



An  
Bord  
Pleanála

## Inspector's Report

### ABP-316290-23

Development	Demolition of derelict sheds and construction of a 4 unit apartment block with pedestrian access gates to each dwelling off public road and associated site works.
Location	7 Hewardine Terrace, Dublin 1, D01 XN24.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	4929/22
Applicant(s)	Basil Good & Niall O'Brian
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Dowling & Connell families
Observer(s)	None
Date of Site Inspection	16 <sup>th</sup> June 2023
Inspector	Donal Donnelly

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## 1.0 Site Location and Description

- 1.1. The appeal site is located on Hewardine Terrace to the east of Dublin city centre within the triangular block surrounded by Buckingham Street to the west, Killarney Street to the north and Amiens Street to the south-east. Within the centre of the block is a greenspace with Hewardine Terrace forming its western side and northern sides. The southern side comprises the rear of properties on Amiens Street.
- 1.2. The site is located at No. 7 Hewardine Terrace, which is the northern-most property at the corner of the western side of the greenspace. There are shed structures to the north and the remainder of the side is vacant. The front boundary comprises a c.2m high block wall with double gates. To the south is a terrace of contemporary 2-storey dwellings. The rear boundaries of dwellings on Buckingham Street and Killarney Street are to the west and north respectively. The stated area of the site is 199.3 sq.m.
- 1.3. Access to the site is from a narrow laneway off Killarney Street to the north-east. There is an alternative gated access from Amiens Street to the south to Frankfort Cottages. Informal car parking takes place on western and eastern sides of the greenspace.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of existing derelict sheds on site and the construction of a 3-storey flat-roof apartment block comprising the following:
  - 2 no. 1-bed ground floor apartments (48.9 sq.m. each),
  - 2 no. 2 bed duplex apartments over 1<sup>st</sup> & 2<sup>nd</sup> floors (88.2 sq.m. each),
  - Pedestrian access gates to the front,
  - 8 no. bicycle parking spaces within bike store,
  - Associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Dublin City Council issued notification of decision to grant permission for the proposed development subject to 11 conditions.
- 3.1.2. Condition 4 states that the centrally located rear window to the shared staircase at first floor level shall revert to the originally proposed window type. In addition, the rear ground floor windows and sliding doors to Apartments 1 & 2 shall align vertically with first floor rear windows.
- 3.1.3. Condition 5 requires six of the eight bicycle parking spaces to be allocated as long-term parking for residents located in a secure well lit shelter with key/ fob access.
- 3.1.4. Other conditions of a general nature are attached relating to contributions, construction management, drainage, naming and numbering and lodgement of a cash deposit/ bond to ensure satisfactory completion of the proposed development.

### **3.2. Planning Authority Reports**

- 3.2.1. The recommendation to grant permission in the final Planner's Report reflects the decision of the Planning Authority. The main points raised under the evaluation of the proposal in the initial Planner's Report are as follows:
  - Proposed residential accommodation is a permissible use under the Z1 land use zoning.
  - Plot ratio of 1.42 and site coverage of 52.5% adheres to Development Plan requirements.
  - Density of c. 20 dwellings per hectare is not considered excessive for a central site. Reference made to DoECLG's 2009 Sustainable Residential Development in Urban Areas which notes that the emphasis is now more on the role of good design than the prescriptive setting of density.
  - Varied heights and design of surrounding buildings are noted – 3-storey above basement buildings at No. 22 & 23 Killarney Street considered relevant for the purposes of the assessment of the proposal.

- There are some concerns regarding the potential overbearing nature and overshadowing potential giving the confined nature of the site and proximity to rear amenity spaces of surrounding properties.
- Approach taken to the design of the proposed development is not considered as responding appropriately to the surrounding context – standard of design lacks creativity and fails to enhance the character or pattern of development in the area.
- Concerns regarding the design and layout of fenestration to rear, which does not appear to be aligned and lacks coherence.
- Adjacent developments offer useful examples of innovative contemporary design that enhances the area.
- All 4 units exceed minimum floor areas permissible under the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities.
- All apartments possess dual aspect. Planning Authority would have some concern regarding the amount of natural light the ground floor apartments will receive, particularly to the west given the separation distance from the rear boundary wall. Increasing the size of the rear ground floor windows would have a beneficial effect.
- Planning Authority considers that there are other potential solutions to overlooking, such as the angling of windows to face a southern direction. North of balcony to Unit 3 should be constructed of brick and to a height sufficient to prevent overlooking.
- All 4 apartments exceed minimum requirements for private open space. Communal open space not considered necessary given the open space to the front. Proposed development will offer passive surveillance of this space.
- Concerns raised in third party observations regarding the bike storage shed offering access the rear gardens of adjacent dwellings are noted.
- All four units would meet/ exceed minimum internal space configuration requirements and storage requirements.

