 7.2.20. Section 15.9.11 of the Plan refers to security. Ground floor units should be provided with a 1.5m privacy strip – which would be important for units 0-01 & 0-02, which address the communal open space area to the front of the block. The development is provided with a reception area – although it is not clear if this would amount to a concierge service. There is a direct line-of-sight from the public pavement to the front door of the block. The applicant has argued that there is no need for permeability of this site – to link to adjoining lands to the northwest and southwest which might be redeveloped at some stage in the future – and I would agree with that assessment, regard being had to the limited size of the site. Permeability could have implications for security within a development such as this one.

Refuse Storage

- 7.2.21. Section 5.9.13 of the Plan states that all apartment schemes for more than 30 units, must be accompanied by an Operational Waste Management Plan. A dedicated refuse store is provided to the rear of the site. The appeal was accompanied by an Outline Operational Waste Management Plan. The original access arrangements would not allow for a bin truck to turn within the site – although one could either reverse in or out. The revised Options, submitted for consideration by the Board, would allow for a bin truck to enter and turn within the site – where an additional 3 car-parking spaces have been provided. The turning manoeuvre would require one of the new parking spaces to be empty at the time.

Lifecycle Report

- 7.2.22. Section 15.9.14 of the Plan requires the submission of Lifecycle Report for new buildings. This was done by way of appeal submission. This includes proposals for management and maintenance of the block by Circle Voluntary Housing Association. The Report refers to a 30-year lifecycle period. The Report deals with energy-efficiency, ventilation, construction materials, daylighting, lighting, landscaping,

waste management and transport. The block will have a target A2 energy rating for apartments. Solar PV panels are proposed on part of the roof of the block (85sq.m).

7.3. Access & Parking

Access

- 7.3.1. Sight distance at the existing entrances to the two houses on this site is good – owing to the generous set-back from the edge of the carriageway – facilitated by two grass margins which flank the footpath. One new vehicular entrance (4.5m wide) is proposed – at the most northerly end of the road frontage. A separate pedestrian access point is proposed midway along the road frontage. The new roadside boundary will be a 2.0m high brick wall with metal railings inserts and metal gates or a hit-and-miss brick wall. The Transportation Planning Division of DCC raised no objections in relation to traffic safety – and I would be satisfied that the proposed new entrance would not constitute a traffic hazard.

Car-Parking

- 7.3.2. The application is accompanied by an Outline Residential Travel Plan, which indicates in broad terms the proposals to be put in place to encourage use of bicycles and public transport – including plans for a Travel Coordinator for the development. The proximity of services to the site is emphasised. The Development Plan standard for Elderly Persons Housing/Sheltered Housing is one space per two dwellings within Parking Zone 3. This would result in a requirement for 24 spaces. The proposed development provides for 4 no. parking spaces. One space is for mobility-impaired users. A letter of support from ‘Yuko’ car-club, indicating a willingness to provide shared cars at this site, is included with the application. The applicant argues that DCC has granted permission for apartment schemes with no car-parking provision – and quotes a number of schemes – all within the inner city. The application was accompanied by an ‘Outline Residential Travel Plan’. The Transportation Planning Division of DCC expressed reservations in relation to the provision of car-parking for this development, and requested additional information on the matter. In the event, permission was refused for other reasons; and so the additional information request was never made. There is a

possibility that haphazard parking on the grass margins of Malahide Road could result from this development.

- 7.3.3. The appeal submission included a number of Options for the consideration of the Board. All provided for an increase in the number of car-parking spaces from 4 to 7 – arising from a reduction in the area of communal open space to the front of the block. Of these spaces, two are proposed for ‘Yuko’ car-sharing and a further two will be provided with an EV charging station. I would not consider that the introduction of an additional 3 car-parking spaces would constitute a material alteration to the proposal which would require new public notices – should the Board be minded to grant planning permission. The site is located on a busy Regional Road. I note the comments of the applicant in relation to likely off-peak travel by residents and the proximity of good-quality public transport and pedestrian and cycle infrastructure. I also note that support services are not proposed for this development, which might entail regular visits of health care workers and carers for residents (likely to arrive by car). However, I would consider that even 7 car-parking spaces is too few – even if the number of units were reduced by 10 to 37. The applicant notes that whilst there are commercial car-parks in the immediate area, there is little or no availability of on-street parking within residential areas – as there are few such around. The cul de sac serving Newtown Villas is narrow and offers few spaces for casual parking. However, the wide grass margins along Malahide Road do provide an opportunity for overflow haphazard parking.

