



An
Bord
Pleanála

Inspector's Report

ABP-314764-22

Development	Outline Permission is sought for the construction of one split level single storey house to rear of the apartment buildings.
Location	'Richmond House', No. 2 Richmond Hill, Monkstown, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D22A/0328.
Applicant(s)	Richmond Management Limited.
Type of Application	Outline Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellant(s)	Richmond Management Limited.
Observer(s)	None.
Date of Site Inspection	16 th day of January, 2023.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. 'Richmond House', the appeal site has a stated area of 0.22ha. It is located on the northern side of Richmond Hill, c52m to the west of Richmond Hills intersection with Carrickbrennan Road (R829) and c135m as the bird would fly from Carrickbrennan Roads intersection with Monkstown Crescent (R119), Clifton Avenue and Richmond Green, in the south Dublin suburb of Monkstown, just over 9km to the south east of the city centre, as the bird would fly.
- 1.2. Richmond House, is the name given to two apartment blocks built on L-shaped site at No. 2 Richmond Hill. The two apartment blocks are sited in close proximity to the roadside boundary of Richmond Hill and there is a shared internal access road running between them. This access road provides vehicle and pedestrian access to Richmond Hill as well as the public road network beyond. It also provides access to an area of car parking located immediately behind the rear of the eastern sited block. Behind the western block the land slopes steadily downwards in a northerly direction towards the rear of the site. The documentation accompanying this file indicates that the fall is c5.8m. The space in between is mainly comprised of maintained lawn with mature planting along its boundaries and central open tall concrete block U-shaped structure which houses utilities serving this residential scheme. The western boundary contains a number of mature quality trees that together with neighbouring trees and the overall mature planting creates a strong sylvan character as well as limits views into the site from adjoining and neighbouring residential properties.
- 1.3. The surrounding area has a mature residential character with Richmond Hill accommodating a steady flow of traffic.

2.0 Proposed Development

- 2.1. Outline Permission is sought for the construction of one split level single storey house (Note: Gross Floor Area - 170 m²) to rear (north) of the apartment development known as 'Richmond House'. According to the planning application form the existing apartment buildings on site have a total gross floor area of 1,290m². Potable water and waste water would be provided by way of a connection to the existing infrastructure serving Richmond House apartment scheme. A new soak pit is also proposed to deal with surface water drainage.

2.2. On the 15th day of August, 2022, the Planning Authority received the applicant's **further information response**. This was accompanied by revised public notices and a revised set of documentation which show that it is proposed to extend the internal access road in a westerly direction to the rear of the existing 'West Block' to accommodate five car parking spaces. It is proposed to place the split-level dwelling 15m back from the northern elevation of 'West Block' and to provide a 278m² private open space to serve it on the northernmost portion of the site. Ground augmentation is also proposed to address the fall in ground levels. This response is also accompanied by a report responding to the items set out in the Planning Authority's further information request and a copy of the conditions attached to the parent grant of permission P.A. Ref. No. 4325/73.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 9th day of September, 2022, the Planning Authority decided to **refuse** permission for the following stated reason:

"The application site is located in an area to which the 'A' land use zoning objective applies, 'to provide residential development while protecting the existing residential amenities', in the Dún Laoghaire Rathdown County Development Plan 2022-2028. Having regard to the restricted nature of the subject site which currently serves as open space associated with the existing apartment scheme Richmond House, the proposed development would not provide for satisfactory communal open space for the occupiers of the existing apartment development in accordance with Section 12.8.3.2 Communal Open Space and Section 12.8.5.4 Roof Gardens of the Dún Laoghaire Rathdown County Development Plan 2022-2028. The proposed development would adversely impact on the residential amenities of the existing apartment scheme on site, and would depreciate the value of property in the vicinity. Furthermore, there is an objective 'To protect and preserve Trees and Woodlands' along the western boundary of the application site. The Planning Authority is not satisfied that the proposed development has demonstrated compliance with Section 12.8.1, 'Existing Trees and Hedgerows' of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. Accordingly, the proposed development would, if

permitted, be contrary to the provisions of the current County Development Plan and to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **final Planning Officer’s report** (09/09/22) is the basis of the Planning Authority’s decision. It includes the following comments:

