



An
Bord
Pleanála

Inspector's Report

ABP-316465-23

Development	A block of four apartments with off street parking, bicycle parking, bin store and SuDs unit.
Location	Site between 50 & 52 Jamestown Road, Finglas, Dublin 11.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3150/23
Applicant(s)	Linda Olin
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Linda Olin.
Observer(s)	The Residents of Jamestown Road Richard Lidwell
Date of Site Inspection	23 rd June, 2023
Inspector	Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site comprises an approximately L shaped parcel of land located between No.50 Jamestown Road to the south west and No.52 Jamestown Road to the north east and extending to the rear of Nos. 52 and 54. The site is bounded to the north by the Johnston Mooney and O'Brien factory, to the west by existing two and three storey residential properties in the Gofton Hall development and to the east by the rear gardens of the houses at Nos. 52 and 54 Jamestown Road. To the south the site is bounded by residential properties on Jamestown Road. The site is located c.200 metres from the centre of Finglas Village.
- 1.2. The general environs of the site on Jamestown Road is primarily residential in character. The existing houses on the western side of the Jamestown Road in the vicinity of the site are originally single storey, specifically Nos. 52 and 54, however No.52 has been extended to the rear with a two storey extension. Houses on the eastern side of the road and on the west side away from the immediate vicinity of the site are a mixture of single and two storey.
- 1.3. The site has an existing gated vehicular access onto Jamestown Road. The submitted drawings indicate a pedestrian right of way to the house to the south at No.50 Jamestown Road.
- 1.4. The site has a stated area of 524 sq. metres and is currently unused and overgrown, especially at the rear.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a two storey apartment development comprising a two storey building containing 2 no two bedroom units and 2 no. one bedroom units. This residential development is proposed to be located at the rear of the site and immediately adjoining the western and southern site boundaries in this part of the site.

- 2.2. The design proposed incorporates a two storey building with a curved dormer style upper floor profile. No windows are proposed in the rear (west facing) elevation towards Gofton Hall. Windows are provided in the north east facing elevation towards the rear of Nos. 52 and 54 Jamestown Road and the site access. Private balconies are proposed serving the upper floor units. The separation distance between the proposed block and the boundary with the rear of Nos. 52 and 54 Jamestown Road is tight being less than 2 metres at the closest point. Open space areas are proposed to the north and east of the block and adjacent to the access road.
- 2.3. Off street parking for 2 no. cars is proposed as well as bicycle parking (7 no. spaces). A covered bin storage area is also proposed. The parking spaces are proposed on the northern side of the site access road adjacent to the gable of No.52 Jamestown Road to the north. Pedestrian and vehicular access to the site is proposed via the existing entrance onto Jamestown Road

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Refuse Permission for two reasons that can be summarised as follows:

1. That having regard to the scale of the proposed development and proximity to site boundaries that the development would seriously injure the residential amenities of surrounding properties by virtue of loss of daylight and sunlight, overlooking and overbearing visual impact.
2. By virtue of inadequate daylight and sunlight, floor to ceiling heights and sub-standard private amenity space, the proposed development would be contrary to the provisions of the Sustainable Urban Housing Design Standards for New Apartments and the Dublin City Development Plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer notes the main plan provisions relating to the site and the internal and third party submissions received. A detailed assessment of the layout is provided, and concerns are expressed regarding the scale of development, proximity to site boundaries, impact on surrounding residential amenity and the level of residential amenity for future occupants due to lack of daylight and limited floor to ceiling heights. Refusal of permission consistent with the notification of decision which issued is recommended.

3.2.2. Other Technical Reports

Transportation Planning Division – The report notes the sub-standard layout of the proposed parking on site, however the omission of onsite parking is considered to be acceptable given the proximity of the site to Finglas Village. Some additional cycle parking required. No objection subject to conditions.

Drainage Division – Recommends further information on proposals for surface water management and disposal. Proposals that incorporate SUDS and nature based solutions are required. A flood risk assessment is also requested.

Environmental Health Officer – The report of the Planning Officer references a report from the EHO which recommends refusal of permission '*or in the event of a planning permission being granted recommends conditions*'.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

A third party observation from the residents of Jamestown Road was submitted. The main issues raised can be summarised as follows:

- Excessive scale of development relative to site size.
- Loss of privacy and overlooking of surrounding properties.

