



An
Bord
Pleanála

Inspector's Report

ABP-316207-23

Development	Demolition of buildings, construction of 2 apartment buildings comprising of 43 dwellings and all associated site works
Location	Jamestown Court, on lands bounded by Jamestown Road, accessed off Jamestown Road, Inchicore, Dublin 8
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4821/22
Applicant	Alone
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Residents of Jamestown Road and Jamestown Square
Observers	None
Date of Site Inspection	24 th October 2023
Inspector	Margaret Commane

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1.0 Site Location and Description

- 1.1. The area surrounding the subject site at Jamestown Court, Inchicore, Dublin 8, is a mature residential area featuring a mix of double storey terraced and semi-detached houses in a variety of architectural styles. The subject site is located proximate to Inchicore Village, c. 250 metres north-west of the Blackhorse Luas Stop and c. 250 metres south-west of Dublin Bus Routes No. 13, 68 and 69, running along Tyrconnell Road.
- 1.2. The site is a 5024.3sqm triangular shaped site on the southern side of Jamestown Road, accessible via a cul-de-sac. It comprises of a sheltered housing development, originally constructed in the 1970s, which is now run by ALONE. More specifically, the site is occupied by three existing double-storey blocks, one in the easternmost part of the site (Block A), one located centrally adjacent to the northern boundary (Block B) and one in the westernmost part of the site adjacent to the western boundary (Block C). Blocks B & C are currently vacant/boarded up, while Block A was recently refurbished, pursuant to Reg. Ref. 2942/19. The remainder of the site (central area) comprises an area of amenity space with a row of mature trees featuring along the site's southern boundary.
- 1.3. The subject site's southern boundary flanks the Grand Canal. Nos. 9-17 Jamestown Square, which comprise of double storey semi-detached and terraced dwellings, lie to the west of the site. To the north, on the opposite side of Jamestown Road, lies Nos. 26-66 Jamestown Road. These sites are occupied by double storey terraced and semi-detached dwellings.

2.0 Proposed Development

- 2.1. Planning permission was sought for: - demolition of 2 no. double-storey apartment buildings (827.7sqm); and construction of 2 no. apartment buildings (2915.79sqm) comprising of 1 no. 3-storey block and 1 no. 4-storey block, containing 43 no. 1 bedroom apartments (accessed off covered external walkways) and community facilities, including a 105sq.m community centre on ground floor of proposed Block A. The development will comprise a sheltered housing development accommodating

older persons. The development will be served by 6 no. carparking spaces and 44 no. bicycle parking spaces to the rear (south) of Block B. Permission was also sought for upgrade works to the open space amenity area for completed phase 1 of overall development (eastern part of the site).

2.2. The proposal was revised in response to a further information request. The revisions made resulted in the following amendments to the proposed development:

- The omission of 3 no. units at the eastern end of Block B (40 no. 1-bedroom units proposed) and an increase in the separation distance from the western boundary, from 4.5 metres to c. 8 metres, resulting in a reduction in the width of the block.
- The splitting of cycle parking provision between a storage unit at Block B (12 stands), and a further unit between Block A & Block B (10 stands).

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a notification of a decision on 9th March 2023 to grant permission for the proposed development, subject to 14 no. conditions. These conditions are generally of a standardised format and relate to issues including surface water drainage, construction hours and development contributions/levies.

3.2. Planning Authority Reports

3.2.1. *Initial Planning Report (7th November 2022)*

- It is considered that an entirely residential scheme in this location is acceptable, subject to meeting policy objectives in respect of design and development standards, neighbouring amenity, transport and environmental impacts.
- Having regard to Policies 5.5.4 and QH03, the redevelopment of an existing housing complex for older people that will replace bedsits for one bed units that will provide for a better quality of living, is welcomed.

- It is considered that the redevelopment of this brownfield site for a more efficient use that will provide additional housing units for older people within an established community is welcomed.
- The applicant states within their supporting statement that both blocks are unsuitable for upgrading, although no building condition report in support of this has been submitted.
- The site is located within walking distance of Blackhorse Luas and has access for high frequency buses Tyrconnell Road. The proposal has a density of 86 units per hectare based on a site area of 5024.3sqm. This is considered acceptable at this location.
- The maximum height of the proposed buildings development is 14.5m, which is in accordance with the height limit for residential developments in the outer city as set out in Section 16.7.2 of the City Development Plan¹.
- Third party submissions received note that a way leave on the site has not been identified on the plans and details submitted. Clarification is needed in this regard.
- In terms of siting, Block A is set approximately 23 metres from the rear of existing two storey dwellings at 60, 58, 56,54,52,50 and 48 Jamestown Road that lies directly to the north. Given the separation distances, overlooking is not considered to be an issue.
- In terms of relationship with Jamestown Road, the building is well set back and the CGIs show that the new building at three storeys does not dominate or read as overbearing from Jamestown Road.
- The west facing elevation of Block B is blank with no windows directly opposing dwellings at Jamestown Square. It is noted the existing building on site is directly to the rear of Jamestown Square, the proposed block improves the relationship with these properties as the building runs at an angle with no direct overlooking from windows or balconies.

¹ It is worth noting that the proposed development was assessed against the Dublin City Development 2016-2022 initially. By the time a decision came to be made, the Dublin City Development Plan 2022-2028 had been adopted.

- The site is located within the Conservation Area of the Grand Canal. The bulk and massing of proposed Block B is excessive at this location at such close proximity to the Canal. Given its location in a conservation area, it is considered that palisade fencing proposed to the south is not an acceptable boundary treatment and should be reconsidered. Given the overall width and visual impact of Block B, there are concerns that the building is oppressive and should be revised to improve the relationship with the Canal.
- The scale and height of the building within close proximity to Jamestown Square is abrupt and would have an overbearing impact on these properties. A breaking up of the bulk/reduction in the scale of the building is needed.
- A number of submissions received raised concerns regarding the location of the refuse store at the boundary with Jamestown Square. The store is set 2.1 metres off the shared boundary with Jamestown Square and is contained within a secure building.
- With regards to the requirements of SPPR1 of the Apartment Guidelines, the mix of 100% one-bed units is acceptable for a purpose built development for housing the elderly.
- The proposed development complies with SPPR3, SPPR4, SPPR5, SPPR6 and requirements regarding private amenity space.
- The proposed development requires 215sqm of communal open space. The proposed development provides two areas of outdoor communal open space amounting to 500sqm, as well as a community room within Block B. Based on the 55 units across the Alone site, a total communal open space of 275sqm is required. The proposal meets the requirements of the Apartment Guidelines in terms of communal open space for the proposed and existing units on site.
- The living/dining/kitchen and bedrooms floor areas and widths are generally in accordance with the minimum standards set out in Appendix 1 of the Guidelines.
- The Planning Authority considers that a 4-storey building 11 metres from properties at 11- 17Jamestown Square would have an overbearing impact. The applicant will be requested to reduce the scale of Block B.

- Given the separation distances, overlooking is not considered to be an issue in relation to dwellings at Nos. 60, 58, 56, 54, 52, 50 and 48 Jamestown Road.
- There are concerns that the limited separation distances between Block A and Block B are insufficient at 5 metres resulting in poor quality private amenity space for future residents. The metal railings featuring on the balconies should be reconsidered in order to protect privacy.
- The existing footpath on the northern boundary of the site is substandard, a new footpath is proposed, extending from the proposed pedestrian entrance at the western end of the site (1.8m in width) to the gap at the existing 'Block A' (Phase 1) where the external lift is accessed. Clarification is needed regarding whether access will be available to pedestrians along the full northern boundary of the application site.
- A 5.5m wide vehicular access road is proposed at the western end of the site, adjacent to Jamestown Court. The access is located toward the end of an effective cul-de-sac, this is acceptable.
- A total of six car-parking spaces are proposed to be provided at the western end of the development, including one disabled bay. The overall provision is considered to be extremely low. No reference to car share and electrical charging is noted, however this can be conditioned. Five spaces including one disabled bay are permitted at the eastern end of the site serving Phase 1. The applicant's reference to low car ownership among its residents is noted. Given the intended use of the site however, and its proximity to public transport links, the proposed quantum of parking is considered acceptable.
- The application proposes a second bin-storage area on the western flank of the application site adjacent the vehicular entrance. Swept-path analysis has been submitted demonstrating the accessibility of the site to fire tenders and refuse vehicles. Servicing activity will be able to be carried out wholly within the site. The proposed servicing arrangements are considered to be acceptable.
- The applicant has not submitted an Appropriate Assessment Screening Report in support of the application. Having regard to the nature and scale of the

proposed development, and the distance to the nearest European site, it is considered that a Screening Report is required to ascertain any potential significant effects that may arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area.

- The Planning Authority acknowledges the need for good quality housing for older people in the City and welcomes the replacement of bedsit units for one bedroom own door units. There are concerns that the proposed development as presented, in particular Block B that fronts onto the Grand Canal, reads as excessive and would have an overbearing bearing impact on neighbouring properties at Jamestown Square. The applicant will be requested to reduce the bulk and scale of this building. Revision to Block B should also provide an opportunity for improving residential amenity for future residents by way of increasing separation distances between Block A and Block B.

The report recommends a request for further information in respect of the following:

- Item 1: The applicant is requested to: - (a) consider reducing the width of Block B by: - increasing the separation distance from the western boundary shared with Jamestown Square and reducing the width of the building from the eastern end and to consider breaking up the bulk and massing of the building by way of design interventions. An updated Daylight/Sunlight Analysis of neighbouring properties taking into account the requested revisions to Block B is required. (b) add privacy screens to the side elevations of all balconies; and (c) reconsider the proposed palisade fencing on the southern boundary with the Grand Canal and propose a more sympathetic boundary treatment given its location in a Conservation Area.
- Item 2: The applicant is requested to submit an Appropriate Assessment Screening Report.
- Item 3: In response to concerns raised by the Transportation Planning Division, the applicant is requested to: - (a) provide a detailed plan demonstrating all existing/proposed pedestrian access points to the application site and pedestrian access routes within the application site; clarification regarding the proposed footpath at the northern boundary, including details regarding external access to the proposed lift, and, whether a full pedestrian footpath is proposed along the

whole of the northern site boundary; and clarification of any right of way with Jamestown Square. (b) review the proposed radii and width of the vehicular junction, and submit a revised design detailing a narrower junction design; clarify any gate proposals; and consider continuation of the footpath design. (c) confirm that the location of the proposed substation meets with ESB access requirements. (d) consider revising the proposed cycle parking within the site in terms of location, security and ease of access. (e) clarify if any of the proposed roads and footpaths are to be taken in charge and if applicable, provide a drawing detailing these areas.