- Concern is raised in relation to quantum of quality useable communal and private open space to serve the occupants of the existing apartments.
- It is noted that Condition No. 4 of the parent grant of permission P.A. Ref. No. 4325/73 required that all sound trees on site not affected by necessary building operations be preserved.
- They are not satisfied that the roof top communal open space on the top of each block has been provided and that these are accessible for residents.
- The Development Plan sets out that roof gardens shall not be the sole form of communal open space.
- The area ‘sensory’ garden to the front is not considered useable open space.
- The loss of existing open space at grade would diminish the residential amenity of existing occupiers of this residential scheme.
- The private amenity space proposed to serve the dwelling due to its gradient and the presence of mature trees as well as dense planting requires further clarification.
- The car parking provision is acceptable.
- A Section 34(13) advisory note would be appropriate in this case.
- The submitted documentation fails to demonstrate which trees are to be retained and how it is proposed to locate the dwelling in such a way as not to affect any existing mature trees.
- No AA or EIA issues arise.
- Concludes with a recommendation of refusal.

The **initial Planning Officer's report** (27/06/22) concluded with a request for **further information** on the following matters:

Item No. 1: Seeks clarification on open space for the apartments as originally permitted.

Item No. 2: Inadequate private open space information provided and lack of demonstration that the requirements of the Development Plan are met.

Item No. 3: Revised particulars are sought in relation to car parking.

Item No. 4: Revised particulars relating to access concerns.

Item No. 5: Clarity is sought on the protection of trees and woodlands on site.

3.2.2. **Other Technical Reports**

Transportation: Final report, dated the 6th day of September, 2022, raised no objection subject to safeguards. This includes that the car parking space labelled No. 1 to the south of Richmond House west apartment building shall be recessed as shown on the further information drawings so as to ensure that it does not obstruct vehicular or pedestrian access to the rear of the site and compliance with the Councils 'Standards for Cycle parking and Associated Cycling Facilities for New Development', 2018 and the requirements of Sections 12.4.6, 12.4.6.1 and 12.4.6.2.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

3.4.1. None.

4.0 **Planning History**

4.1. **Site**

- **P.A. Ref. No. 4325/73:** On appeal to the Board this planning application was **granted** permission subject to conditions for 12 No. Apartments and all ancillary works. Of note are the requirements of the following conditions:

Condition No. 1: Approved not more than 12 flats on the site.

Condition No. 4: Sets out the preservation of all sound trees not necessary to the building operations.

Decision date: 11th day of October, 1973.

5.0 Policy & Context

5.1. National

- **Project Ireland 2040 - National Planning Framework (NPF).**

One of the national core principles to guide the delivery of future housing, at every level of governance, is to tailor the scale and nature of future housing provision to the size and type of settlement.

- **Housing for All - A New Housing Plan for Ireland, 2021:** This plan aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs (with Ireland needing an average of 33,000 No. homes to be constructed per annum until 2030 to meet the targets set out for additional households outlined in the NPF). The Plan itself is underpinned by four pathways:

1. Pathway to supporting homeownership and increasing affordability.

2. Pathway to eradicating homelessness, increasing social housing delivery, and supporting inclusion.

3. Pathway to increasing new housing supply.

4. Pathway to addressing vacancy and efficient use of existing stock.

- **Climate Action Plan, 2021.**

- **National Development Plan, 2021 to 2030.**

5.1.1. **Ministerial Guidance:** The following Section 28 Ministerial Guidelines and other national policy documents are relevant:

- Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007.

- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009.

- Urban Design Manual: A Best Practice Guide, 2009.
- BRE Guide 'Site layout Planning for Sunlight and Daylight', 2011.
- Design Manual for Urban Roads and Streets, 2019 .

5.2. Regional

5.2.1. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES), 2019 to 2031.

This is a strategic plan which identifies regional assets, opportunities and pressures as well as sets out appropriate policy responses in the form of Regional Policy Objectives (RPO's). It provides a framework at a strategic level for investment to better manage spatial planning and economic development to sustainably grow the Region to 2031 and beyond.