- 3.2.2. Other technical reports were received from the Drainage Division and Transportation Planning Division seeking further information as above. The zero parking provision is considered acceptable having regard to the scale of development, site constraints, close proximity to public transport and existing controlled parking measures. Cycle parking provision is considered satisfactory; however, the Division recommends the provision of a minimum of 1 no. cargo bike space. Scaled drawings of bike parking were requested and it is stated that vertical hanging stands are not appropriate. It is noted with respect to waste management that several private refuse collectors have smaller vehicles that can collect waste in city centre environments.
- 3.2.3. The Planning Authority has no objection in principle to a residential development of increased density on the site. However, further information was sought from the applicant to include an alternative design solution for rear fenestration; a daylight study; surface water drainage calculations; flood risk assessment; clarification of bicycle and bin store access and usage; and clarification that the site can be accessed by construction and emergency vehicles.
- 3.2.4. The main points raised in the Case Planner's subsequent assessment are summarised as follows:
- Proposed alterations to rear windows are satisfactory subject to minor issues being dealt with by way of condition.
  - Sunlight assessment finds that the majority of adjacent windows at Deerpark, Killarney Street and Killarney Avenue will maintain at least 80% of their existing values. Overall height of proposed development is reduced from 9m to 8.4m and as such, the Planning Authority considers that this further information item has been sufficiently addressed.
  - Engineering Report provides details on surface water attenuation rates, a SuDS analysis and a flood risk assessment. Response considered satisfactory subject to conditions recommended by the Drainage Division.
  - Autotrack drawings, technical details of proposed bicycle parking and revising bin storage drawings submitted – response sufficiently addresses the further information item subject to conditions recommended by the Transport Planning Division.

- New Dublin City Development Plan, 2022-2028 has come into effect; however, there have been no significant changes to policy and guidance under which the proposed development was previously assessed.

3.2.5. It is concluded that the FI has adequately addressed previous concerns raised and that the proposed development is of a scale, design and contemporary form and layout that does not detract from or erode the character of the surrounding area.

### 3.3. **Third Party Observations**

3.3.1. Third party observations were received from the residents of No's 21 & 22 Killarney Street (appellants) and also from the resident of No. 3 Hewardine Terrace and No. 1 Killarney Avenue.

3.3.2. Issues raised in these submissions not covered in the third party appeal are as follows:

- Impact of construction on the road and parking situation.
- Overhead power lines and cables above the site at Hewardine Terrace.
- Construction management plan should be in place. Noise, dust and vermin during construction.
- Proposal will lead to overcrowding in the area and parking problems.
- Not in keeping with the height and design of buildings in the area.
- Balconies too large and too near No. 6 Hewardine Terrace roof – security and damage risk.

## 4.0 **Planning History**

4.1. No planning history.



## 5.0 Policy Context

### 5.1. National Framework Plan

- 5.1.1. The NPF seeks to encourage compact growth and better use of under-utilised land and buildings, including ‘infill’, ‘brownfield’ and vacant and under-occupied sites for higher housing and job densities, better served by existing facilities and public transport. A greater proportion of future housing development is targeted to be within and close to the existing ‘footprint’ of built-up areas.

### 5.2. Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities 2020 (updated December 2022)

- 5.2.1. These Guidelines set out design parameters for apartments including locational consideration; apartment mix; internal dimensions and space; aspect; circulation; external amenity space; and car parking.

### 5.3. Dublin City Development Plan, 2022-2028

- 5.3.1. The appeal site is zoned ‘Z1 – Sustainable Residential Neighbourhoods’ where the objective is *“to protect, provide and improve residential amenities”*.
- 5.3.2. Standards for residential accommodation as set out in Chapter 15. Under Section 15.5.2, it is stated that infill development should complement the existing streetscape, providing for a new urban design quality to the area. The Council will require infill development:
- To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.
  - To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.
  - Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.

- In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest.
- Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts in the surrounding neighbourhood.

5.3.3. Standards are also included in the Development Plan for height, density, plot ratio, site coverage and materials and finishes.