3.2.2. **Planning Report (9th March 2023)**

The Planners report, dated 9th March 2023, recommends a grant of permission subject to conditions. The following provides a summary of the points raised:

- In the context of FI Item 1: - Revised plans/details indicating a reduction in the width of Block B, with the omission of 3 units at the eastern end of the block (now 40 units proposed) were submitted. This has allowed the increased separation distance from the western boundary (boundary with Jamestown Square) from 4.5m to just over 8m. The bulk and massing of Block B has also been broken up by the introduction of the following measures: - Block B layout revisions to allow for the balcony reconfiguration; introduction of privacy screens to the sides of the balconies; varying brick finishes along the canal elevation to help break down the mass of the building; and revisions to the southern elevation of Block B to include an increased level of glazing at the stairwells. An updated Daylight/Sunlight Analysis Report was also submitted which indicates an improvement in the quality of daylight in the courtyard space between the 2 new blocks.
- In the context of FI Item 2: - An AA Screening Report, prepared by Roger Goodwillie and Associates, was submitted. The report concludes that there is no likelihood that this development will have significant impact on the integrity and functioning of the Natura 2000 site network and no further appropriate assessments are required.
- In the context of FI Item 3(a): - Circulation diagrams, demonstrating existing and proposed pedestrian routes at the application site, and a diagram detailing all

internal pedestrian routes within the site were submitted. Clarification was also provided regarding rights of way at the site, with the applicant confirming that no rights of way exist between the application site and the adjacent Jamestown Square.

- In the context of FI Item 3(b): - The applicant reduced the proposed radii at the proposed vehicular entrance in an effort to comply with DMURS guidelines. The applicant has clarified that no gates are proposed at this time at either the vehicular or pedestrian access. The applicant has acknowledged that the current design of the junction does not accommodate a continuation of the footpath design and this should be reviewed, but has justified this approach given the application site access is the last access point on the road.
- In the context of FI Item 3(c): - The applicant has submitted Drawing No. JST-CJFA-00-ZZ-DR-A-0100-P1.1 which clarifies the ESB substation issue. A 3m clearance has been achieved at the proposed substation.
- In the context of FI Item 3(d): - Cycle parking provision has been split between a storage unit at Block B, and a further unit between Block A & Block B. Sheffield stand type bicycle parking is proposed, though the extent of provision is unclear. Cycle parking is to be covered, with overall quality being capable of being dealt with by condition. The arrangement submitted is preferable, with details to be controlled by condition.
- In the context of FI Item 3(e): - The applicant clarified that no footpaths or roads are to be taken in charge.
- Subject to compliance to conditions the proposal is deemed acceptable and accords with the development standards of the Dublin City Development Plan 2022-2028 and thus the proper planning and sustainable development of the area.

3.2.3. ***Other Technical Reports***

Road Planning Division (Initial Report, 27/10/22): Recommended that further information be requested regarding existing/proposed pedestrian access points to the application site and pedestrian access routes within the application site, the proposed

footpath at the northern boundary, any right of way with Jamestown Square, the proposed radii/width of the vehicular junction, gate proposals, the location of the proposed substation, proposed cycle parking within the site and proposed roads/footpaths to be taken in charge.

Road Planning Division (Subsequent Report, 28/02/23): In light of the revisions included in the further information response, no objection, subject to conditions.

Drainage Division (26/09/2022): No objection, subject to conditions.

City Archaeologist (26/10/22): No objection, subject to conditions.

Environmental Health Officer (04/10/22): No objection, subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

19 third party observations were submitted to the Planning Authority. The main issues raised therein are as follows:

- Negative impact on surrounding properties, including Jamestown Road and Jamestown Square.
- Overshadowing/overlooking/overbearing impacts on adjacent open space areas.
- Loss of privacy and light/an increase in noise levels in adjoining properties.
- The waste facilities will cause odour on neighbouring properties due to their proximity to neighbouring boundaries.
- The subject development constitutes over-development of the site/proposed buildings are too high/dense relative to the existing 2-storey buildings featuring on site.
- Townscape and Visual Impact Assessment devoid of views from Jamestown Square.
- Drawings difficult to understand.

- Buildings of these scale are unsuitable for vulnerable people/wheelchair users, particularly given the limited number of lifts.
- Negative impact on property values.
- Proposed buildings out of character with the surrounding area/have a negative impact on the visual amenity of the area.
- Insufficient car parking is provided, and the proposal will result in overspill/exacerbate existing car parking issues in the area.
- Due to their proximity to each other, the proposed blocks will result in overlooking between blocks and offer a poor level of amenity to residents of the scheme.
- Concerns regarding safety/anti-social behaviour in the area.
- Potential damage to neighbouring properties/impacts on the health of surrounding residents arising from proposed demolition/construction.
- Negative effect on the quality of life/residential amenity of residents during construction.
- Negative impacts on fire brigade/ambulance access arising from car parking generated by the scheme. Also, there is insufficient space for emergency vehicle access centrally on the site.
- Negative impacts on water pressure/electricity provision.
- There is a lack of information regarding security, storage and parking during construction.
- Disruption to wildlife.
- A right of way featuring on site has not been appropriately considered.
- A vermin control plan did not accompany the application.
- A similar refurbishment to that carried out on the block to the east of the site would be preferred. Sufficient justification has not been provided for the demolition of the existing buildings on site.

- The applicant failed to address the concerns raised by the Council in relation to design/visual impact of the scheme on the canal set out in the pre-planning meeting.
- This development will provide an option for older residents of the area to downsize and stay in the area and increase in density on the site is welcome, which is well connected to public transport and the nearby canal walk.
- There are inadequacies in the daylight reports accompanying the application.
- The application has not considered the proposed developments proximity to the canal which is a pNHA.
- The proposed development is contrary to Policy GI3 of the Dublin City Development Plan 2016-2022.

4.0 Planning History

4.1. Subject Site

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

PA Reg. Ref. 2942/19

Permission was granted in June 2019 in the eastern part of the subject site for conversion/change of use of a redundant communal facility within a sheltered housing scheme to form a 1-bed (2P) apartment and a further development of 2 no. 1- bed (2P) apartments as a new build extension constructed over two floors at the gable end of the existing building.

PA Reg. Ref. 2402/15

Permission was granted in April 2015 for (in summary) part demolition and refurbishment of an existing community centre facility/sheltered housing scheme.

4.2. Adjacent Sites

4.2.1. There have been no recent applications on the sites immediately adjacent to the subject site that are pertinent to the current proposal.

5.0 Policy Context

5.1. Development Plan

5.1.1. Dublin City Development Plan 2022-2028

Land Use Zoning

The site is zoned 'Z1 - Sustainable Residential Neighbourhoods' in the Dublin City Development Plan 2022-2028 with a stated objective to '*protect, provide and improve residential amenities*'. The Development Plan details the following vision in relation to this zoning objective: - '*vision for residential development in the city is one where a wide range of high quality accommodation is available within sustainable communities, where residents are within easy reach of open space and amenities as well as facilities such as shops, education, leisure and community services.*'

Other Relevant Sections/Policies

The subject site is located within the Grand Canal Conservation Area.

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

Section 3.5.2 – Policy CA6: Retrofitting and Reuse of Existing Buildings

To promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible.

Section 4.5.3 – Policy SC11: Compact Growth

In alignment with the Metropolitan Area Strategic Plan, to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors, which will:

- *enhance the urban form and spatial structure of the city;*
- *be appropriate to their context and respect the established character of the area;*

- *include due consideration of the protection of surrounding communities and provide for enhanced amenities for existing and future residents;*
- *be supported by a full range of social and community infrastructure such as schools, shops and recreational areas;*
- *and have regard to the criteria set out in Chapter 15: Development Standards, including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture.*

Section 4.5.3 – Policy SC12: Housing Mix

To promote a variety of housing and apartment types and sizes, as well as tenure diversity and mix, which will create both a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces and provide for communities to thrive.

Section 4.5.4 - Policy SC16: Building Height Locations

To recognise the predominantly low rise character of Dublin City whilst also recognising the potential and need for increased height in appropriate locations including the city centre, Strategic Development Zones, Strategic Development Regeneration Areas, Key Urban Villages and other locations as identified in Appendix 3, provided that proposals ensure a balance with the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area.

Section 5.5.2 – Policy QHSN6: Urban Consolidation

To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation

Section 5.5.2 – Policy QHSN10: Urban Density

To promote residential development at sustainable densities throughout the city in accordance with the core strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

Section 5.5.4 – Policy QHSN14: High Quality Living Environment

To support the entitlement of all members of the community to enjoy a high quality living environment and to support local communities, healthcare authorities and other bodies involved in the provision of facilities for groups with specific design/planning needs.

Section 5.5.4 – Policy QHSN18: Needs of an Ageing Population

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 – Policy QHSN23: Independent Living

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.

Section 5.5.7 – Policy QHSN36: High Quality Apartment Development

To promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood.

Section 8.5.6 – Policy SMT17: Active Travel Initiatives

To promote and help develop community-based coordinated initiatives at local level that encourage active travel and modal switch to sustainable transport modes, and to target underrepresented cohorts/groups in such initiatives.

Section 10.5.1 – Policy GI1: Green Infrastructure Assets

To identify and protect the integrity of the city’s GI assets, as appropriate, and to enhance and expand the connectivity, multi-functionality, and accessibility of the city’s green infrastructure network, while addressing gaps in the network.

Section 10.5.4 – Policy GI24: Multi-Functionality (GI)

To incorporate new open space into the green infrastructure network for the city, and providing a multi-functional role including: outdoor recreation, biodiversity, urban drainage, flood management, connection and carbon absorption without compromising public access to and the amenity function of open space (see Section 15.6: Green Infrastructure and Landscaping).