5.3. Local

5.3.1. The applicable plan for the determination of this application is the Dún Laoghaire Rathdown County Development Plan, 2022-2028.

5.3.2. Under this plan the appeal site is located in an area zoned as 'A' with the stated land use zoning objective: "*to protect and/or improve residential amenity*". Part of the southern boundary of the site is subject to a Development Plan objective: "*to protect and preserve Trees and Woodlands*" in proximity to the western boundary of the site.

5.3.3. Chapter 2 sets out the Development Plans Core Strategy.

5.3.4. Chapter 12.3 of the Development Plan deals with the matter of Neighbourhood, People, Homes, and Place.

5.3.5. Section 12.3.7.6 of the Development Plan deals with 'Backland' development.

5.3.6. Section 12.3.7.7 of the Development Plan deals with 'Infill' development.

5.4. Natural Heritage Designations

5.4.1. The following Natura sites are in proximity to the site:

- The South Dublin Bay & River Tolka SPA is located c360m to the north of the site (Note: Site Code – 004024).
- South Dublin Bay SAC is located c371m to the north west of the site (Note: Site Code – 000210).

5.4.2. I also note that Proposed natural Heritage Area; South Dublin Bay (Site Code: 000210) is located c360m to the north of the site at its nearest point.

5.5. EIA Screening

5.5.1. Having regard to the nature, extent and scale of the proposed development which comprises of the construction of a new dwelling in a suburban serviced location and the lateral separation distance between the site and the nearest Natura 2000 site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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 grounds of this First Party Appeal can be summarised as follows:

- The principle of the proposed development is acceptable on zoned objective ‘A’ lands. This is accepted to be the case by the Planning Authority.
- The location of the dwelling and the proposed new car parking bays would be sited in an area of hardstand to the immediate north of one of the existing apartment developments. This space is unusable and is not used as amenity space for the existing development. Further it was not designated for this purpose.
- Richmond House apartments were granted on appeal to the Board in 1973. Under this grant of permission 12 No. 2 bed apartments were permitted in two blocks. The purchaser of two top floor apartments in the East Block consolidated two of these apartments into one unit. This unit contains two bedrooms with one large living space. The development now consists of a total of 11 No. Apartments and as such the

development of one dwelling to the rear would not contravene the parent grant of permission.

- Though built in 1974 the communal open space exceeds the current Development Plan standards.
- The proposed dwelling would not give rise to any overlooking or overshadowing.
- All mature trees on site will be retained. Smaller trees and planting will be removed and replaced as required.
- Mature trees in neighbouring properties will not be affected by this development.
- The split-level dwelling is of a scale that is acceptable to the existing pattern of development in this area.
- The Board is sought to overturn the decision of the Planning Authority on the basis that the proposed development accords with the proper planning and sustainable development of the area.

6.2. Planning Authority Response

6.2.1. The Planning Authority response can be summarised as follows:

- Board is referred to their Planning Officer's report.
- No grounds raised to justify a change in attitude to the proposed development.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. Introduction

7.1.1. I have read the entire contents of the file, visited the site in question and have had particular regard to the issues raised in the grounds of appeal. Having regard to the residential zoning objective for the site and the pattern of residential development in this serviced suburban location, I concur with the Planning Authority in this case that the general principle of a new dwelling is acceptable having regard to local through to

national planning policy provisions and guidance that seeks densification of appropriate sites with capacity to sustainably absorb them within the suburban area of Dublin as part of achieving compact and more climate resilient development.

7.1.2. I also consider that this development gives rise to no drainage as well as no water supply issues and that outstanding issues such as the potential impact of the proposed development can be dealt with ideally by way of appropriately worded conditions should the Board be minded to grant of outline permission. With this including but not limited to including the conditions recommended by the Planning Authority Transportation Department in the event of a grant of permission due to these particular recommended conditions improving road safety for existing and future occupants of Richmond House apartment scheme; the requirement to pay Section 48 Development Contributions due to the fact that the proposed development is not exempt under the applicable contribution scheme through to the provision of an advisory note that reiterates Section 34(13) of the Planning & Development Act, 2000, as amended, given the land ownership implications of the proposed development in the context of the existing landownership of the Richmond House apartment scheme.