- Excessive proximity to site boundaries and adjoining properties.
- Anti-social behaviour and loss of amenity for adjoining residential properties arising from the proposed access and lack of a gate.

4.0 Planning History

Appeal Site

DCC Ref. 3036/22 – Permission refused for the construction of one four bed part two and part three storey house. Permission refused for a single reason relating to design compatibility with surrounding properties and impact on residential amenity.

DCC Ref. 4123/10; ABP Ref. PL29N.238543 – Permission refused by the planning authority and decision upheld on appeal for the development of a dormer bungalow on the appeal site.

DCC Ref. 4108/09 – Permission refused by the Planning Authority for the development of a two storey apartment block on the site. The two refusal reasons related to loss of amenity for the adjoining Gofton Hall apartment development due to proximity and overbearing visual impact, and inadequate private amenity space provision for the development resulting in a sub-standard form of development and over development of the site.

DCC Ref. 4869/08 – Permission refused by the Planning authority for the development of a three storey apartment development on the site. The three reasons for refusal included issues of overlooking, visual intrusion, excessive scale and sub-standard private amenity space within the development.

Surrounding Sites

DCC Ref. 3173/21; ABP Ref. ABP-311584-21 – Permission refused for The development comprising 23 no.. 1 bed units in 2 no. apartment buildings ranging in height from 3-4 storeys on site to the south of the current appeal site on the opposite side of Jamestown Road.

5.0 Policy Context

5.1. Development Plan

The appeal site is located on lands zoned Objective Z1 (Sustainable Residential Neighbourhoods) under the provisions of the Dublin City Development Plan, 2022-2028. The stated objective of this zone is *'to protect provide and improve residential amenities'*.

The site is located within the boundary of SDRA3 - Finglas Village Environs and Jamestown Lands. There are no specific objectives relating to the appeal site illustrated in Figure 13-6 of the development plan or referred to in 13.5 of the plan. This section of the plan contains policies relevant to Finglas Village and also to the Jamestown Lands and the lands immediately to the north of the current appeal site are illustrated as part of a comprehensive masterplan redevelopment area.

Objective QHSN04 supports the ongoing densification of the suburbs.

Policy QHSN6 states that it is policy *'to promote and support residential consolidation and sustainable intensification'*.

Section 15.13.4 of the Plan relates to Backland Development and states that *'Dublin City Council will allow for the provision of comprehensive backland development where the opportunity exists'*.

Section 15.5.2 of the plan relates to infill development.

Section 15.9 of the Plan relates to Apartment standards and largely reflects the provisions of Sustainable Urban Housing Design Standards for New Apartments.

The following sub sections are particularly noted:

15.9.4 relates to **floor to ceiling heights** and specifies a minimum of 2.7 metres on the ground floor and 2.4 metres on other floors.

15.9.7 relates to **private amenity space** and requires that amenity space in line with the standards set out in the apartment guidelines shall be provided accessible off the main living space.

15.9.16.1 relates to **daylight and sunlight** and states that a daylight and sunlight assessment should be provided to assess the impact of the proposed development

on surrounding properties and amenity spaces and to assess the amount of daylight and sunlight received by each individual unit and communal areas within a scheme.

5.2. **Natural Heritage Designations**

None in close proximity.

5.3. **EIA Screening**

Having regard to the residential nature and limited scale of the proposed development comprising 4 no. units, the established urban nature of the receiving environment and serviced nature of the site and the separation of the site from sensitive environmental receptors 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**

The appeal is accompanied by a revised Drg. No.PP-04 'Proposed Plans Elevations and Section A-A'. Compared with the version of this drawing submitted with the application, the revised version includes some additional figured dimensions, indicates proposed storage areas and indicates one of the first floor units that was originally proposed as a two bedroom unit as a one bed unit. The following is a summary of the main issues raised in the first party grounds of appeal:

- That the development has been carefully designed to address the previous reasons for refusal on the site.
- That the reduction in the shading to the garden areas of Gofton Hall is less than 10 percent.