Section 10.5.5 – Policy GI32: Linear Parks and Recreational Use of Waterways Aspects

To develop linear parks, sustainable riverine access, walkways, cycleways and water focused recreational, sporting and tourism amenities which enhance appreciation of rivers in a manner that ensures that any adverse environmental effects are avoided and ecological enhancements, where appropriate, are employed to ensure a net biodiversity gain. Where lands along the waterways are in private ownership, it shall be policy in any development proposal to secure public access along the waterway.

Section 10.5.7 - Policy GI41: Protect Existing Trees as Part of New Development

To protect existing trees as part of new development, particularly those that are of visual, biodiversity or amenity quality and significance. There will be a presumption in favour of retaining and safeguarding trees that make a valuable contribution to the environment.

Section 11.5.3 – Policy BHA9: Conservation Areas

To protect the special interest and character of all Dublin’s Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

- 1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- 2. Re-instatement of missing architectural detail or important features.*
- 3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.*
- 4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
- 5. The repair and retention of shop and pub fronts of architectural interest.*
- 6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.*
- 7. The return of buildings to residential use.*

Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications, and will promote compatible uses which ensure future long-term viability.

Section 11.5.3 – Policy BHA10: Demolition in a Conservation Area

There is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area, except in exceptional circumstances where such loss would also contribute to a significant public benefit.

Section 11.5.3 – Policy BHA11: Rehabilitation and Reuse of Existing Older Buildings

- a) To retain, where appropriate, and encourage the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape, in preference to their demolition and redevelopment.*

- b) *Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts (including signage and associated features), pub fronts and other significant features.*
- c) *Ensure that appropriate materials are used to carry out any repairs to the historic fabric.*

Section 15.6.9 Trees and Hedgerows

Trees and hedgerows add a sense of character, maturity and provide valuable screening, shelter and privacy and will often have a useful life expectancy beyond the life of new buildings. Dublin City Council will seek to protect existing trees and hedgerows when granting planning permission for developments and will seek to ensure maximum retention, preservation and management of important trees, groups of trees, and hedges as set out in Section 10.5.7 of the plan.

Section 15.7.1 - Re-use of Existing Buildings

Where development proposal comprises of existing buildings on the site, applicants are encouraged to reuse and repurpose the buildings for integration within the scheme, where possible in accordance with Policy CA6 and CA7. Where demolition is proposed, the applicant must submit a demolition justification report to set out the rationale for the demolition having regard to the 'embodied carbon' of existing structures and demonstrate that all options other than demolition, such as refurbishment, extension or retrofitting are not possible; as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures.

Section 15.8.6 Public Open Space

In the context of new residential developments, 10% of the site area shall be reserved for public open space provision. Section 15.8.8 goes on to state that applications which include the provision of public open space shall be subject to a requirement to provide for appropriate playground facilities. In schemes of 25 or more units, small play spaces of 85-100 sq. m. are considered suitable for toddlers and children up to the age of six, with suitable play equipment, seating for parents/ guardians, and within sight of the apartment building. In the context of this public open space requirement,

Section 15.8.7 states that where it is not feasible, due to site constraints or other factors, to locate the open space on site, or where it is considered that, having regard to existing provision in the vicinity, the needs of the population would be better served by the provision of a new park in the area (e.g. a neighbourhood park or pocket park) or the upgrading of an existing park, then payment of a financial contribution may be appropriate.

Section 15.9.17 Separation Distances (Apartments)

Traditionally a minimum distance of 22m is required between opposing first floor windows. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. Separation distances between buildings will be assessed on a case by case basis.

Section 15.15.2.2 - Conservation Areas

Conservation Areas include Z8 (Georgian Conservation Area) and Z2 (Residential Conservation Area) zones, as well as areas identified in a red hatching on the zoning maps which form part of the development plan. These red-hatch areas do not have a specific statutory protection but contain areas of extensive groupings of buildings, streetscapes, features such as rivers and canals and associated open spaces of historic merit which all add to the special historic character of the city. All planning applications for development in Conservation Areas shall:

- Respect the existing setting and character of the surrounding area.
- Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.
- Protect the amenities of the surrounding properties and spaces.
- Provide for an assessment of the visual impact of the development in the surrounding context.
- Ensure materials and finishes are in keeping with the existing built environment.
- Positively contribute to the existing streetscape Retain historic trees also as these all add to the special character of an ACA, where they exist.

Appendix 3 – Section 3.2 Plot Ratio and Site Coverage

The development plan sets indicative requirements of 1.5-2.0 for plot ratio and 45-45-50% for site coverage for Conservation Areas. Higher plot ratio and site coverage may be permitted in certain circumstances such as:

- Adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses is proposed.
- To facilitate comprehensive re-development in areas in need of urban renewal
- To maintain existing streetscape profiles.
- Where a site already has the benefit of a higher plot ratio.
- To facilitate the strategic role of institutions such as hospitals.

Appendix 3 – Section 4.0 Density

The general principle is to support increased height and higher density schemes in the city centre, Strategic Development Regeneration Areas, Key Urban Villages, areas close to high frequency public transport and some other areas (as identified) considered as suitable for increased intensity of development.

Appendix 3 – Section 4.0 Height

There is recognised scope for height intensification and the provision of higher densities at designated public transport stations and within the catchment areas of major public transport corridors including:

- *Bus connects/Core Bus Corridors (CBC's)*
- *Luas*
- *Metrolink*
- *DART*

Development proposals will primarily be determined by reference to the proximity of new public transport infrastructure and to the area character. Locations for intensification must have reasonable access to the nearest public transport stop. In line with national guidance, higher densities will be promoted within 500 metres

walking distance of a bus stop, or within 1km of a light rail stop or a rail station in the plan. Highest densities will be promoted at key public transport interchanges or nodes.

Appendix 5 - Section 3.1 Bicycle Parking Standards for Various Land Uses

A minimum bicycle parking rate of 1 long term space per bedroom and 1 short stay space per 2 apartments is specified for residential apartment developments.

Appendix 5 - Section 4 Car Parking Standards

A car parking rate of 1 space per dwelling is specified for houses & apartments/duplexes located within Zone 2 as identified within Map J of the Dublin City Development Plan 2022-2028.

5.2. Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022)

These guidelines provide detailed guidance and policy requirements in respect of the design of new apartment developments. Where specific planning policy requirements are stated in the document these are to take precedence over any conflicting policies and objectives of development plans, local area plans and strategic development zone planning schemes.

In terms of identifying the types of locations within cities that may be suitable for apartment development the guidelines note the following:

Central and/or Accessible Urban Locations - such locations are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including:

- Sites within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
- Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.

These guidelines provide a range of requirements in the context of apartment developments, including the following which are relevant to the subject proposal:

- **Specific Planning Policy Requirement 1:** Developments may include up to 50% one bed/studio units. Studio units to not exceed 20-25% of the total. No minimum requirements for three or more units. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).
- **Specific Planning Policy Requirement 2:** The housing mix specified under Specific Planning Policy Requirement 1 of the Apartment Guidelines, is relaxed where 1 to 49 residential units are proposed in building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha. For schemes of 50 or more units, SPPR 1 shall apply to the entire development.
- **Specific Planning Policy Requirement 3:** The following minimum apartment floor areas are specified: - Studio apartment - 37sq.m; 1-bedroom apartment - 45sqm; 2-bedroom apartment (4 persons) - 73sq.m; and 3-bedroom apartment (5 persons) 90sq.m. 2-bedroom apartment (3 persons) may also be considered, particularly in the context of certain social housing schemes such as sheltered housing. They must have a minimum floor area of 63sq.m. Minimum floor areas are also outlined at Appendix 1 in relation to minimum aggregate floor areas for living/dining/kitchen rooms, and minimum widths for the main living/dining rooms; minimum bedroom floor areas/widths; and minimum aggregate bedroom floor areas. Pursuant to paragraph 3.8, the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%). For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, where between 10 to 49 residential units are proposed, it shall generally apply, but in order to allow for flexibility, may be assessed on a case-by-case basis and

if considered appropriate, reduced in part or a whole, subject to overall design quality.

- **Specific Planning Policy Requirement 4:** Sets out the minimum number of dual aspect apartments to be provided in any scheme; a minimum of 33% dual aspect units are required in more central and accessible locations, a minimum of 50% in a suburban or intermediate location and on urban infill sites of any size or on sites of up to 0.25ha planning authorities may exercise discretion to allow lower than the 33% minimum.
- **Specific Planning Policy Requirement 5:** Specifies minimum ground level apartment floor to ceiling heights of 2.7 metres. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality.
- **Specific Planning Policy Requirement 6:** Specified a maximum of 12 apartments per core. This maximum provision may be increased for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, subject to overall design quality and compliance with building regulations.
- The following minimum requirements for storage areas are set out in Appendix 1:
 - Studio apartment - 3sq.m; 1-bedroom apartment - 3sqm; 2-bedroom apartment (3 persons) - 5sq.m; 2-bedroom apartment (4 persons) - 6sq.m; and 3-bedroom apartment - 9sq.m. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, the storage requirement may be relaxed in part, on a case-by-case basis, subject to overall design quality.
- The following minimum requirements for private amenity space are set out in Appendix 1:
 - Studio apartment - 4sq.m; 1-bedroom apartment - 5sqm; 2-bedroom apartment (3 persons) - 6sq.m; 2-bedroom apartment (4 persons) - 7sq.m; and 3-bedroom apartment - 9sq.m. Further to this, paragraph 3.37 of the Apartment Guidelines states that balconies should have a minimum depth of 1.5 metres. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, private amenity space requirements may be

relaxed in part or whole, on a case-by-case basis, subject to overall design quality.

- The following minimum requirements for communal amenity space are set out in Appendix 1: - Studio apartment - 4sq.m; 1-bedroom apartment - 5sqm; 2-bedroom apartment (3 persons) - 6sq.m; 2-bedroom apartment (4 persons) - 76sq.m; and 3-bedroom apartment - 9sq.m. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality; and
- The following requirements regarding bicycle storage are set out at paragraph 4.17: - 1 cycle storage space per bedroom (for studio units, at least 1 cycle storage space shall be provided) and 1 visitor cycle parking space per 2 residential units.