Bicycle Parking

- 7.3.4. A total of 48 bicycle-parking spaces are provided within a store at ground level. Table 1 of Appendix 5 of the Plan requires 1 space per bedroom and a further 1 visitor space per two apartments. The provision of 48 spaces meets the residential requirement. Only 6 external visitor spaces are provided – where the Plan requires 24. I note that the Transportation Planning Division of DCC had no difficulty with this shortfall, and I would agree with the contention of the applicant that this quantum is excessive. The appeal documentation states that provision will be made for charging of electric bicycles and mobility scooters.

7.4. Water Supply, Drainage & Flooding

Water Supply

- 7.4.1. It is proposed to connect the development to an existing Uisce Éireann watermain in Malahide Road (150mm diameter ductile iron). Uisce Éireann had no objection to the proposal. The estimated water requirement is 19 cubic metres per day. An existing fire hydrant to the front of no. 6 is to be retained.

Foul Drainage

- 7.4.2. No indication is given of arrangements for foul drainage for the existing two houses on the site. There is an existing 150mm diameter foul sewer traversing the site from northeast to southwest. This sewer serves houses in Newtown Cottages and flows towards the Crown Paints site to the west. It is proposed to divert this sewer out onto the Malahide Road via a new 225mm diameter pipe, in association with new foul sewer arrangements for the proposed development (gravity fall). This diverted sewer will flow into a 1,050mm diameter Uisce Éireann sewer in Malahide Road. Uisce Éireann had no objection to the proposed arrangement. Details of the Diversion Agreement are provided within the Engineering Report which accompanied the planning application to DCC.

Surface Water Drainage

- 7.4.3. A significant proportion of the roof of the block will have green roof as part of the SUDS measures for the site. I note that Option A for a roof garden would impact on the quantum of roof garden available for such SUDS measures. An area of permeable paving is proposed on the northeast side of the block. An underground surface water attenuation tank, of 28 cubic-metre capacity, is proposed within the communal open space area to the front of the building. Outfall will be throttled at 2 litres/second. An hydrocarbon interceptor will be fitted on the outfall to a 300mm diameter public surface water sewer located within Malahide Road. A full suite of SUDS measures is proposed for the site. The Drainage Division of DCC had no objection to the development.

Flooding

- 7.4.4. The application is accompanied by a Site-Specific Flood Risk Assessment. Ground level is on or around 32.0m OD. The development is within the catchment of the

Santry River. OPW National Flood Hazard Mapping indicates no flooding records in the vicinity of the site. Flooding from the Santry River is confined to areas immediately adjacent to the watercourse – as indicated on Map B of Volume 7 of the Development Plan, relating to Strategic Flood Risk Assessment. There is no record of groundwater or pluvial flooding in this area. The site is within Flood Zone C. The finished floor level of the block is 32.2m OD. The Drainage Division of DCC raised no concerns in relation to flooding.

7.5. Other Issues

Social & Affordable Housing

- 7.5.1. The applicant states that 10 no. Part V units are proposed. It is stated that the Housing Department of DCC deemed the offering acceptable. A Part V Validation Letter is submitted with the application pack. This letter, dated 27th April 2022, refers to agreement in principle being reached with the applicant, for compliance with Part V obligations.