7.1.3. I therefore consider that the key issues in this appeal case are those that arise from the Planning Authority's single reason for refusal. As such I propose to assess the issues arising from this under the following broad headings:

- Compliance with Development Plan Provisions – Open Space
- Compliance with Development Plan Provisions for the Protection of Woodlands and Trees.

7.1.4. In addition, the matter of '*Appropriate Assessment*' requires examination.

7.1.5. Prior to commencing my assessment below, I note that this application was subject to further information which resulted in revisions to the original scheme. As these revisions gave rise to qualitative improvements to the scheme as well as clarity on certain matters of concern to the Planning Authority. Of note the revised site layout now demonstrates that the existing and proposed development in terms of car parking would accord with the car parking requirements and standards set down under Section 12.4.5.1 and Section 12.5 of the Development Plan. It also sets out further improvements to open space for existing and future occupants. In light of these improvements to the original scheme my assessment below is based on the proposed

development as revised by the further information received by the Planning Authority on the 15th day of August, 2022.

7.2. Compliance with Development Plan Provisions – Open Space

- 7.2.1. The Planning Authority refused permission for the development that is set out under Section 2.1 of this report above. In part on the basis that the restricted nature of the site. Which it sets out currently serves the existing apartment scheme of Richmond House and that it would not provide for satisfactory communal open space for the occupiers of the existing apartments in a manner that would accord with the provisions of Section 12.8.3.2 and Section 12.8.5.4 of the Development Plan. As a result of this it was considered that the proposed development would adversely impact on the residential amenities of these apartments if the proposed development were to be permitted.
- 7.2.2. In making this conclusion the Planning Authority's Planning Officer after having regard to the applicant's further information response raised several concerns in relation to the communal open space provision for occupants of the existing apartment scheme were the proposed detached dwelling would form part of its curtilage.
- 7.2.3. In this regard they set out that there is a clear distinction between the provision of open space for a detached 3-bedroom dwelling on site to that of an apartment in terms of the Development Plan requirements. As such it was not accepted that the amalgamation of two out of the 12 apartment units originally granted under the parent grant of permission in 1973 (P.A. Ref. No. 4325/73) off set one another. It was also noted that the private amenity space provided for the apartment units on this scheme based on the information provided by the applicant as part of their further information response fell slightly short of current standards set out in the Development Plan. In addition, the fact that the Development Plan does not accept the provision of communal open space solely at roof top level under Section 12.8.5.4. Even if it were accepted that this was present on site, which doubts of the same were expressed, it was also not accepted that other areas indicated as communal open space provided qualitative useable recreational amenity for occupants. With this including the 'sensory' garden to the front. Overall, it was considered that the loss of existing open space at grade, even if this area is sloping in its nature, would diminish the residential amenities for occupiers of the existing Richmond House scheme.

- 7.2.4. The Appellant reiterated their further information contention in their grounds of appeal submission that the land that would be impacted by the proposed development is sloped area of 750m with ground level fall gradient of 1 in 7. This gradient in their view makes it unusable and unsuitable to function as communal open space for existing occupants of the existing Richmond House scheme. They contend that whilst this space is maintained by the residents it is never used as open space amenity and the space at roof top level, i.e., 180m² by two, exceeds the Development Plan standards for communal open space.
- 7.2.5. They also contend that the roof level of both apartment buildings offers ample usable and pleasant outdoor space for the existing residents. When taken together with the private open space in the form of balconies and the other pockets of open space available within the curtilage of the Richmond House residential scheme it is not accepted by them that the proposed development warrants refusal of permission on the basis of open space compliance with the Development Plan standards.
- 7.2.6. Under Section 12.8 of the Development Plan it sets out that schemes with 10 units or more should submit a landscape design rationale prepared by a qualified architect or other suitably competent landscape professional for the consideration of the Planning Authority's Parks and Landscape Services Department.
- 7.2.7. This application, including the further information response, does not include a Landscape Design Rationale, and in my considered opinion, given that the parent grant of permission dates back to late 1973 should have been provided. Alongside the primary fact that the proposed development effectively removes 750m² of green space located to the rear of West Block in order to accommodate the proposed detached dwelling, its private open space amenity of 278m², five car parking spaces together with circulation spaces including extended access road and pedestrian access to the dwelling unit. Together with the secondary fact that the remaining pockets of green space are densely planted and/or are residual pockets bound by access road carparking through to the two spaces indicated to the front bound Richmond Hill road which I observed accommodated a steady flow of traffic. With these spaces not providing any privacy screening nor are they designed to functionally meet any outdoor passive or active recreational space amenity of residents within this scheme.