5.3.4. Section 15.9 includes standards for apartments in terms of units mix, unit size/ layout, dual aspect, floor to ceiling height, access, storage, private and communal amenity space, security, refuse storage, daylight and sunlight, wind and noise, separation distances, and overlooking and overbearance.

#### 5.4. **Natural Heritage Designations**

5.4.1. The Royal Canal pNHA is approximately 350m to the north-east of the appeal site. The South Dublin Bay and River Tolka Estuary SPA is the closest European Site at a distance of approximately 1.4km.

#### 5.5. **EIA Screening**

5.5.1. Having regard to the nature and scale of the proposed development, it is considered that there is no real likelihood of significant effects on the environment. 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 against the Council's decision was submitted by the residents of No. 21 & 22 Killarney Street. The grounds of appeal and main points raised in this submission are summarised as follows:

- Points raised in observation are still valid, i.e. size and location of proposed building and impact on sunlight; structural safety of very old buildings in the vicinity;

privacy glass on windows facing appellant's property; and security issues from bike shed providing easy access to appellant's rear garden.

- Daylight and Sunlight Survey shows that two windows in appellant's home will be impacted beyond the 80% threshold – one of these windows is the only source of light to living room, while the other is the only source of light to the kitchen. There is no sunlight to the north-facing front of the dwellings.
- Loss of sunlight to rear garden falls below acceptable criteria laid out in the assessment – back garden is only source of private outdoor space.
- Have serious concerns about fire safety and the access of large vehicles to the site. Developer's submission omits the reality of the height restrictions of the archway used for access.
- Proposed entrance through Amiens Street is through a private gate that is kept locked throughout the day – fail to see how this could be used in practice should emergency services or delivery vans arrive with little notice. Entrance is also vertically constrained and due to 3-storey height of proposed development and a larger fire truck with aerial attachment would be needed. Access off Killarney Street is constrained by tightness of the bend.
- Appellants would like clarity as to the opaqueness of the windows on the rear of the proposed building.

## 6.2. Applicant Response

6.2.1. The following is a summary of the response made on behalf of the applicant to the third party appeal:

- Structural impact on adjoining properties is a matter for construction. Ground floor footprint is set back from other properties and no basement is proposed. Applicant welcomes any condition requiring detailed structural construction methodology to be prepared.
- Proposed 3-storey height is reflective of the heights, scale and massing within the immediate vicinity of the subject site, which is 3-storey over basement (22 & 23 Killarney Street) and 2 storey.

- Primary parapet is set below the heights of 4-6 Hewardine Terrace with a 1.7m set back at the upper level. Upper level is finished in zinc and will not appear as over-dominant.
- Height and distance from other buildings are reflective of the pattern of development in the area.
- Vehicular access to Amiens Street is via a gate and all residents and emergency services have a fob and access through it.
- Autotrack analysis clearly shows that a fire tender can access the site and this access has already been used by emergency vehicles.
- Transport Division of the Council note that refuse operators have vehicles of various sizes that collect refuse where narrow streets are prevalent within the city centre.
- Proposal includes appropriate mitigation measures including high level windows to the rear; no windows to the north elevation; and privacy screening to the front to maintain residential amenity.
- Vertical Sky Component (VSC) of the sunlight and daylight analysis concludes that of the 14 windows, 10 will retain VSC component in excess of 80% their former value. There is a minor impact on two windows and a moderate impact on two windows, one of which serves a basement.
- Property most affected by VSC is not party to this appeal (No. 20 Killarney Street). Ground floor of this property narrowly fails to meet the 80% required. Basement window of this property fails most significantly due to its already low VSC. This is the only window that fails the Annual Probable Sunlight Hours Assessment (APSH) due to its already poor sunlight hours.
- Only one window in the appellant's property fails to meet the 80% required (window 19 – side facing north-east window in rear return), which achieved a VSC of 75.5% of the existing. Only window 18 in appellant's property just fails the WPSH assessment.
- Only window 15 within No. 21 will not meet the 80% test – this window seems to have been enlarged and there are two rooflights inserted above and a glazed door to

the courtyard. Any loss of light to window 15 is more than compensated and mitigated by additional glazing.