5.3. Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European site. The nearest European site is North Dublin Bay SAC (Site Code 000206) located c. 6.7 kilometres east.

5.4. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third-party appeal has been submitted by Marston Planning Consultancy, on behalf of a no. of residents of Jamestown Square and Jamestown Road. The main points raised therein can be summarised as follows:

- There are no reasonable, robust and objective planning arguments for Dublin City Council to go outside the normal standards and scale of development that would be applicable in a location such as this that is primarily surrounded by modestly scaled two storey dwellings.
- The proposal is a poorly considered design which amounts to a serious overdevelopment of the appeal site.
- The proposed development will have a profound/negative impact on neighbours residential and visual amenity, as well as future residents of the development itself. As a result, the proposal is completely at odds with and contrary to the proper planning and sustainable development of the area and should be refused by An Bord Pleanála.
- With regards to the applicant's claims that these two blocks are unsuitable for upgrading and cannot be refurbished, there is no condition report or robust justification provided within the planning application material to set out why the two remaining blocks cannot be maintained and upgraded within the site in a similar manner to Phase 1. A robust justification for the demolition of the two blocks has not been provided.
- The proposed development will have a negative impact on the residential and visual amenity, as a result of overlooking and overshadowing, of properties to the immediate north and west.
- The proposed development is contrary to Chapter 5 of the new City Development Plan and specifically Policies QHSN14 and QHSN36, as the proposal fails to achieve the high quality living environment for future residents; as well as failing to adequately design around upholding neighbours' residential and visual amenities.
- The proposed site layout drawing submitted at Further Information stage does not include distances from Block A to the rear of properties at Jamestown Road. This is estimated to be c. 20-22 metres. The residents of Jamestown Road are extremely concerned about overlooking from Block A to the rear of dwellings at Jamestown Road, particularly given the own door access areas featuring.

- The modest c. 3.4 metre increase in separation of Block B from the western boundary has failed to address resident concerns. Block B remains 4 storeys in height, and despite the changes to balcony configuration will continue to result in overlooking and loss of privacy to the dwellings at Jamestown Square and will impact their residential amenity as a result.
- The proposed development due to its height, mass, scale, positioning within the site and design of the elevations addressing the rear gardens of our clients homes at Jamestown Road and our clients at Jamestown Square will result in the rear gardens of our clients dwellings being severely overlooked.
- The scale of the proposal is so significant that it will appear visually obtrusive when viewed from neighbouring dwellings/rear gardens and when viewed from the footpath along the canal. This is compounded by the angled nature of Block B and the lack of any set-back at the top level when viewed from Jamestown Square.
- The proposed development's mass, scale and design will result in a development that is visually obtrusive in comparison to the 2 storey blocks that currently occupy the subject site and the surrounding two storey houses.
- The proposed development will result in poor quality residential amenity for the future residents of the proposed development. Despite changes being made at Further Information stage, the extremal private amenity space of Unit 37 within Block A remains only c. 8m from the kitchen window of Unit 22 within Block B (and this is repeated on each level), the footway to the north of Block B is within c. 4m of the balcony serving Unit 36 and the separation between the balcony of Unit 26 within Block A and Unit 6 within Block B would only be c. 15m. The separation distance between Block A and Block B remains insufficient to uphold residential amenity and privacy of future residents.
- Given the proximity of Block A and Block B, the usability/quality of the proposed landscaped area between the two blocks, which is highly enclosed, is questioned.
- The proposed development is contrary to the following policies included in the Dublin City Development Plan 2022-2028, including GI1, GI24 and GI32, as it

requires the removal of a significant level of mature planting bounding the canal and the proposal has not included any linkages from the subject site to the canal footpath.

- The proposed development will have negative impact on the local road network, local streets and availability of street car parking. The proposed development will be served by a very limited number of car parking spaces. Even when the particular form of residential accommodation to be provided here (i.e senior citizens residential accommodation) is considered, it is reasonable to assume that there will be an active daily demand for car parking provision generated by care givers, medical staff, visitors and by the independent residents themselves at this location that can only be incorporated on the roads around the site. The lack of car parking will result in overspill of car parking generated by the proposed development leading to traffic hazards and endanger public safety. The proposal is contrary to Policy SMT17 of the Dublin City Development Plan 2022-2028 in this regard.

6.2. Applicant Response

The applicant's response to the appeal can be summarised as follows:

- In response to the Further Information Request issued, the applicant lodged a comprehensive response, including changes to the buildings proposed, which addressed issues raised.
- The conditions outlined in the Notification of Decision to Grant Permission ensure local resident's amenity is protected during and after construction.
- The proposed development has been designed to the highest standard to provide the best quality residential accommodation for future residents. The proposals far exceed minimum standards in all cases, is excellently located within an existing community and will be finished to the highest standards.
- The appellant's first ground of appeal states that the proposed development is contrary to QHSN14 and QHSN36. Policy QHSN14 relates to a high quality living environment and specifically refers to all members of the community and groups

with specific design or planning needs. It is considered that, contrary to what is stated by the appellant, proposals for housing older people, such as the one proposed, would address a requirement not met in most other developments. Full compliance with QHSN14 and QHSN36 is achieved through good design as demonstrated in the application material and acknowledged by the Local Authority in their decision.

- In the context of the separation distance between the proposed blocks and the rear of houses and gardens on Jamestown Road, the appellants argue that there will be a loss of privacy/overlooking of these gardens. The distance between the proposed development and existing dwellings to the north is between 22 to 25 metres and the nearest point of the rear gardens is 15 to 18 metres. It is also noted that at ground, first and second floor levels, the north facing windows comprise only kitchen and shower room/w windows, which will be rarely looked out and frosted, respectively. The rear boundaries of these properties also feature sheds which restricts views also. Section 15.19.17 of the Development Plan allows for a reduced separation distance between opposing first floor windows in certain instances – this does not need to be evoked in this instance. The Council Planners Report concluded that, in light of the separation distances proposed, overlooking is not considered to be an issue.
- With regards to concerns raised regarding overbearing, it is noted that the design of the development has been carefully considered. The proposed density, at 86 upha, is in excess of the minimum but could not be considered overdevelopment. The plot ratio (1.36) and site coverage (28.3%) complies with the development plan and constitutes an efficient use of the site. The maximum height of 14.5 metres is within the permissible level for the 'outer city' area.
- Amendments were requested to Block B to reduce its impact on the dwellings on Jamestown Square. It is considered that these addressed any concerns in terms of overbearing. The Planners Report concluded that the amendments made addressed concerns regarding bulk and massing and its relationship with adjacent development, in particular Jamestown Square.

- The grounds of appeal suggests that the proximity of Blocks A and B to each other would result in a poor quality of residential amenity for future residents of the proposed development. Privacy screens were added to balconies in response to concerns raised by the Planning Authority in the Further Information Request addressing any concerns regarding overlooking between apartments proposed.
- The applicant contends that the proposed development is contrary to Policies GI24 and GI32 and questions the lack of connection between the Canal tow path. There is no existing access from the site to the path and fencing/planting blocks access. It is not considered that the proposed development would benefit from access through it to the canal and it is not required as access is provided adjacent to the site.
- The appellant notes concern with regard to the amount of car parking on site. The car parking standards outlined in the Development Plan are maximums. The Council's Planning Report considers car parking provision appropriate given the intended use and the site's access to public transport. Further to this, a good level of bicycle parking is provided.
- The appellants suggest that the proposed development will overshadow neighbouring properties and the central landscaped area. Further, it suggests that Block A will receive a poor level of daylight. The Daylight Impact Report accompanying the application considered the impact on surrounding properties. In this regard, it looked at levels of skylight access, levels of sunlight available to neighbouring accommodation and levels of sunlight available to neighbouring outdoor areas. It included the following commentary regarding possible impacts:
 - *'having completed these three studies and having obtained results which demonstrate full conformity with daylight guidelines, it can be concluded with confidence that acceptable levels of daylight amenity would remain available to neighbouring properties within the development as now proposed in place.'*
- The Assessment of Daylight Performance accompanying the application assessed the levels of daylight amenity within the development and sunlight to outdoor recreation areas. In this regard, it looked at levels of daylight amenity to the proposed apartments, levels of sunlight amenity to the proposed apartments

and levels of sunlight available to the proposed outdoor areas. In the context of daylight amenity, the report noted that conformity with daylight guidelines would be achieved in the majority of cases and where standards were not met, the daylight achieved was considered reasonable. In the context of sunlight access, the study demonstrated that all of the apartments within this development would be capable of receiving advisory minimum levels of sunlight exposure. It also concluded that the residents of the scheme would have access to adequate levels of outdoor sunlight amenity.

- While there is a shortage of housing in Ireland, there is also a recognition in Housing for All of the importance of the provision of housing for specific vulnerable cohorts such as housing for older people. The proposed development would allow older people to live independently within their community for longer.
- To conclude, the proposed development will provide 40 high quality apartments for older people at this well serviced, sustainable, urban location. The proposals have been carefully developed and designed to protect the amenity of neighbouring residents and their properties. It is considered by the applicant and the Council that the proposed development accords with the policies of the Dublin City Development Plan 2022-2028.

6.3. Planning Authority Response

None

6.4. Observations

None

6.5. Further Responses

None

7.0 Assessment

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

- Principle of Development/Demolition of Existing Buildings.
- Density, Scale and Height.
- Visual Amenity and Built Heritage.
- Residential Amenity of Adjoining Properties.
- Residential Amenity of Proposed Development.
- Access, Traffic and Parking.
- Open Space and Tree Conservation.
- Appropriate Assessment.

7.1. Principle of Development/Demolition of Existing Buildings

7.1.1. The subject proposal comprises a sheltered housing residential development accommodating older persons. As previously discussed, the development site lies within an area of suburban residentially zoned land. Under this land use zoning objective, residential development is generally acceptable in principle subject to the proposed development being acceptable in terms of its impact on the visual amenities of the area and the established residential amenities of properties in its vicinity. These matters are considered in turn below.