- 7.2.8. It is of note that Section 12.8.3 of the Development Plan requires this type of development to provide a quantity of public open space. With Table 12.8 of the Development Plan setting out a 15% requirement for this type of residential scheme. It is therefore a serious concern the loss of effectively 750m² of this site, despite its gradient, from being available to residents as stated by the applicant who maintain it, for passive and/or recreational amenity space. Site sensitive qualitative landscaping design and implementation could improve areas of this space to be more easily accessible and useable for all residents in performing this function.
- 7.2.9. I am also cognisant that under the Section 28 Guidelines 'Sustainable Residential Development in Urban Areas', dated 2009, this quantum and type of open space is advised.
- 7.2.10. In relation to the communal open space provision at roof top level. On this matter whilst it appears that the roof top of the East Block for most part is providing outdoor amenity for residents it is unclear if this space is indeed communal given the manner in which it is subdivided.
- 7.2.11. In relation to the communal open space provision on the West Block it is clear that this roof top provides minimal outdoor recreational amenity for occupants, and it appears to be in poorer state of repair. Similarly, to the East Block if there is any use of this space as communal open space for residents this has not been demonstrated in the documentation provided by the applicant with their application and with their submission to the Board.
- 7.2.12. Section 12.8.3.2 and Table 12.9 of the Development Plan sets out the Communal Open Space Standards with the 12 No. 2 bedroom 4 bed space Apartments, albeit the fact that two have been amalgamated, would require under the current standards a minimum area of 84m². This is based on such units requiring a minimum provision of 7m². This requirement is quantitatively consistent with the standards in the 'Sustainable Urban Housing, Design Standards for New Apartments' Section 28 Guidelines, (2020).
- 7.2.13. Section 12.8.3.2 also states that: "*communal open space is for the exclusive use of the residents of the development and should be accessible, secure, and usable outdoor space which is inclusive and suitable for use by those with young children and for less mobile older persons. Whilst an element of roof garden may be acceptable,*

the full quantum of communal open space should not take the form of being solely roof gardens (See also Section 12.8.5.4)".

- 7.2.14. Compliance with these qualitative standards have not been demonstrated by the applicant in the documentation provided with their application, the further information and on appeal.
- 7.2.15. Whilst the 278m² private open space provision for the proposed detached dwelling sought under this application exceeds Development Plan standards, its provision alongside the footprint of the dwelling, the dwellings associated external spaces, the extension of the access road, the provision of five additional car parking spaces together with sundry spaces effectively results in the loss of any functional passive and/or recreational amenity space for residents of the existing apartments of Richmond House.
- 7.2.16. As said the provisions of the Development Plan set out that reliance in terms of communal open space provision should not be dependent solely on roof top provisions of such spaces. Indeed, the Development Plan in such locations having regard to the pattern of development generally would require such multi-unit schemes when proposed and when amended to provide three different types of open space, i.e., public open space, communal open space, and private open space.
- 7.2.17. The proposed development would significantly diminish the open space mix within this scheme in a manner that would be inconsistent with the land use zoning objectives for the site and its setting which seeks to achieve a balance of protecting and improving residential amenities. In this case the proposed provision of detached dwelling would be to the detriment of the established residential amenities for occupants of the Richmond House scheme by way of the significant and material diminishment of open space available for the recreational amenity enjoyment.
- 7.2.18. For these reasons I consider that there is merit in the Planning Authority refusing permission on this particular concern.