Development Contribution

- 7.5.2. The Planner's Report does not refer to any requirement to pay a Development Contribution. As permission was refused, there is no indication as to whether a scheme, such as this one, would attract such an obligation. If the Board is minded to grant permission, a condition should be attached requiring payment of such a contribution in accordance with the Development Contribution Scheme in force. There is no public open space proposed with this development. The Development Plan requires 10% public open space for residential development such as this one, but also references a contribution in lieu of on-site provision. The report of the Parks Services Department of DCC refers to the requirement to pay 4,000 euros per unit, in lieu of on-site provision of public open space. If the Board is minded to grant permission for this development, a development contribution should be required of the developer in lieu of on-site provision of public open space.

Signage

- 7.5.3. Elevation drawings submitted, indicate signage on the front wall of the site at two locations. In the event that permission is granted, a condition should be attached requiring any such signage to be agreed in writing with the planning authority.

Demolition & Construction Waste

- 7.5.4. The appeal is accompanied by an Outline Construction & Demolition Waste Management Plan – dated 15th August 2022. The proposal involves the demolition of two bungalows. There is no proposal for basement excavation. The demolition waste will, therefore, be limited. No detailed figures are included within this Outline Plan. A condition should be attached to any grant of permission requiring the submission of a detailed Construction & Demolition Waste Management Plan for the written agreement of the planning authority, prior to commencement of development; in the event that the Board is minded to grant permission for this development.

Trees

- 7.5.5. The application is accompanied by an Arboricultural Report. A map, identifying all trees and hedges referred to in the Arboricultural Report, was submitted with the 1st party appeal. There are semi-mature/mature trees along the southwestern, northwestern and northeastern boundaries of the site – both inside and outside the site boundaries. Where trees on adjoining industrial land to the southwest overhang the site, they are to be pruned back. These trees are deciduous, and so, in their leafless state, would not impact on penetration of winter sunshine to southwest-facing living areas within apartments (of which there are 17). The proposed development necessitates the felling of all 18 semi-mature/mature trees on the site. These comprise, wild cherry, sycamore, cherry laurel, Leyland cypress, stag's horn sumach, cherry plum and cordyline. Hedges/shrubs on all boundaries are to be removed. All are deemed to be of low value. New planting is proposed to enhance the appearance of the development. I would see no objection to the removal of all the trees on site. New planting will, over time, help to screen the proposed block.
- 7.5.6. The appeal documentation indicated that the owner of the adjoining site was amenable to the removal of the row of Leyland cypress trees along the northwestern boundary of the site. These tall trees serve to screen a 6m high industrial building on the adjoining site – located between 2m and 5m from the common boundary. There are no windows within the façade of this building which addresses the appeal site. The consent of the adjoining owners is indicated within an e-mail embedded within the appeal documentation (and further included within the Arboricultural Report of August 2022, submitted with the appeal). This is a private agreement

between two landowners. It would not be possible for the Board to attach a condition to any grant of permission requiring the removal of these trees, as they are outside of the red-line boundary of the site. The trees currently overhang the appeal site. It would be possible (and difficult) to trim these trees back to the site boundary so that they did not overhang the site. As is, they significantly overshadow the gardens of the two houses on the appeal site. Their presence would severely restrict light penetration to 10 squint bedroom windows on five floors of the proposed block.

Airport Noise

- 7.5.7. The Development Plan indicates that the site is located within a Dublin Airport Noise Zone. A condition should be attached to any grant of permission relating to adequate noise insulation for all units; in the event that the Board is minded to grant permission for this development.

8.0 Options Submitted for Consideration by the Board

- 8.1. The appeal documentation provided three Options for consideration by the Board – A, B & C. The Options could be considered singly, in pairs or all three together. I comment on each below.
- 8.2. Option A makes provision for a roof terrace of 226.5sq.m – with 212sq.m retained at ground level to the front of the block. This would allow for 3 additional car-parking spaces to be created on part of the original communal open space area. Whilst I have no objection, in principle, to a roof garden, and it would certainly offer a better level of privacy for residents than what is proposed; I note that it would also be cut off from the comings/goings which a ground level facility would offer, which would be of more amenity use to older residents. The roof garden facility is not overlooked by any apartment units – which could be considered a disbenefit, particularly in relation to safety. The new roof garden will be surrounded by a 1.8m high opaque glass screen, which would allow no views from the roof and which would offer a poor level of amenity to future occupants. The lift/stair core would have to be extended to serve the roof garden – bringing the overall height of the block to 20.4m as measured on Drg. L_109_A or 21.4m as measured on Drg. L_052_A (both submitted with the 1st Party appeal): it is not clear which, if either, is correct. I have elsewhere

in this report considered that such a change to the proposal would be material and would require new public notices to be published, inviting comment.