- That overlooking to the rear is minimised by only three windows at first floor level. The bathroom and living area could be conditioned to be fitted with obscure glazing. The closest window overlooking Nos. 50-54 Jamestown Road would be c.17 metres away.
- First floor windows could be conditioned to face more towards the road.
- That there are sheds along the site boundary that minimise the extent of potential overlooking.
- Ref. 3666/15 is cited regarding separation distances. Reference is also made to developments in Ballymun and Hampton Wood Park where reduced separation distances between windows were permitted.
- That the relative orientations of existing and proposed developments is such that only the early morning light to Gofton Hall would be impacted. No.52 would be impacted only to a very small degree and the main block would not impact any property on Jamestown Road to any significant extent.
- That the percentage reduction in daylight to any property would be minimal *'being below 40 percent at worst'*.
- That the daylight within proposed units is a function of their orientation and significant morning light would be available to all units.
- That the depth of Units 1 and 3 provides for the kitchen area to the rear with the lounge area benefitting from sunlight. 2.4 metre wide full height window provided.
- That the level of private amenity space is consistent with the requirements of Quality Housing for Sustainable Communities. Higher screening can be conditioned to minimise loss of amenity.
- The Traffic Department indicate that no car parking provision is acceptable, and this allows for a redesign of the amenity space layout. Additional space could be conditioned with the omission of the parking spaces. A total exceeding 125 sq. metres could be provided.
- Submitted that the level and quality of communal open space proposed is significantly better than that in the permitted development Ref. 4290/17.

- That the report of the Planning Officer notes the location of the site within SDRA3 (Finglas Village Environs). Noted that the report also references policies on densification, backland and infill development.
- That the floor to ceiling heights in all units apartment from the hall and store areas and one bathroom meet the 2.7 metre standard.
- That the issues raised in the report from the drainage division can be addressed by condition.
- That balconies are located to overlook communal areas to the east and north and not third party properties. The minimum standards specified in Quality Housing for Sustainable Communities are met.
- That the units are proposed to be rented and therefore parking can be controlled.
- That the boundary to Gofton Hall extends to 2.3 metres high and limits the impact on this development.
- That the information contained on the drawings is sufficient for a housing quality assessment.
- That the development site is difficult as evidenced by the planning history, but the current proposal complies with the Sustainable Residential Development in Urban Areas Guidelines in all respects.

6.2. Planning Authority Response

The planning authority request that the decision to refuse permission is upheld. In the event that permission is to be granted it is requested that conditions relating to a section 48 contribution, the payment of a bond, a contribution in lieu of open space and conditions relating to naming and numbering and development management be attached.

6.3. Observations

Two observations on the appeal have been received and the main issues raised in these submissions can be summarised as follows:

- That the changes proposed in the appeal are very minor.
- As recognised by the first party the site is difficult to develop and points towards one off high quality owner occupied houses as being the best solution. The site is too small for the development proposed. It is a leftover site from the development of Gofton Hall.
- That the entrance to the lane was widened by the first party without permission. A gate to this will result in loss of amenity and nuisance and make Nos. 50 and 52 vulnerable.
- The back access to No.50 could be obstructed by parking.
- That Ref. 4290/17 is located in the centre of the village and is in a poor state of repair.
- That the removal of the onsite parking would result in extra parking on Jamestown Road.
- That the development of 4 no. apartments on this site would have a negative impact on the amenity of surrounding properties.

7.0 Assessment

7.1. The following are considered to be the main issues in the assessment of this appeal:

- Zoning and Principle of Development
- Design and Residential Layout
- Impact on Residential Amenity
- Other Issues
- Appropriate Assessment