- No basis for appellants' claims that the proposed development will have a severe impact on the loss of light to their property.
- Both rear gardens of No. 21 & 22 Killarney Street already experience close to the 50% of garden area receiving at least 2 hours of sunshine on 21<sup>st</sup> March – this will reduce as a result of the proposed development.
- Proposed development will ensure that the majority of adjacent windows will maintain at least 80% their existing value and therefore impact will be minimal and to an acceptable level.
- Appellant's dwellings are located in an urban context and setting and do not have the benefit of high levels of sunlight and daylight. Proposal will not significantly alter the existing situations at the appellant's rear amenity areas or within the dwellings to such a degree that would warrant overturning of the Council's decision.
- Condition 5(b) of the Council's decision requires the submission of a Construction Management Plan – this will include a Construction Traffic Management Plan to ensure that all proper procedures are in place relating to construction traffic.
- Proposed development is designed in a manner that safeguards the residential amenity of the appellant's dwellings in terms of loss of privacy. Screening is proposed to balconies and high level windows offer no additional overlooking.
- No evidence to support claims that there are sewer lines running through the appeal site. Drainage Division requested further information and has no objection to the proposal subject to conditions.

### **6.3. Planning Authority Response**

- 6.3.1. In response to the third party appeal, the Planning Authority requests the Board to uphold its decision and that conditions be applied relating to Section 48 and 49 development contributions and the payment of a bond.

## 7.0 Assessment

7.1. I consider that the key issues in determining this appeal are as follows:

- Development principle;
- Impact on residential amenity;
- Visual impact;
- Other;
- Appropriate Assessment.

### 7.2. Development Principle

7.2.1. The appeal site is zoned “Z1” where the objective is “*to protect, provide and improve residential amenities.*” The construction of an apartment development within a brownfield infill site would be acceptable in principle subject to an assessment of the impact of the proposal on residential amenity and compliance with other relevant Development Plan policies and objectives.

### 7.3. Impact on Residential Amenity

7.3.1. A number of issues arise with respect to the impact of the proposed development on residential amenity. In particular, the degree of interference of sunlight and daylight access to surrounding properties is of significance. Other matters to be addressed hereunder are overbearance, loss of privacy and security.

#### Sunlight and Daylight

7.3.2. Planning permission is sought for a 3-storey apartment block in an urban setting in close proximity to adjoining properties. The height of the proposed apartment block is 8.6m (reduced from 9m following at further information stage), and the boundary wall to the north is between 1.5m and 1.9m from the new building. To the west, the boundary wall is set back 1.75m and 2.3m along the length of the proposed apartment block. The north-facing elevation is approximately 8.3m wide up to first floor level and 6.3m wide at 2<sup>nd</sup> floor level.

- 7.3.3. The third appellants are the owners of the properties at No. 21 & 22 Killarney Street, which are located north-west of the appeal site. The appellants are concerned that the proposed development will detrimentally impact on their access to sunlight and daylight within the rooms of their dwelling and on rear amenity spaces.
- 7.3.4. The Planning Authority sought further information from the applicant to include a daylight study following concerns expressed in third party observations. A Daylight and Sunlight Assessment was therefore submitted to assess the impact on Deerpark, No's 19-22 Killarney Street and No's 1-3 Killarney Avenue. These are locations where the 25 degree line would be subtended by the proposed development.
- 7.3.5. It is stated in the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, 2022 that *“planning authorities should avail of appropriate expert advice where necessary and have regard to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context, when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision.”* The Daylight and Sunlight Analysis was conducted in accordance with these guidelines.
- 7.3.6. For daylight to existing buildings, the 2022 BRE Guidelines recommends the calculation of the Vertical Sky Component (VSC), which is the ratio of direct sky illuminance falling on the outside window to the simultaneous horizontal illuminance under an unobstructed sky. Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH) are used to assess the quantity of sunlight for a given location. For sunlight to gardens and open spaces, at least half the space should receive at least two hours sunlight on the 21<sup>st</sup> March. The calculated values for each of these factors should not be less than 0.8 times their former value.
- 7.3.7. The VSC assessment finds that any impact to Deerpark located west of the proposed development would be imperceptible. Of the 16 windows to the rear of 1-3 Killarney Avenue, 12 will retain a VSC in excess of 80% their former value. Minor impacts will be experienced at three windows (79%, 78.8% and 72.3%) and a

moderate impact will be experienced at one window. The VSC at this window (rear facing GF in No. 1) is currently 18.99% and this will reduce to 11.26% (recommended >27%). This represents a proposal to existing ratio of 59.3%.