- 8.3. Option B makes provision for the removal of one typical floor (with provision also including a roof terrace and 3 additional car-parking spaces). This would result in the omission of 10 units – bringing the total number to 37. Provision is made for 1.8m high opaque glazed screens on balconies where there is potential for overlooking of adjoining sites. This would result in a height reduction for the block of 2.9m. Whilst this would to some degree lessen the bulk of the block and reduce the degree of overshadowing of adjoining properties to the northeast and overlooking of adjoining gardens to the northeast, it would not have any impact on the footprint of the block. The proposed reduction in height of the block would not render it acceptable. I would consider that should be Board be minded to grant permission for Option B, it would not trigger the requirement to publish revised public notices.
- 8.4. Option C provides for a reduction in the number of units from 47 to 44, by inclusion of 3 no. two-bedroom units in place of 6 no. one-bedroom units at fourth- and fifth-floor levels. Unit 4-07 acquires an additional squint window in the northwestern elevation. Floor plan drawing L_105_C shows one bedroom within unit 4-08 as having no window – clearly a drawing error. Circle Voluntary Housing Association has indicated that it has no objection to the change of unit mix – the two-bedroom units offering better operational optionality when allocating tenancies. This redesign provides for opaque glazing and opaque screen glazing to some balconies on the fourth and fifth floors. This redesign option is compatible with the option of roof garden and 3 additional car-parking spaces. I would see no difficulty with the principle of introducing 3 two-bedroom units, whilst noting that it would not satisfy the requirements of SPPR 1 & 2 of the Apartments Guidelines. Should the Board be minded to consider Option C, I would not consider that it would trigger the requirement to publish revised public notices.

9.0 Recommendation

I recommend that permission be refused for the Reasons and Considerations set out below.

10.0 Reasons and Considerations

1. The proposed block, by reason of its proximity to the southwest and northwest boundaries of the site, would seriously impact on the future development potential of the adjoining site, and would depreciate the value of property in the vicinity.
2. The quantum of one-bedroom units within the proposed development would contravene the requirements of Specific Planning Policy Requirement 1 and Specific Planning Policy Requirement 2 of the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' – December 2020. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed block would result in an unacceptable degree of overlooking and overshadowing of residential property to the northeast, which would seriously injure the amenities and depreciate the value of property in the vicinity.
4. The proposed quantum of car-parking does not meet with the Development Plan requirements for a development of this type, within Parking Zone 3. The proposed development could result in haphazard, off-site parking on road margins or adjoining streets, which would constitute a traffic hazard and seriously injure the amenities or depreciate the value of property in the vicinity.
5. The following aspects of the proposed development would result in a poor level of amenity of future occupants of the scheme-
 - a) proximity of windows and balconies/terraces of some southwest- and northwest-facing units to the site boundaries would result in overshadowing from a building and trees on the adjoining site;
 - b) necessity for squint windows to serve the windows of 10 bedrooms would offer a poor outlook for occupants of those rooms;
 - c) northeast-facing units have limited access to Annual Probable Sunlight Hours and Winter Probable Sunlight Hours;
 - d) position of the communal open space area immediately adjacent to Malahide Road would result in overlooking of this space by passing

traffic; and if secluded by a high wall, would diminish the degree of passive surveillance of the adjoining footpath and road.

The proposed development would, therefore, be detrimental to the residential amenities of future occupants of the scheme.

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.

**Michael Dillon,
Planning Inspectorate.**

5th October 2023.