7.1.2. This proposal involves the demolition of two no. existing buildings on site to accommodate the new apartment development. In their submission, the appellants contend that the existing buildings on site should not be demolished but rather maintained and upgraded in a similar manner to Phase 1 of the site redevelopment. They argue that a robust justification for the demolition of the two blocks has not been provided. The applicant in the material submitted with the application/appeal response notes that the applicable 2 no. buildings on site are unsuitable for upgrading.

7.1.3. Policy CA6 of the current Development Plan promotes/supports the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible. Section 15.7.1 of the same requires that where demolition of existing buildings on site is proposed, the applicant must submit a demolition justification report setting out the following: - the rationale for the demolition having regard to the 'embodied carbon' of existing structures; and demonstrating that all options other than demolition, such as refurbishment, extension or retrofitting are not possible; as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures. The subject application was lodged with Dublin City Council on 12th September 2022. The Dublin City Development Plan 2016-2022 was the relevant Development Plan at the time of lodgement and during the Planning Authority's initial review of the application, which had no such requirement. The Dublin City Development Plan 2022-2028 was adopted in the intervening period between the application being lodged in September 2022 and a determination being made on 9th March 2023 (this new Development Plan having been adopted by the elected members on 2nd November 2022 and come into effect on 14th December 2022). The subject application was not accompanied by a Demolition Justification Report. Given the timing of the application's lodgement prior to the adoption of the current Development Plan, I think it fair to exercise discretion in relation to this requirement. Should the Board consider a Demolition Justification Report necessary to facilitate their assessment of the subject application, I would suggest that one can be requested from the applicant pursuant to Section 132 of the Planning and Development Act, 2000 (as amended).

7.1.4. During my inspection of the site, I found the buildings proposed for demolition vacant, boarded up and in poor condition. Upon review of older street view imagery, it would appear that some of these apartments have been boarded up since at least May 2014. Given the existing condition of the buildings, I would be of the view that restoration of the buildings would not appear to be feasible. Having considered the buildings' existing condition, and in light of the discretion afforded by Section 15.7.1 of the Development Plan in relation to the reuse and repurpose the buildings (such reuse/repurposing being encouraged as opposed to mandatorily required), I am satisfied that there is

acceptable justification for the demolition of the existing building and the construction of replacement buildings in this instance.

- 7.1.5. The appropriateness of the proposed demolition in the context of the Grand Canal Conservation Area is considered in Section 7.3 of this report.

7.2. **Density, Scale and Height**

7.2.1. The proposed development involves the demolition/replacement of 2 no. existing 2-storey blocks accommodating 32 no. bedsit units with 1 no. 3-storey block and 1 no. 4-storey block accommodating 40 no. 1-bed apartments. Including the recently refurbished building featuring in the eastern part of the site, the overall site will accommodate 52 no. units in total. The appellants argue that the proposal is a poorly considered design which amounts to a serious overdevelopment of the appeal site. They contend that its mass, scale and design will result in a development that is visually obtrusive in comparison to the 2 storey blocks currently occupying the subject site/surrounding two storey houses viewed from the surrounding area/the footpath along the canal.

7.2.2. With regards to density, National Policy Objective 35 contained in the National Planning Framework seeks an increase in residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights. National policy, including the Sustainable Residential Development in Urban Areas (2009), promotes residential densities in urban areas in close proximity to services and public transport. This sentiment is echoed in the Dublin City Development Plan, 2022-2028, with Policy SC11 promoting compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors, and Appendix 3 supporting increased height and higher density schemes in areas close to high frequency public transport. In this regard, the appeal site is currently well served by public transport as it is located c. 250 metres west of the Blackhorse Luas Stop and proximate to Dublin Bus Routes No. 13, 68 and 69, running along Tyrconnell Road. Moving forward, the Bus Connects Network Bus Route 58 is proposed to run along Tyrconnell Road. In light of this, under

the Sustainable Urban Housing; Design Standards for New Apartments, Guidelines for Planning Authorities, 2022, (the Apartment Guidelines), the site would be categorised as a 'Central and/or Accessible Urban Location'. Such locations are deemed to be suitable for small-to-large-scale (will vary subject to location) and higher density development that may wholly comprise apartments.

7.2.3. The 52 no. apartments proposed on this 5024sqm site, equates to a density of 103 units per hectare. Given the site's location in a serviced residential area, its proximity to public transport services and the infill nature of the subject site, a modest increase in the no. of apartments on site from 44 no. to 52 no. and a consequent increase in density from 88 units per hectare to 103 units per hectare is considered appropriate in this instance. The proposed density for the application site complies with the provisions of the Development Plan and Government policy seeking to increase densities and, thereby, deliver compact urban growth.

7.2.4. In terms of consistency with 'Plot Ratio' and 'Site Coverage' standards, the proposed development, inclusive of the recently refurbished block featuring on site, would equate to a plot ratio of c. 1.3 and a site coverage of c. 28%. The proposed development falls slightly short of the development plan requirements regarding plot ratio and site coverage. This is considered appropriate in this instance given the irregular shape of the subject site and its context, the site being located adjacent to residential properties and within the Grand Canal Conservation Area.

7.2.5. The proposed development extends to a maximum height of 14.35 metres, to the top of Block B's parapet. In terms of building height, Section 4.1 of Appendix 3 to the Dublin City Development Plan 2022-2028 promotes a default position of least three to four storeys, coupled with appropriate density, in locations outside what is defined as city centre. However, there is recognised scope for height intensification and the provision of higher densities on sites well served by public transport. The subject site would constitute such a site, being c. 250 metres west of the Blackhorse Luas Stop and proximate to Dublin Bus Routes No. 13, 68 and 69, running along Tyrconnell Road. The height of the proposed 3 and 4 storey blocks proposed is consistent with Development Plan policy and National policy in relation to building heights. In terms of

its relationship with adjacent residential dwellings, contrary to the arguments made by the appellants, I contend that the building height of the proposed development is appropriate in the context of the immediately surrounding area. Although the blocks are taller than those currently featuring on site, as illustrated in the elevations/sections accompanying the further information request response, the proposed development will sit comfortably adjacent the existing block featuring on site/neighbouring properties and represents a suitable intensification of development/increase in building height.

7.2.6. I am satisfied that the development as proposed does not represent overdevelopment of the site. In addition, and as will be documented in the subsequent sections, I am of the view that the proposed increase in density, scale and height could be achieved on this site without compromising amenities of adjoining properties/surrounding area or compromising the Grand Canal Conservation Area.

7.3. Visual Amenity and Built Heritage

7.3.1. Consideration is needed in relation to the proposed developments potential visual impact on the immediately surrounding residential area (the potential visual impact on the Grand Canal is considered later in this section of the report). At present, the subject site comprises three existing double-storey apartment blocks (one in the easternmost part of the site (Block A), one located centrally adjacent to the northern boundary (Block B) and one in the westernmost part of the site adjacent to the western boundary (Block C)), which have a combined total floor area of c. 1380sqm. The question that arises is whether the proposed development can be comfortably integrated with the development currently featuring on adjoining sites. The appellants contend that it cannot and argue that it will have a profound/negative impact on visual amenity. They contend that the scale of the proposal is so significant that it will appear visually obtrusive.

7.3.2. The area surrounding the subject site features residential land uses. The subject site is unusual in that it is located to the rear of Nos. 26-66 Jamestown Road, accessible via an extension of Jamestown Road comprising a cul-de-sac. It is the only site featuring to the south of this cul-de-sac and the northern side of the cul-de-sac features rear garages/boundary walls associated with Nos. 10-70 Jamestown Road. Further to this due to its triangular shape, it has only one immediate residential abuttal (Nos. 9-

17 Jamestown Square) to west, its northern and southern boundaries flanking Jamestown Road and the Grand Canal, respectively. Nos. 9-17 Jamestown Square comprise double storey terraced/semi-detached dwellings. I note they do not have frontage to the cul-de-sac.

7.3.3. The proposed 3 and 4 storey blocks constitute an increase in height from the existing situation on site, the proposed buildings replacing 2 no. 2-storey buildings currently featuring on site. With regards to streetscape presentation to the section of Jamestown Road immediately abutting the subject site, proposed Block A which is to be developed along site's northern boundary is 3-storeys in height. It is located immediately west of a recently refurbished 2-storey block featuring in the easternmost part of the subject site. The taller block proposed, Block B (which is 4-storeys), is setback from the site's immediate Jamestown Road frontage, located to the south of Block A, flanking the site's southern boundary. The majority of Block B sits behind Block A, with only the westernmost part of Block B (a section approximately 10.5 metres wide) visible from the section of Jamestown Road running along the site's frontage. In my view, the proposed development will sit comfortably amid the garage structures and recently refurbished 2-storey block being retained on the subject site, as illustrated by the sections and the photomontages (more specifically that taken from Viewpoint 1) accompanying the further information response request, while the footpath upgrade works being proposed to the front of Block A will improve this section of Jamestown Road at street level. Due to its location, to the rear of Nos. 26-66 Jamestown Road, there are minimal views of the part of the subject site being re-developed from the main Jamestown Road through road, with only oblique views available from the access road featuring between Nos. 60 and 62 Jamestown Road and the open space area featuring between Nos. 48 and 50 Jamestown Road.

7.3.4. The proposed development will be contemporary in design, adopting a flat roof form and featuring brick (in varying colours), render and cladding panels in terms of materials/finishes. This part of Inchicore is varied in terms of building stock, architectural styles and materiality with re-development having occurred in the wider area in recent years. In terms of design/materials and finishes, the dwellings to the north, at Nos. 26-66 Jamestown Road, and west, at Nos. 9-17 Jamestown Square,

feature a mix of brick and render and have pitched roof. The garage structures, associated with Nos. 26-66 Jamestown Road, featuring on the opposite side of Jamestown Road, feature both flat and pitched roofs and a mix of block, brick and render. In terms of materiality/design, I would contend that the proposed development provides an appropriate response to adjacent buildings. The proposed buildings will provide for a modern insertion in this streetscape, which is of a scale and design appropriate to the site/neighbouring properties and will not significantly detract from the visual amenity of this area or the immediate or wider Jamestown Road streetscapes.

