



An
Bord
Pleanála

Inspector's Report

ABP-314685-22

Development	Retention of alterations to development approved under PA Reg. Ref. 4018/18, providing for an additional storey and 19 units instead of 12 as permitted.
Location	Hollybrook House, 55 Naas Road, Dublin 12.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4458/22
Applicant(s)	Joinville Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Date of Site Inspection	13 th December 2023
Inspector	Paul O'Brien

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1.0 Site Location and Description

- 1.1. The subject site with a stated area of 1,893 sq m, contains lands located to the rear of a Hollybrook House, a two-storey house, located on the eastern side of the Naas Road, Dublin 12. Access to the lands is via a wide gated entrance to the southern side of Hollybrook House. Construction was underway on the day of the site visit, with a three-storey block to the eastern side of the site substantially complete and significant works underway on a two-storey block to the northern side/ adjoining Hollybrook House. The three-storey block is on the site of the subject development/ appeal.
- 1.2. Hollybrook House is listed on the Record of Protected Structures, RPS no. 5791 refers. The front garden of the house was enclosed in hoarding on the day of the site visit. A flat roofed extension to the north of Hollybrook House was still intact though its front elevation was obscured by the hoarding along the front of the site associated with the on-going construction works.
- 1.3. This section of the Naas Road is characterised by two-storey semi-detached houses on both sides of the road. To the rear of the site is the Camac River which adjoins the Lansdowne Valley public park. The Luas Red Line runs along the centre of the Naas Road with general traffic lanes located to the side. A Luas overhead wiring support/ public lighting pole is located to the front of Hollybrook House on the public footpath and a bus stop is also located here.

2.0 Proposed Development

- 2.1. The proposed development consists of a number of alterations to an approved development under PA Reg. Ref. 4018/18, summarised as follows:
 - The replacement of a three-storey apartment block – Block A which provided for 12 apartment units (6 x two bed and 6 x three bed) with a part three and part four storey block containing 19 apartment units (8 x two bed, 3 x two bed, three person units, 5 x one bed and 3 x studio units).
 - All associated site works.

Note: No works are proposed to the protected structure as part of this development and there are no changes proposed to the permitted Block B.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for two reasons, summarised as follows:

- Having regard to the Z1 zoning that applies to the site, the height and scale of the development relative to existing residential units, it is considered that the proposed development would have a negative impact on the residential amenity of those units by reason of Overbearance, loss of privacy, would be visually incongruous and would have a negative impact on the character of the area.
- The proposed development is considered to be over bearing, excessive, out of scale with its immediate architectural context, would result in over-development of this sensitive site consisting of a protected structure and the which backs onto the River Camac Conservation Area. The development would therefore have a negative impact to a protected structure and would be contrary to objectives/policies of the Dublin City Development Plan 2016 – 2022.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report reflects the decision to refuse permission for the proposed development, for the two reasons provided.

3.2.2. Other Technical Reports

- Conservation Officer: Refusal recommended as the development would have an adverse impact on the protected structure, through over-bearing, excessive scale of development, out of scale with the existing character of the area and would represent overdevelopment of this site. The development would also adversely affect the Camac River Conservation area, and permitting the development would result in an undesirable precedent for similar development in the area. The

proposed development would also be contrary to the Dublin City Development Plan 2016 – 2022.

- Transportation Planning Division: Further information is requested. The applicant to demonstrate that the development will comply with DMURs, demonstrate how delivery/ service/ emergency vehicle access can be provided, concern about car parking and the potential for overspill parking onto the local road network – requested that a suitable mobility management plan be provided and revised detail requested in relation to bicycle parking on the site.
- Environmental Health Officer: No objection subject to conditions in relation to noise and air control measures.
- Drainage Division: Further information requested.

3.2.3. Prescribed Bodies

- Transport Infrastructure Ireland (TII): No objection to this development subject to conditions in relation the operation of the adjoining Luas line during the construction phase of the development.

3.2.4. Third Party Observations

Five letters of objection were received to the application.

Issues raised include:

- The scale of development is out of character with the existing area.
- The proposed development will negatively impact on existing residential amenity through loss of privacy and loss of light.
- The proposed development does not provide for suitable amenity/ communal space on site.
- Potential for light pollution as a result of the proposed development.
- Negative impact on wildlife such as birds, badgers and bats through the loss of mature trees on site.
- The proposed development would have a negative impact on traffic in the area.