- 7.3.8. Of the 14 windows to the rear of No. 19-22 Killarney Street, 10 will retain a VSC in excess of 80% their former value. Minor impacts will be experienced at two windows (77.5% & 75.5%) and moderate impacts will be experienced at two windows. The VSC at the basement window of No. 20 is currently 12.23% and this will reduce to 6.93% (recommended >27%). This represents a proposal to existing ratio of 56.7%. The VSC at the ground floor window of No. 21 is currently 29.22% and this will reduce to 15.34% (recommended >27%). This represents a proposal to existing ratio of 52.5%.
- 7.3.9. All windows within 90 degrees due south have been assessed for APSH and WPSH. Windows in Deerpark retain a value in excess of 80% the former value and therefore any impact would be imperceptible. Similarly, any windows to the rear of No. 1-3 Killarney Avenue within 90 degrees of due south retain a value in excess of 80% the former value. Of the 14 windows to the rear of No's. 19-22 Killarney Avenue, 12 retain a value in excess of 80% the former value. The basement window of No. 20 is currently 13.7% and this will reduce to 8% (target 25%). This represents a proposal to existing ratio of 58.7%. The ground floor rear facing window of No. 22 will see a minor reduction in WPSH from 6.1% to 4.8% (target 5%), which is 78.7% the former value (target 80%).
- 7.3.10. In terms of sunlight to adjacent gardens and opens spaces, there will be an impact at No's. 20, 21 and 22 Killarney Street. The percentage area of No. 22 receiving two hours of sunlight on 21<sup>st</sup> March decreases from the existing 52.8% to 40.4%, a ratio of 76.5% and therefore a minimal impact. The equivalent figures for No. 21 is 47.5% to 36.8%, a ratio of 77.5%, also minimal. No. 20 Killarney Street is more significantly impacted as 52.3% of the rear amenity area receives the 2 hours of sunlight on 21<sup>st</sup> and this reduces to 0%.
- 7.3.11. The shadow diagrams submitted with the Daylight & Sunlight Assessment confirm the results of the assessment of sunlight to rear amenity spaces. It also shows that the rear of No. 20 appears to receive some sunshine on 21<sup>st</sup> June at 11am through to 5pm.



- 7.3.12. Overall, I would be satisfied that the Daylight & Sunlight Assessment provides a comprehensive analysis of the existing and proposed situations and an accurate picture of the degree of impact that will be experienced. The assessment has been prepared in accordance with BRE/ BS guidance and methodology and it should be noted that the mandatory application of BRE standards is not required and results presented should be interpreted with flexibility. Appendix 16 – Sunlight and Daylight of the Development Plan states that the planning authority will apply an exercise in discretion and balance that considers the wider impact of the development beyond matters relating to daylight and sunlight.
- 7.3.13. Clearly, the proposed development will give rise to adverse impacts, particularly on No. 20 Killarney Street. In particular, the proposal will overshadow its rear amenity space. I would note, however, that this is a tightly configured urban area and it is difficult to achieve minimum criteria in these circumstances. Some degree of overshadowing is to be expected if an infill site is to be developed in accordance with the prevailing pattern of development in the area. In my opinion, a 2-storey proposal would also overshadow the rear amenity space of No. 20 to a certain degree. Mitigation in the form of a reduced height to two storeys may not therefore give rise to any substantial reduction of impact in the most affected properties.
- 7.3.14. Having regard to the surrounding context and the city centre location of the appeal site, I consider that the proposal is reasonable and appropriate in terms of scale. In my opinion, a reduction to 2-storeys would be excessive in terms of mitigation in this case and would result in an underutilisation of a well-connected site in proximity to high quality transport. Essentially, the upper storey allows for an additional 4 no. bedspaces; a superior standard of amenity for future residents of the scheme; and more variety of unit type. On balance, I consider this outweighs the adverse impacts associated with the additional overshadowing caused by the second floor.
- 7.3.15. The Board may wish to consider attaching a condition requiring the setting back of the top storey along the sides of the building. The aggregate floor area of the kitchen/ living/ dining area at the upper level of the duplexes could only be reduced by 2.8 sq.m. so as to stay within recommended standards, and this would only allow for an approximately 0.5m set back along both sides at 2<sup>nd</sup> floor level. I do not consider that this would have a perceived reduction in impact in terms of overshadowing/ loss of daylight/ sunlight to merit such an amendment.

### Overbearing impact

- 7.3.16. In addition to the impacts associated with overshadowing and loss of light, the proposed development may also give rise to overbearing effects when viewed from surrounding properties. These impacts are associated with excess mass and bulk of a new structure in close proximity. Overbearing effects are particularly apparent when a structure appears monolithic.
- 7.3.17. I note that no side elevation drawings appear to have been submitted with the planning drawing. It is possible, however, to envisage the side appearance and scale of the proposed apartment from the section drawing. The slight setting back of the top storey and its zinc cladding will, in my opinion, help to break up the bulk of the proposed development when viewed from the north and therefore I consider the structure will not appear as overbearing.