7.3.5. I now turn my attention to consideration of the proposed development's potential impact on the built heritage of the immediately surrounding area. The subject site falls within the Grand Canal Conservation Area, as identified in Zoning Map D of the Dublin City Development Plan 2022-2028. The Dublin City Development Plan 2022-2028 includes policies discouraging the demolition or substantial loss of structures that positively contributes to the character of a Conservation Area, at Policy BHA9, and encouraging the rehabilitation and reuse of existing older buildings, at Policy BHA11. Policy BHA9 requires that development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Therefore, the appropriateness of the demolition of the existing buildings on site and the appropriateness of the proposed buildings in the context of the Conservation Area requires consideration in relation to the subject application pursuant to the Development Plan requirements.

7.3.6. Turning my attention firstly to the proposed demolition of the existing building on site. The 2 no. buildings proposed to be demolished were built in the 1970's as part of a 3-block development providing 50 independent homes for elderly residents. The existing buildings on site are not included on the List of Protected Structures or included on the National Inventory of Architectural Heritage and they make limited contribution to the area in terms of architecture/design. As previously discussed, the existing buildings are currently vacant, boarded up and in poor condition. Given the existing condition of the buildings and their meagre contribution to the character of the Conservation Area,

I do not consider this an 'appropriate' situation warranting the retention/reuse of the existing buildings on site, in the context of Policy BHA11, and have no objection in principle to the demolition of existing buildings to accommodate the redevelopment of the site in this instance. Given their dilapidated state, it could in fact be argued that their demolition would make a positive contribution to the conservation area. The removal of the older buildings facilitates the introduction of a larger residential development on an infill, brownfield urban area near public transport, which is consistent with national policy and guidance promoting compact development and regeneration of underutilised sites in such accessible locations.

7.3.7. I now turn my attention to the potential impact of the new buildings being introduced on site on the visual amenity and character of the Grand Canal Conservation Area. Proposed Block B will occupy an area of open space currently featuring adjacent to the site's southern boundary/flanking the northern boundary of the Grand Canal. Verified Photomontages, prepared by Model Works, were submitted as part of the further information request response. As illustrated by the photomontages (more specifically those taken from Viewpoints 4, 5 and 6), proposed Block B will be visible in the context of the adjacent Grand Canal. Although 4-storeys in height, views of proposed Block B from the adjacent canal will be limited due to the group of trees/trees being retained along the site's southern boundary/the canal's northern edge which screen the development to a degree and the difference in level that exists between the subject site and the adjacent canal, the subject site sitting lower than the canal as illustrated in the sections accompanying the further information request response. Further to this, the contemporary design and muted tone of the brickwork proposed along Block B's western and southern facades, softens the building's appearance when viewed from the adjacent canal.

7.3.8. In terms of recent developments that have taken place along this section of the Grand Canal, immediately east on the southern bank of the canal is Lansdowne Hall which is 4-9 storeys in height where it flanks the canal and c. 300 metres west on the southern bank of the canal is the Grand Canal View Apartment development which is 4 storeys in height where it flanks the canal. Although the buildings featuring on the adjacent site to the west comprise of double storey dwellings, in my view the proposed

development will sit comfortably within the existing and emerging canal setting. The proposed building will provide for a modern insertion in this section of the canal, which is of a scale and design appropriate to the site and will not significantly detract from the visual amenity of the Grand Canal.

7.3.9. Although visible from the banks of the canal, the proposed development is not visually obtrusive with no significant adverse impact on the visual amenities of the Grand Canal Conservation Area. I am satisfied that character of this Conservation Area will remain unchanged and unaffected by the proposal and as such I consider the proposed development to be acceptable in this regard. I consider that the proposed 3 and 4 storey buildings can be accommodated without detrimentally impacting to the visual amenity or built heritage of the surrounding area. The potential impact of the proposed development on residential amenity of the surrounding area is subsequently considered in Section 7.4.

7.4. Residential Amenity of Adjoining Properties

7.4.1. One of the primary issues raised by the appellants is that the proposed development will have a negative impact on the residential amenities of the nearby properties and the area. The modest increase in proposed Block B's separation distance from the western boundary adopted/the changes to balcony configuration featuring in the plans submitted with the further information request response have failed to address resident concerns.

Properties to the West

7.4.2. The subject site's western boundary abuts Nos. 9-17 Jamestown Square, which comprise of double storey semi-detached and terraced dwellings. More specifically, the rear/side gardens associated with these dwellings sit immediately adjacent to the subject site's western boundary.

7.4.3. With regards to potential overlooking, the western facades of the proposed blocks are devoid of habitable room windows at upper floor levels so there are no opportunities for overlooking of directly opposing windows or adjacent open space areas to the west. The balconies featuring in proposed apartments No. 2, 3, 4, 26 and 27, which have a

westerly outlook, are setback a minimum of 10.6 metres from the common boundary and 21.978 metres from the east-facing windows associated with Nos. 9-17 Jamestown Square. The separation distances proposed are sufficient to obviate potential unreasonable overlooking of windows and the private amenity space areas associated with Nos. 9-17 Jamestown Square.

- 7.4.4. Although the proposed development sees an intensification of residential development on the subject site, 2 no. double-storey apartment buildings being replaced by 2 no. apartment buildings comprising of 1 no. 3-storey block and 1 no. 4-storey block, I do not consider the proposed development would result in unreasonable overbearing of properties to the west. The existing 2 storey apartment block featuring adjacent to the western boundary extends to a height of 7.6 metres, flanks the western boundary for a length of 36.4 metres and is setback between 5.8 and 6 metres from the common boundary. Proposed Block A extends to a height of 10.725 metres and is setback a minimum of 18.6 metres from the common boundary. Proposed Block B extends to a height of 14.35 metres and is setback a minimum of 8 metres from the common boundary. Both blocks adopt a flat roof form and due to their being developed along the northern and southern boundaries, flank the western boundary for a length of 10.2 metres (20.4 metres combined). With regards to the potential overbearing impact, it is not considered that the proposed development will have an unreasonable overbearing impact on the properties to the west, given the existing situation on site, the positioning/setback of the proposed blocks relative to the western boundary and the scale/design of the proposed blocks.
- 7.4.5. Given the orientation of adjacent dwellings to the west of the proposed blocks and the separation distances that exist between the proposed blocks and these dwellings, I do not consider the proposed development would result in any negative impacts on the residential amenity of adjacent properties to the west by way of overshadowing. The Daylight Impact Report, prepared by BPG3, which accompanies the application confirms as such.
- 7.4.6. With regards to potential impacts on daylight/sunlight received by the dwellings to the west, the Daylight Impact Report, prepared by BPG3, includes a daylight/sunlight assessment of the neighbouring properties. It concludes that Nos. 9-17 Jamestown

Square will comply with the applicable BRE Guidelines, both requirements in the context of Vertical Sky Component and annual/winter sunlight levels, irrespective of the proposed development being introduced.

Properties to the North

- 7.4.7. To the north, on the opposite side of Jamestown Road, lies Nos. 26-66 Jamestown Road, which are occupied by double storey terraced and semi-detached dwellings. The rear gardens/ rear garages associated with these dwellings sit immediately proximate to the subject site's northern boundary.
- 7.4.8. With regards to potential overlooking, the northern façade of proposed Block A features windows serving kitchens (the shower room & w.c. comprising a non-habitable room) which require consideration in the context of potential overlooking. Access to apartments featuring in Block A is provided via a 2.1 metres wide external deck/walkway which traverses the entire northern side of the building. This sits immediately outside the north-facing kitchen windows, with living rooms, bedrooms and external private amenity spaces provided with a southerly outlook. Further to this, the northern edge of the external deck/walkway is setback a minimum of 8.8 metres from the southern boundaries of Nos. 48-62 Jamestown Road (Jamestown Road featuring in the intervening space) and 17.8 metres from the closest south-facing upper floor window featuring in the dwellings to the north (associated with No. 58 Jamestown Road). Having regard to the separation distances provided from property boundaries and south-facing first floor windows to the north and Block A's northern façade, I am satisfied that the proposed development will not result in unreasonable overlooking of properties to the north.
- 7.4.9. Although the proposed development sees an intensification of residential development on the subject site, 2 no. double-storey apartment buildings being replaced by 2 no. apartment buildings comprising of 1 no. 3-storey block and 1 no. 4-storey block, I do not consider the proposed development would result in unreasonable overbearing of properties to the north. The existing 2 storey apartment block featuring adjacent to the northern boundary extends to a height of 7.2 metres, flanks the northern boundary for a length of 43.22 metres and is setback c. 10.5 metres from the southern boundaries

of Nos. 48-58 Jamestown Road. Proposed Block A extends to a height of 10.725 metres (adopting a flat roof form), flanks the northern boundary for a length of c. 56 metres and is setback a minimum of 8.8 metres from the southern boundaries of Nos. 48-62 Jamestown Road. With regards to the potential overbearing impact, it is not considered that the proposed development will have an unreasonable overbearing impact on the properties to the north, given the scale/design of proposed Block A, the existing situation on site/on the neighbouring sites (all properties to the north featuring rear garages along their southern boundaries, proximate to the subject site) and the setback of proposed Block A relative to the southern boundaries of the properties to the north.

7.4.10. Given the existing site context, the existing boundary walls/garages featuring to the rear of these properties and the separation distances that exist between proposed Block A and these dwellings, I do not consider the proposed development would result in an unreasonable increase in overshadowing of adjacent properties to the north. The Daylight Impact Report, prepared by BPG3, which accompanies the application confirms as such.

7.4.11. With regards to potential impacts on daylight/sunlight received by the dwellings to the north, the Daylight Impact Report, prepared by BPG3, includes a daylight/sunlight assessment of the neighbouring properties. It concludes that Nos. 32-66 Jamestown Road will comply with the applicable BRE Guidelines, both requirements in the context of Vertical Sky Component and annual/winter sunlight levels, irrespective of the proposed development being introduced. I am satisfied that the proposed development will not have an unreasonable impact on properties to the west in terms of daylight/sunlight levels.

7.5. Residential Amenity of Proposed Development

7.5.1. The appropriateness of residential amenity afforded the future residents of the proposed development is considered overleaf. In doing so, regard is had to the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022) and the requirements of the Dublin City Development Plan 2022-2028. The appellants contend that the proposed development is contrary to the

Development Plan, including Policies QHSN14 and QHSN36, as the proposal fails to achieve the high quality living environment for future residents.