- Potential traffic safety issues through movements in and out of the site. The proposed left in/ left out access will not work unless a suitable barrier is put in place on the Naas Road.
- Traffic movements may pose difficulties for pedestrians using the public footpath along the front of the site.
- The construction phase will impact on existing residential amenity through an increase in noise and disturbance.
- Shortfall in car parking provision including for visitors.
- Lack of space for service delivery and refuse collection on site.
- Concern about potential flooding and it is noted that the Camac River is subject to flooding in the Kilmainham area.
- Confusing information is provided on file. Reference is made to Hollybrook House as not forming part of the development, however included information refers to this building. This house has been vacant for some time and the information provided in the Architectural Heritage Impact Assessment is out of date.
- Errors are identified in the submitted drawings.

4.0 Planning History

There is a significant planning history on this site, and which has been outlined in detail in the Planning Authority report. The following are considered to be relevant:

PA Ref. 4062/23 refers to an August 2023 decision to refuse permission for an amendment to the permitted development as granted under Reg. Ref. 4018/18, including the modification of permitted Block A; a 3 storey apartment building containing 6 no. 3 bed single storey apartment and 6 no. 2 bed single storey apartments (12 no. in total); to incorporate an internal reconfiguration to provide 2 no. 3 bed single storey apartments, 6 no 2 bed single storey apartments and 8 no. 1 bed single storey apartments (16 no. in total). The proposal included minor modifications to the permitted site development, landscape works and car parking spaces within the courtyard and all associated ancillary works arising. No changes were proposed in

relation to the location, footprint, gross internal area or height of the permitted block. There were no amendments proposed to the granted block B 2 storey apartment building and there were no works proposed to the protected structure (RPS ref. 2791) arising from this application. Reasons for refusal included poor residential amenity for future occupants and overlooking of adjoining residential units would give rise to a loss of privacy as well as excessive noise and disturbance.

PA Ref. 4018/18 refers to a July 2019 decision to grant permission for the demolition of structures on this site and for the construction of two apartment blocks providing for a total of 14 apartment units. Also, for the change of use of Hollybrook House from office use to a five-bedroom dwelling. All associated site and infrastructure works.

PA Ref. 2844/11 refers to an August 2011 decision to refuse retention permission for a temporary permission for 3 years for the retention of the change of use of site including portacabin & a single storey shed, for car sales use from commercial use. The development was contrary to the Z1 zoning that applies to the site, potential traffic safety issues through overspill parking and a failure to provide for off-street parking here.

5.0 Policy Context

5.1. Dublin City Development Plan 2022 - 2028

5.1.1. The Dublin City Development Plan 2022 - 2028 is the current statutory plan for Dublin City, including the subject site. The site is zoned Z1 – Sustainable Residential Neighbourhoods with the objective: ‘To protect, provide and improve residential amenities’. The site is located with the Strategic Development and Regeneration Area 5 (SDRA) - Naas Road, and also within the lands of the City Edge Strategic Framework Plan. The site adjoins the Cammock Valley Conservation Area.

5.1.2. The following sections of the development plan are relevant:

Chapter 5 Quality Housing and Sustainable Communities – The following policies are relevant:

- QHSN2 National Guidelines – Compliance with relevant guidelines
- QHSN6 Urban Consolidation – Promote consolidation of urban areas.

- QHSN10 Urban Density – Promote appropriate density in urban areas.

Chapter 15 Development Standards Section

15.9 Apartment Developments – Outlines the requirements for apartments.

- 5.1.3. Hollybrook House, and all lands are within its curtilage, is listed on the record of protected structure - RPS ref. 2791 refers. Volume 4 of the development plan provides details on protected structures. Chapter 12 provides relevant information on ‘Built Heritage and Archaeology’.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

- 6.1. **Appeal:** The applicant has appealed the decision of Dublin City Council to refuse permission for the proposed development. Regard was had to the Dublin City Development Plan 2016 – 2022 and relevant national policies. The following points are made:

- The development is in accordance with relevant national and policies.
- The development is in accordance with the Z1 zoning objective that applies to the site.

Note: There is no change in the zoning or the zoning objective between the Dublin City Development Plan 2016 – 2022 and the current 2022 – 2028 development plan.

- The proposed development provides for a suitable mix of units.
- 8 of the 19 units are dual aspect – 42%. For an infill site, less than 33% may be acceptable on a case-by-case basis.
- Adequate private amenity space is provided for.
- Site coverage at 34.7% is less than the indicative 45 – 60% site coverage.
- Density is considered to be appropriate to this location which is on the Luas line. The site is within 350 m of the Blackhorse and Bluebell Luas stops.