### Loss of Privacy

- 7.3.18. The third party appellants are concerned that windows from the proposed development may give rise to overlooking towards their properties. Clarification is sought as to the level of opaqueness in windows.
- 7.3.19. It is noted that screening is proposed and fenestration to the rear of the building was amended at further information stage to high level windows. The introduction of high level windows would largely negate any need for obscure window panes to prevent overlooking. Notwithstanding this, there may still be the perception of overlooking for residents of Killarney Avenue. The fitting of these windows with obscure glazing would not significantly impact on the amenity of future residents of the proposed development in terms of daylight penetration. I recommend the attachment of a condition to reflect same. Otherwise, I would be in agreement with the Planning Authority's attached condition relating to fenestration.
- 7.3.20. The Planning Authority considered that there are other potential solutions to overlooking, such as the angling of windows to face a southern direction. There was also concern that the ground floor units of the proposed development may not receive adequate daylighting. I would be satisfied that the combination of a single window and double doors to the main habitable rooms within the ground floor apartments will provide for adequate daylighting to these rooms. I am also satisfied with the proposals to address overlooking.

## Safety and Security

- 7.3.21. Concerns were raised by the appellant that the single storey bike shed could provide a means of access to the rear of their properties. I do not consider this to be a significant issue that would warrant an amended design or refusal of permission. The proposed situation is no worse than that present and there will be no easy access for climbing on top of the bike shed.

### **7.4. Visual Impact**

- 7.4.1. There is a mix of architectural styles within this locality and I would be satisfied that the proposed design will sit comfortably with the existing pattern of development, which comprises of a mix of styles, materials and scale. The proposed building introduces an appropriate contemporary design and an improved aesthetic over the existing boundary wall and gate to the front. I agree that the proposed development will help to improve passive surveillance and security in the area.

### **7.5. Other**

- 7.5.1. A number of other issues were raised within the third party appeal relating to drainage, emergency access and structural safety. I note that the Drainage Division do not have issue with the proposed development and have recommended appropriate conditions. The applicant has provided sufficient information that access to the proposed development can be facilitated for emergency and service vehicles. Finally, a condition can be attached to any grant of permission requiring the proposed development to be constructed in accordance with a construction management plan.

### **7.6. Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

## 8.0 Recommendation

8.1. It is considered that the proposed development should be granted for the reasons and considerations hereunder and subject to the conditions below.

## 9.0 Reasons and Considerations

Having regard to the zoning objective for the site and pattern of development in the area, together with the design, scale and layout, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, would provide for a satisfactory standard of accommodation for future residents, and would be acceptable in terms of access and pedestrian/ cyclist safety and convenience. 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 further plans and particulars submitted to the Planning Authority on 23<sup>rd</sup> 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The centrally located rear window to the shared staircase at first floor level shall revert to the originally proposed window type, as per Drawing No's. PG-04, PG-05 and PG-06</p>

	<p>(b) The rear ground floor windows and sliding doors to Apartments No's. 1 &amp; 2 shall align vertically with the rear first floor windows of Apartment No's. 3 &amp; 4 located directly above, as altered by way of a response to further information request and indicated on Drawing No's. AI-PG-02, AI-PG-04 and AI-PG-05.</p> <p>(c) All rear facing windows at first and second floor level shall be fitted and permanently retained with obscure glazing.</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><b>Reason:</b> In the interests of residential and visual amenity.</p>
3.	<p>Long term residential cycle parking shall be located in a secure well-lit shelter with key/ fob access prior to occupation of the development.</p> <p><b>Reason:</b> In the interests of residential amenity.</p>
4.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>Proposals for a development name, numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and house numbers shall be provided in accordance with the agreed scheme. The proposed name(s), in both Irish and English, shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements / marketing signage relating to the name(s) of the development shall be erected until the developer has</p>

	<p>obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
7.	<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 methodology, hours of working, management measures for noise, dust and dirt, management of construction and demolition waste and construction traffic management proposals.</p> <p><b>Reason:</b> In the interest of public safety and residential amenity.</p>
8.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</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. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
10.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads,</p>

	<p>footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion of the development.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution in respect of the LUAS C1 Line Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>
12.	<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</p>

<p>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><b>Reason:</b> 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.

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Donal Donnelly  
Senior Planning Inspector

19<sup>th</sup> June 2023