Unit Mix

7.5.2. The proposal would entail the provision of 40 no. 1 bedroom apartments. This exceeds the 50% one bed/studio units specified in relation to unit mix in Specific Planning Policy Requirement 1 contained in the Apartment Guidelines 2022 and adopted in Section 15.9.1 of the current Development Plan. Section 15.9.1 states that '*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.*' Given the proposed apartments comprise a sheltered housing development accommodating older persons, I am satisfied with the unit mix proposed in this instance.

Floor Areas and Apartment Layout

7.5.3. As detailed in the Typical Apartment Plan Layout Drawing accompanying the application, the proposed 1-bed units would have a floor area of 54sqm. With respect to minimum floor areas, the proposed apartments exceed the minimum overall apartment floor areas specified in the Apartment Guidelines 2022 as well as complying with the associated minimums set in relation to aggregate floor areas for living/dining/kitchen rooms; widths for the main living/dining rooms; bedroom floor areas/widths; and aggregate bedroom floor areas. In addition, there is a requirement under Section 3.8 for '*the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)*'. In this case this standard is also met. Further to this, having reviewed the proposed floor plans, I am satisfied that the apartments are suitably laid out internally to provide an adequate level of residential amenity to future residents.

Dual Aspect/Floor to Ceiling Heights/ Apartments per Core

7.5.4. Specific Planning Policy Requirement 4 requires that a minimum of 33% of apartments proposed are dual aspect units in more central and accessible urban locations, Specific Planning Policy Requirement 5 requires that ground level apartment floor to ceiling heights shall be a minimum of 2.7 metres and Specific Planning Policy Requirement 6 specifies a maximum of 12 apartments per core. With regards to dual aspect, upon review of the plans submitted with the further information request response, the 40 apartments proposed are dual aspect units. At 100%, the proposed development complies with the requirements of SPPR 4. The floor ceiling height at ground floor level would be 3.2 metres and a maximum of 6 apartments per core is proposed, thus complying with the applicable numerical requirements of these two standards also.

Storage

7.5.5. As detailed in the Typical Apartment Plan Layout Drawing accompanying the application, the 1-bed apartments proposed are provided with 3sqm of storage in the form of a utility room and built in storage units in the bedroom and living area. This complies with the requirements specified in Appendix 1 of the Apartment Guidelines, 2022.

Private Amenity Space/Separation Between Blocks

- 7.5.6. Turning to private amenity space. As detailed in the Typical Apartment Plan Layout Drawing accompanying the application, the proposed 1-bed units would be served by 6.6sqm balconies, which have a minimum depth exceeding 1.5 metres, thus complying with the quantitative requirements set out in relation to private amenity space.
- 7.5.7. The appellants have raised concerns about the separation distances provided between the two blocks (in particular the separation distances provided between the eastern most apartments featuring in Block A and the external deck/walkway featuring along Block B's northern façade), arguing that it is insufficient to provide future residents with sufficient levels of residential amenity and privacy. In the context of separation distances, Section 15.9.17 of the Dublin City Development Plan 2022-2028

states that traditionally a minimum distance of 22 metres is required between opposing first floor windows. However, it goes on to state that in certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. Separation distances between buildings will be assessed on a case by case basis.

7.5.8. Block A has been developed parallel with the site's northern boundary and Block B parallel with the site's common boundary with the Grand Canal, which I think is an appropriate response to these frontages. Due to the triangular shape of the subject site, the separation distance between the proposed blocks varies across the site. A separation distances of between 4.5 and 16.6 metres is provided between the southern edge of Block A's south-facing balconies and the northern edge of Block B's northern façade and 6.6 and 18.5 metres between the southern facade of Block A and the northern edge of Block B's northern façade, the separate distances increasing as you move from east to west across the site. Although less than the 22 metres specified, on balance I consider the separation distances adopted between the proposed blocks to be appropriate in this instance having regard to the unusual shape of the site and the suitability of its presentation to both its Jamestown Road and Grand Canal frontages. To the east, where the separation distance is at its narrowest, Block B steps down to single storey in height providing Apartments No. 37 and 38 featuring in Block A with an outlook across the easternmost communal open space area. Further to this, the blocks have been designed in such a way as to reduce overlooking between apartments. access to apartments featuring in Block B is provided via a 2.1 metres wide external deck/walkway which traverses the entire northern side of the building. This sits immediately outside the north-facing kitchen windows, limiting the potential for direct overlooking of Block A's south-facing windows and balconies featuring immediately north.

7.5.9. Having regard to the foregoing, I am satisfied that the proposed private amenity areas also satisfy the qualitative requirements of the Apartment Guidelines given their orientation, the separation distance provided between the blocks and the interface between the southern elevation of Block A and the northern elevation of Block B.

Communal Amenity Space

7.5.10. In accordance with Appendix 1 of the Apartment Guidelines, a minimum of 260sqm of communal amenity space would be needed to serve apartments featuring on the site (which totals 52 no. inclusive of the recently refurbished block featuring in the eastern part of the site). The proposed development complies with the broad numerical communal amenity space requirements, providing c. 500sqm of communal open space across 2 no. areas, one featuring centrally between proposed Blocks A and B and one in the eastern part of the site adjacent to the site's southern boundary. Further to this, the development features a 156sqm community facility, with outdoor seating area at ground floor level of proposed Block A.

7.5.11. In the context of the proposed communal amenity space, the appellants have raised concerns about the usability/quality of the proposed landscaped area between the two blocks given the proximity of Block A and Block B. From a qualitative perspective, I am satisfied that the proposed communal amenity spaces are appropriately overlooked and conveniently located relative to the apartment blocks proposed as well as being of an appropriate size/design so as to be usable. The Apartment Guidelines require that designers '*ensure that the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year*'. The application is accompanied by an Assessment of Daylight Performance within a Proposed Development Report, prepared by BPG3, which includes an assessment of the proposed communal open space areas against the BRE guidelines. It concludes that the proposed development meets the relevant criteria, with amenity spaces within the development receiving in excess of 2 hours over 50% of the amenity space. I am satisfied with their assessment in the context of amenity spaces serving the proposed development. Although sunlight access to the communal amenity space featuring between proposed Blocks A and B is restricted due to Block B's positioning, the communal amenity space featuring further east will have very good solar access due to its south-facing orientation. I am satisfied that the communal amenity areas serving the development will be appropriate from a daylight/sunlight perspective.

Daylight/Sunlight

- 7.5.12. The Apartment Guidelines state that levels of natural light in apartments is an important planning consideration and regard should be had to the BRE standards. The explicit wording set out in the BRE guidelines makes it clear that its content should be considered as guidelines and that flexibility should be employed, rather than rigid application of its standards. The further information request response is accompanied by an Assessment of Daylight Performance within a Proposed Development, prepared by BPG3, which among other things includes an assessment of the proposed apartments in terms of daylight/sunlight to habitable rooms.
- 7.5.13. In terms of sunlight access, sunlight exposure was assessed. The assessment carried out in this regard, found that all the apartments within the development would be capable of receiving advisory minimum levels of sunlight exposure. In the context of daylight, illuminance levels were assessed. Of the 80 no. rooms assessed in this study, 62 no. (78%) were found to meet or exceed the advisory minimums recommended in BS EN17037, the apartments falling short featuring at lower levels of Block A. Upon review of the plans submitted with the further information request response, it would appear that in the proposed apartment type there is potential for the storage areas serving the bedroom/living room to be repositioned in the interior of the building. This would allow for the width of the living room/bedroom to be maximised/its depth to be reduced, thus improving illuminance levels, without the overall amenity of the apartment being compromised. Further to this, upon review of the plans there is also an opportunity for the width of the window serving the bedroom to be increased which would also improve daylight access. Subject to these tweaks to the internal layout, I am satisfied that the proposed apartments (which are dual aspect) will receive appropriate levels of daylight. Therefore, it is recommended that that a condition be attached requiring that the window serving/the internal layout of apartment Nos. 25, 26, 28, 29, 31, 32, 34 and 35 be modified in the above manner.

Bin Storage

- 7.5.14. Paragraph 4.8 of the Apartment Guidelines states that *'provision shall be made for the storage and collection of waste materials in apartment schemes. Refuse facilities shall be accessible to each apartment stair/lift core and designed with regard to the*

projected level of waste generation and types and quantities of receptacles required'. Upon review of the plans submitted with the application and the appeal, a 26sqm bin store is proposed at ground floor level in the north-western corner of the site, adjacent to the vehicular/pedestrian entrance, to serve the future residents of the apartments. The bin store features brick walls, a skillion roof and extends to a maximum height of 3.25 metres and is enclosed by a brick walls. With regards to collection of waste stored therein, the further information request response was accompanied by a swept-path analysis, prepared by Malone O'Regan Consulting Engineers, which demonstrated how fire tender and refuse vehicle access can be accommodated wholly within the site. The proposed bin storage arrangements are considered to be acceptable in terms of residents of the subject development. I am satisfied that the proposed bin storage area is appropriately sized to serve the proposed development, appropriately recessed/screened to reduce visibility from the adjacent public street and the proposed collection arrangements are appropriate.

Conclusion

7.5.15. Having regard to the standards within the Apartment Guidelines (2022) and the Dublin City Development Plan 2022-2028, I am satisfied that the proposed development would provide for a suitable and acceptable form of accommodation for future occupants of the proposed apartments.

7.6. Access, Traffic and Parking

7.6.1. The appeal received contends that car parking provision is insufficient having regard to the demand for car parking provision generated by care givers, medical staff, visitors and by the independent residents themselves at this location and the lack of car parking will result in overspill into the surrounding area, leading to traffic hazards and endangering public safety.

7.6.2. The subject site currently features a car parking area in the eastern corner of the site, accessible off Jamestown Road. The proposed development looks to provide a 5.5 metre wide vehicular accesses off Jamestown Road in the north-western corner providing access to 6 no. car parking spaces. The section of Jamestown Road running along the subject site's northern boundary is a cul-de-sac. In terms of pedestrian

access, the subject site is served by 3 no. pedestrian accesses (one in the eastern corner, one located centrally on the northern boundary and one in the north-western corner) and the subject proposal includes demolition/improvement works along the site's Jamestown Road frontage to provide a pedestrian footpath along this interface.