- The proximity to the Luas stops ensures that the proposed car parking provision is acceptable.
- 30 bicycle parking spaces for residents and 9 visitor bicycle parking spaces are proposed.
- The applicant is willing to enter in a Part V agreement with Dublin City Council.

Requests that permission be granted for this development.

Note: There are a number of errors noted in the appeal statement, including unit numbers and details of impact on units that are not in the immediate area of the subject site.

6.2. **Planning Authority Response**

None received.

6.3. **Observations**

None received.

7.0 **Assessment**

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Principle of Development
- Impact on Residential Amenity
- Impact on the Protected Structure
- Impact on the Character and Visual Amenity of the Area
- Other Issues
- Appropriate Assessment Screening

7.2. **Principle of Development**

7.2.1. The application is for modifications to Block B of this infill residential scheme, located to the rear of Hollybrook House on the Naas Road. The proposal provides for an

additional floor on this block and an increase in the unit numbers from 12 to 19. Two reasons for refusal were issued by Dublin City Council: negative impact on a protected structure and negative impact on the residential amenity of adjoining properties.

- 7.2.2. The site is suitably zoned for residential development and as reported, this is an application for amendments to a permitted scheme and as such the principle of development is established.

Note: As I have already reported, construction was underway on the day of the site visit, to the extent that development on site appeared to be nearly complete. The development appeared to be in accordance with the permitted scheme, however the appeal is still in place and the raised issues will be considered in full.

7.3. Impact on Residential Amenity

- 7.3.1. The Planning Authority refused permission for this development on this basis of impact on existing residential amenity with specific reference to loss of privacy, overbearing, out of character with the area and visually incongruous.

- 7.3.2. As permitted, no windows were proposed in the side, north/ south elevations and therefore issues of overlooking were reduced. The west/ front elevation was designed in such a way that overlooking of adjoining properties was restricted. A bathroom was proposed on each floor in the west corner, and this would ensure that an adequate separation distance was provided to ensure the protection of privacy. The proposed development includes windows in the southern elevation serving a bathroom and a kitchen/ dining/ living area and also windows in the west corner serving a bedroom. There is a marginal increase in the separation between this block and the adjacent boundary. Windows are also provided in the northern elevation, but these are labelled as obscured glazing.

- 7.3.3. I am satisfied that the proposed development would not adversely affect the properties to the north of the site as the use of obscured glazing will address this issue. The windows to the south could also be fitted with obscured glazing and/ or other design measures that would address overlooking leading to a loss of privacy. The use of deflected/ angled windows serving the bedrooms in closest proximity to the boundary would address this issue to an acceptable manner.

- 7.3.4. The upper floor, notionally, the additional floor on this block, is set back from the front elevation on the eastern side and therefore overlooking is further reduced. The use of a deflected window serving Bedroom 1 – Apartment 16 would fully ensure that there was no overlooking of the property to the south. A similar measure could be applied to Bedroom 2 – Apartment 18, ensuring the protection of privacy to the private amenity space of the house to the north of the subject site.
- 7.3.5. The proposed development provides for adequate apartments in terms of room size, storage and amenity space provision. 42% of the units in Block B are dual aspect and there is no single aspect, north facing only units. Private amenity space provision is acceptable, though as noted by the Planning Authority, the communal open space area is below the minimum required but considering the proximity of the site to public open space, the shortfall is considered to be acceptable in this case. The ratio of units to lift per floor is considered to be acceptable at a maximum of 6 units per floor in this block.

7.4. Impact on the Protected Structure

- 7.4.1. The second reason for refusal as issued by the Planning Authority refers to the impact on Hollybrook House which is a protected structure. I note the detailed report of the Dublin City Council Conservation Office and their concerns regarding the impact of the development on Hollybrook House. I also note the comments in relation to the lack of details in support of the application, which I agree in full and certainly additional supporting details would be useful. Only a single drawing is provided that puts the proposed development in context with existing development – Project No: 21262-PLA-23 Rev: B.
- 7.4.2. The permitted development under PA Ref. 4018/18, providing for a three-storey apartment block on this site, is considered to be much more acceptable in terms of impact on the protected structure and its setting. The provision of a four-storey block would have an adverse impact as the new build unit would dominate Hollybrook House. The height of the revised Block A is excessive relative to the protected structure. The ridge height of Block A is indicated to be 60.215 m and that of the house is 60.566 m. Whilst the house remains the taller feature on this section of the Naas Road, the bulk of Block A, combined with its height will dominate this section of the streetscape when viewed from the public street.