7.3. Compliance with Development Plan Provisions for the Protection of Woodlands and Trees.

- 7.3.1. The Planning Authority's reason for refusal highlighted that there is an objective "*to protect and prese Trees and Woodlands*" in the vicinity of the western boundary of the

site and that the applicant had not demonstrated compliance with Section 12.8.1 of the Development Plan. To permit the proposed development, in the absence of demonstrating this compliance, would be contrary to the provisions of the Development Plan.

- 7.3.2. The Appellant contends that the proposed development would not give rise to any impact on mature trees on the site or on neighbouring site and they propose to remove and replace smaller trees to facilitate the proposed development.
- 7.3.3. Of concern the proposed development as put forward in terms of the placement of the dwelling, associated structures and spaces associated with it and that would require ground augmentation has not been informed by any expert Arboricultural Impact Assessment and recommended Mitigation Measures to avoid any adverse impact on existing trees on site.
- 7.3.4. Further, this application did not prepare a Landscape Design Rationale as stated is required for residential schemes of 10+ units for consideration of the Planning Authority's Parks and Landscape Services Department. Section 12.8.1 of the Development Plan sets out that this should be ascertained at pre-planning stage.
- 7.3.5. Given the presence of mature high-quality trees on the area of the site which would be impacted by the proposed development. Alongside the presence of mature high-quality trees bounding the site in neighbouring properties, particularly in proximity of the western boundary inside and outside of the site boundaries. Such a rationale in my view would be appropriate given these natural features positive contribution to the sylvan character and biodiversity of this area. Even though this proposal seeks to provide a detached dwelling unit on the curtilage of two apartment blocks.
- 7.3.6. I therefore concur with the concerns of the Planning Authority that the documentation provided with this application provides inadequate evidence based expert assurance that no undue loss or damage to trees on the site and on adjoining properties would arise from the proposed development. This is of particular concern given the protection afforded to the western boundary of the site and the sylvan character of the area added to by the natural features on this site. In the absence of demonstrating compliance with Section 12.8.1 of the Development Plan, to permit the proposed development, has the potential to give to diminishment these natural features of visual

amenity through to biodiversity merit and would be contrary to the proper planning and sustainable development of the area.

7.4. Depreciation of Property Value

- 7.4.1. The Planning Authority as part of their reasons for refusal considered that the proposed development would depreciate value of properties in the existing Richmond House scheme by way of the diminishment of qualitative open space. While I consider that this concern is reasonable given the quantum of green space at grade that would be lost and the lack of qualitative communal open space. Notwithstanding, this is not based on any expert-based analysis setting out the reasons upon which to base the depreciation and the quantum of depreciation of property values. As such, in the absence of this information I cannot make an informed assessment on this matter. Therefore, I do not consider that refusal of outline permission for the development sought under this application can be supported on the basis of depreciation of property values.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services the provision of a soak pit to capture surface water drainage, and the separation distance to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. I recommend that outline permission be **refused**.

9.0 Reasons and Considerations

1. The application site is located in an area to which the 'A' land use zoning objective "to provide residential development while protecting the existing residential amenities", in the Dún Laoghaire Rathdown County Development Plan, 2022-2028, applies. Having regard to the design and layout of the development sought,

the green space nature of area of the site where the proposed development would be located, with this space currently serving as open space associated with the existing apartment scheme Richmond House, the proposed development would not provide for satisfactory communal open space for the occupiers of the existing apartment development in accordance with Section 12.8.3.2 Communal Open Space and Section 12.8.5.4 Roof Gardens of the Dún Laoghaire Rathdown County Development Plan, 2022-2028. The proposed development would adversely impact on the residential amenities of the existing apartment scheme on site.

Furthermore, there is an objective “*to protect and preserve Trees and Woodlands*” along the western boundary of the application site.

The Board is not satisfied that the proposed development has demonstrated compliance with Section 12.8.1, ‘Existing Trees and Hedgerows’ of the Dún Laoghaire-Rathdown County Development Plan, 2022-2028. Accordingly, the proposed development would, if permitted, would have the potential to diminish the visual through to biodiversity value of mature trees on site and on adjoining land, in a manner that would seriously injure the sylvan character and qualities of the site and setting.

The proposed development would therefore be contrary to the provisions of the Development Plan and to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

8th day of March, 2023.