7.6.3. Having regard to the reduced level of on-site parking provision proposed, use of this cul-de-sac will be intermittent, and the overall number and frequency of vehicle movements will be low. The proposed improvements to pedestrian infrastructure along this section of Jamestown Road is welcomed. Having regard to the standard of the road network in the area, the availability of public transport services, the proposed improvements to this section of Jamestown Road, the relatively modest level of the car parking provision proposed and the Planning Authority reports, it is my view that the proposed development will not endanger public safety by reason of traffic hazard or cause increased congestion.

7.6.4. The subject application looks to introduce 6 no. car parking spaces in the north-eastern corner of the site. 5 no. existing car parking spaces feature on site already, to the east of the recently refurbished block in the eastern part of the site. Therefore, the 52 no. apartments featuring on site will be served by a total of 11 no. car parking spaces (2 no. of which are accessible spaces). The Apartments Guidelines (2022) state that, in central and/or accessible urban locations, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The subject site is deemed to be in a central and/or accessible urban location as it is proximate to the Blackhorse Luas Stop and Dublin Bus Routes No. 13, 68 and 69, running along Tyrconnell Road. In addition to providing multiple options for sustainable travel (via public transport, walking and cycling), there is also a choice of retail and services available to residents in the nearby to proximate to Inchicore Village. A Mobility Management Report, prepared by ALONE, was submitted with the application. It advises that ALONE cater for single older adults who have a very low dependency on private transport and notes that the current occupants on site do not have a private car. Mobility is generally walking, public transport, taxi and occasional minibus. It also notes that there are no full time staff employed on site.

7.6.5. While the concerns of the appellants are noted, it is my view that having regard to the nature of the development (a sheltered housing development providing accommodation for elderly persons), the site's central and/or accessible urban location and its proximity to a range of services and amenities, and the sites proximity to public transport I am satisfied that sufficient car parking has been provided in this instance. I deem the proposed development to comply with the provisions of the current development plan/the Apartments Guidelines and would not result in overspill onto the surrounding road network. In the context of the car parking spaces proposed, the Planning Authority saw fit to include a condition, Condition No. 6(c), requiring that 1 no. of the car-parking spaces provided be allocated to car share use. I think the scheme could benefit from the inclusion of a car share space and recommend that the Board's Order include a similar condition.

7.6.6. With regards to bicycle parking provision, the 2 no. apartment blocks proposed development are served by 44 no. bicycle parking spaces. The quantum of bicycle parking provided falls short of the Apartment Guidelines (2022) standards, which require 1 no. resident cycle space per bedroom and 1 no. visitor cycle space for every 2 no. units, and the standards set out in Section 3.1 in Appendix 5 of the Development Plan, which require a minimum of 1 long term space per bedroom and 1 short stay space per 2 apartments. Bicycle parking provision is considered to be appropriate in this instance, having regard to the nature of the residential development, a sheltered housing development providing accommodation for elderly persons. The proposed bicycle spaces are considered to be in appropriate locations in terms of accessibility and passive surveillance, provided within or immediately adjacent to the public open space areas, adjacent to entry paths to the various blocks/amenity areas.

7.7. Open Space and Tree Conservation

7.7.1. The appellants contend that proposed development is contrary to the following policies included in the Dublin City Development Plan 2022-2028, including GI1, GI24 and GI32, as it requires the removal of a significant level of mature planting bounding the canal and the proposal has not included any linkages from the subject site to the canal footpath. The applicant argues that the proposed development would not benefit from

access through it to the canal and it is not required as access is provided adjacent to the site.

7.7.2. Section 15.8.6 of the Development Plan requires that, in the context of new residential developments, 10% of the site area shall be reserved for public open space provision. Section 16.3.4 goes on to state that where it is not feasible, due to site constraints or other factors, to locate the open space on site, or where it is considered that, having regard to existing provision in the vicinity, the needs of the population would be better served by the provision of a new park in the area (e.g. a neighbourhood park or pocket park) or the upgrading of an existing park, then payment of a financial contribution may be appropriate.

7.7.3. The proposed development is devoid of public open space. This is considered appropriate in this instance given the small size/irregular shape of the subject site, and its proximity to a no. of public open space areas, including the Lansdowne Valley Park and the Grand Canal. It is recommended that the Board attach a suitably worded condition requiring payment of a financial contribution, including in lieu of public open space provision, in accordance with the Dublin City Development Contribution Scheme 2020-2023. It is noted that in the context of development contributions, the proposed development does not fall under any of the categories of exemption listed in the development contribution scheme and the subject site is located outside the applicable catchment areas relating to the Section 49 Supplementary Development Contribution Schemes (Luas Docklands Extension and Luas Cross City).

7.7.4. With regards to the appellants contention that linkages from the subject site to the canal footpath should be provided, I would not consider such an inclusion appropriate in this instance. There is a level difference between the subject site and the adjacent canal footpath that would make provision of such a pathway difficult. Further to this, as pointed out by the applicant, both formal and informal links to the canal are provided immediately east of the subject site.

7.7.5. The appropriateness of communal amenity space provided as part of the proposed development has been considered previously in Section 7.5 of this report.

Loss of Trees

- 7.7.6. The appellants have raised concerns about the proposed development having a negative impact by way of loss of trees. They contend that the proposed development requires the removal of a significant level of mature planting bounding the canal.
- 7.7.7. The application was accompanied by a Tree & Vegetation Survey & associated drawings, prepared by Austen Associates. A total of 19 no. trees & 1 no. group of trees were surveyed on the subject site/interface with the adjacent canal in July 2022. In the context of the 20 no. trees/tree groups featuring, it is proposed to retain 8 no. trees/1 no. group of trees. More specifically, it is proposed to remove 2 no. Category B trees, 5 no. Category C trees and 4 no. Category U trees proposed to facilitate the proposed development. Further to this, as illustrated in the Landscape Plan (Drawing No. 080022_LP_01, prepared by Austen Associates) submitted with the application it was proposed to plant small trees/shrubs in the communal amenity spaces proposed as part of the subject proposal.
- 7.7.8. I note that there are no special designations pertaining to the site and no Tree Preservation Orders under the Planning and Development Act, 2000 (as amended), applying to the subject site. The proposed development would necessitate the removal of 11 no. trees, in the southern part of the site where proposed Block B is to be located. 8 no. trees/1 no. group of trees are proposed to be retained. The Tree & Vegetation Survey & associated drawings submitted with the application show that none of the trees being removed are classified as 'Category A' trees. It is proposed to carry out compensatory planting in the communal amenity areas being provided on site.
- 7.7.9. Based on the arboricultural material/landscape proposals submitted with the application, the absence of tree-specific objectives/orders applying and my own site visit, I am satisfied that the level of tree retention/loss required to facilitate the proposed development is acceptable in this instance. The trees being removed in the southern part of the site are only partly visible from the Jamestown Road streetscape, being shielded from view by the existing blocks featuring centrally and in the eastern part of the site, and from the canal, being shielded from view by the group of trees featuring along the canal's northern edge. The retained trees/group of trees on site/along the

canal edge appropriately soften views of the site when viewed from the adjacent canal/surrounding area more broadly.

7.8. Appropriate Assessment

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

8.0 Recommendation

8.1. Following the assessments above, I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the residential zoning objective as set out in the Dublin City Development Plan 2022-2028, national and local policy objectives which support the redevelopment of brownfield/infill sites, the subject site's proximity to public transport, the design, layout and scale of the proposed development and the existing pattern of development in the vicinity, it is considered that subject to compliance with conditions below, the proposed development would appropriately intensify residential use on this suitably located infill site, would not detrimentally impact on the built heritage or visual amenity of the area, would be acceptable in terms of design, height, layout and scale of development, would provide a suitable level of accommodation and amenity for future occupants, would not seriously injure the residential amenities of adjacent residents, would be acceptable in terms of traffic safety/parking provision and would comply with the provisions of the Dublin City Development Plan 2022-2028 and the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for

Planning Authorities (2022). The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on 10th February 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. The total number of residential units permitted in this development is 40 no. units.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>a) In apartment Nos. 25, 26, 28, 29, 31, 32, 34 and 35, the storage unit featuring in the bedroom repositioned to the wall shared with the Shower Room & W.C. and the storage unit featuring in the living area repositioned adjacent to the kitchen to facilitate an increase in the width of the living room/bedroom so as to maximise daylight penetration.</p> <p>b) In apartment Nos. 25, 26, 28, 29, 31, 32, 34 and 35 the width of the window to the bedrooms increased to a minimum of 2.4 metres.</p> <p>In making these amendments, the external footprint of the apartments shall not be modified.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential amenity.</p>
3.	<p>The development shall be finished in accordance with the material, colour and texture details submitted with the application/further information request</p>

	<p>response (whichever is most recent), unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
4.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
5.	<p>Proposals for an apartment naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility.</p>
6.	<p>A minimum of 10% of all car parking spaces should be provided with functioning electric-vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric-vehicle charging points or stations at a later date. Where proposals relating to the installation of electric-vehicle ducting and charging stations or points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.</p> <p>The car parking spaces for sole use of the car-sharing club shall also be provided with functioning electric-vehicle charging stations or points.</p>

	<p>Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.</p>
7.	<p>One car-parking space shall be allocated to car share use.</p> <p>Reason: In order to ensure a satisfactory standard of development.</p>
8.	<p>Prior to the occupation of the development, a finalised Mobility Management Plan shall be submitted to and agreed in writing with the planning authority. This plan shall include modal shift targets and shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents of the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p>
9.	<p>All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
10.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air-handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment.</p> <p>Reason: To protect the visual amenities of the area.</p>
11.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <ul style="list-style-type: none"> (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

	<p>The assessment shall address the following issues:</p> <ul style="list-style-type: none"> (i) the nature and location of archaeological material on the site, and (ii) the impact of the proposed development on such archaeological material. <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
12.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
13.	<p>The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition.</p>
14.	<p>Construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July</p>

	<p>2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
15.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
16.	<p>(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
17.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

18.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act, 2000 (as amended), that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Margaret Commane
Planning Inspector

6th December 2023