- 7.4.3. The type/ mix of materials in a new build structure is important in terms of integration with the existing character of the area and this is even more important in the case of integration with a protected structure. It is considered in this case that the material mixes of brick, render and cladding, in addition to the solid to void ratio with significant parts of the front elevation having blank surfaces, would be out of character with the design of Hollybrook House and the adjoining units on this section of the Naas Road. The intention appears to be the provision of a new building that is the focal point of this site rather than Hollybrook House, which through its protected structure status, should be the main feature when viewed from the public street/ adjoining area.
- 7.4.4. I therefore agree with the recommendation of the Planning Authority that permission should be refused for the proposed development on the basis of impact on the protected structure through overbearing, inappropriate design/ mix of materials and through excessive height relative to the existing Hollybrook House.

7.5. Impact on the Character and Visual Amenity of the Area

- 7.5.1. As outlined, I am concerned that the proposed development would have a negative impact on the setting and character of Hollybrook House. In the absence of Hollybrook House, the proposed development may be acceptable, but the overall character of the area, when viewed from the Naas Road, is set by the presence of the protected structure.
- 7.5.2. Comment was made in the Planning Authority report that the proposed development would have a negative impact on the character of the River Camac Conservation Area. I do not consider this to be the case as the increased height would increase the amount of passive surveillance of this space and in turn would promote its use throughout the day and into the evening. A three-storey block is already permitted and in the case of the conservation area, I fail to identify a negative visual impact. I do agree that it would have a negative impact on the visual amenity of the area when viewed from the Naas Road.

7.6. Other Issues

- 7.6.1. Traffic: Access to/ from the site is via a left in/ left out arrangement, this is in accordance with the permitted development for the reduced number of units as permitted under 4018/18. Concern was raised about the narrow footpaths provided within the site area. The reality is that the access road from the Naas Road would

operate as a shared surface and adequate sightlines are available for car drivers within this low-speed environment.

I note that third party objections to the application referred to traffic safety issues including movements to and from the site and the Naas Road. These are noted; however, the scale of development is similar to that already proposed and therefore the nature of the traffic movements will be similar to that already considered under the grant of permission under PA Ref. 4018/18.

The revisions to the permitted development and with particular reference to Block A, do not impact on the operation of the Luas line to the front of the site, but the permitted development/ works under PA Ref. 4018/18 may impact on the Luas line.

- 7.6.2. Car Parking: A total of nine car parking spaces are proposed to serve 19 residential units; the Planning Authority considered this to be low. Concern was also raised about the layout/ location of some of the car parking spaces. I am satisfied that the car parking provision is acceptable. The site is within walking distance of the Blackhorse Luas stop and a bus stop (which is to be relocated to facilitate the development) is provided to the front of the site. There are approximately 7 buses and hour, off peak, to and from the city centre. The subject site is therefore very well served by public transport and this allows for a reduced number of car parking spaces to serve this development.
- 7.6.3. Bicycle Parking: The Planning Authority require a minimum of 30 bicycle parking spaces to serve this 19-unit development. The applicant has proposed the provision of 39 bicycle parking spaces, which includes parking for visitors on site, and this is considered to be acceptable.
- 7.6.4. Surface Water Drainage & Flood Risk: Further information was requested by the Dublin City Council Drainage section in relation to surface water drainage measures. It is considered that suitable measures can be included by way of condition in the event that permission is to be granted for this development. The footprint and nature of this development is similar to that already permitted and the revisions should not give rise to any increased risk of flooding on site.
- 7.6.5. I note the proximity of the site to the Camac River, but again the revisions to the proposed development do not increase the risk of flooding from the river.

7.7. Appropriate Assessment Screening

7.7.1. Having regard to the nature and scale of the proposed development, that is an increase in height and an increase in the number of permitted units from 12 to 19 in Block A, and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission be refused for the following reason and considerations as set out below.

9.0 Reasons and Considerations

It is considered that, by reason of its uncharacteristic design, through a mix of material types including the use of brick/ render and metal cladding, through the increase in height of Block A from a permitted three storeys to the now proposed four storeys thereby resulting in a maximum height similar to that of Hollybrook House, which is listed on the Record of Protected Structures, the proposed development would materially and adversely affect the character and setting of the Protected Structure. The scale of Block A as revised would result in overbearing on the protected structure and a reduction in its status on this section of the Naas Road. The proposed development would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

I confirm that the report represents my profession planning assessment, judgment and opinion on the matter assigned to me and that no person has influenced or tried to influence, directly or indirectly, the exercise of my professional judgment in an improper or inappropriate way.

Paul O'Brien
Senior Planning Inspector
19th December 2023