7.2. Zoning and Principle of Development

- 7.2.1. The appeal site is located on lands zoned Objective Z1 (Sustainable Residential Neighbourhoods) under the provisions of the Dublin City Development Plan, 2022-2028. The stated objective of this zone is '*to protect provide and improve residential amenities*'. Residential development of the form proposed is a Permissible Use on lands zoned Objective Z1. The proposed site coverage is c.40 percent and plot ration c.0.6:1 which is within the indicative standards set out in Table 2 of Appendix 3 of the Plan for a suburban area.
- 7.2.2. In addition, there a number of policies relating to the densification of suburban sites and infill development which I consider to be supportive of the general form of development proposed in this case. Specifically, Objective QHSN04 supports the ongoing densification of the suburbs, and Policy QHSN6 states that it is policy '*to promote and support residential consolidation and sustainable intensification*'. Section 15.13.4 of the Plan relates to Backland Development and states that '*Dublin City Council will allow for the provision of comprehensive backland development where the opportunity exists*'. The appeal site comprises a largely backland site, albeit one that is of relatively restricted dimensions and an assessment of its suitability for development in terms of its impact on amenity is set out in the following sections of this report.
- 7.2.3. The site is located within the boundary of SDRA3 - Finglas Village Environs and Jamestown Lands. While the area immediately to the north of the appeal site is indicated as being the subject of a masterplan for comprehensive redevelopment of the industrial lands in this location, the appeal site is located outside of this area and there are no specific objectives relating to the appeal site contained in this section of the Plan (Section 13.5).
- 7.2.4. I note that reference is made by the observers to the appeal to the comment contained in the first party appeal that the development site is a difficult to develop as evidenced by the planning history. The site does have an extensive planning history as set out at Section 4.0 of this report above, however this application has to be assessed on its merits and the suitability of the design proposed to address any site constraints.

7.3. Design and Residential Layout

- 7.3.1. Reason for Refusal No. 2 as included in the Notification of Decision to Refuse Permission issued by the Planning Authority relates to the design and residential layout of the proposed development and the residential amenity for future occupants. It states that the proposed development would be contrary to the provisions of the Sustainable Urban Housing Design Standards for New Apartments and the Dublin City Development Plan by virtue of its design and particularly by virtue of inadequate daylight and sunlight, floor to ceiling heights and sub-standard private amenity space.
- 7.3.2. With regard to floor to ceiling heights, as noted in the first party appeal, the drawings are slightly deceptive in appearing to indicate a floor to ceiling height of 2.35 metres at ground floor level. It is evident however that a floor to ceiling height of 2.7 metres is proposed in the main living spaces of the units on the ground floor. The proposed development is therefore in accordance with the requirements of Paragraph 15.9.4 of the development plan and such that I do not consider that the reference to floor to ceiling heights in reason for refusal No.2 is appropriate.
- 7.3.3. Notwithstanding compliance with the floor to ceiling height requirements set out in the development plan, the primarily east facing aspect of proposed development, the proximity of the ground floor units to the c.2.5 metre high eastern boundary of the site which varies between c.2.9 and 4.2 metres and the single aspect layout of two of the proposed units means that it is not clear that the units proposed would provide a good level of daylight to the proposed units. Paragraph 15.9.16.1 of the Dublin City Development Plan requires that a daylight and sunlight assessment should be provided to assess the impact of proposed developments on surrounding properties and amenity areas and on the daylight and sunlight received within each individual unit and communal areas of a scheme. Appendix 16 of the plan relates specifically to sunlight and daylight and seeks to provide guidance on the information to be contained in assessments submitted with applications. There is no specific policy contained in the plan that references compliance with the minimum standards set out in the BRE guidance document *Site Layout Planning for Daylight and Sunlight A Good Practice Guide* (2022).

- 7.3.4. In the case of the proposed development, no daylight and sunlight assessment was submitted with the application or as part of the first party appeal. The proposal is therefore not consistent with the requirements of Paragraph 15.9.16.1 of the development plan and It is not possible to accurately assess the sunlight and particularly daylight levels available to the proposed units. Having regard to the orientation and layout of the units and proximity to the site boundary as detailed above, I have significant concerns regarding the level of daylight and resulting level of amenity for future occupants.
- 7.3.5. With regard to amenity space, balconies are proposed to serve the upper floor units (Nos. 3 and 4) and the areas of these spaces meet minimum requirements. The layout of the private amenity space for the two ground floor units is not clear from the drawings submitted. Sufficient space within the development is however possible to provide for private amenity spaces to serve these units, albeit that the proximity to the eastern boundary and orientation would appear to limit the degree of sunlight that these spaces would receive. The private amenity spaces proposed at first floor level have the potential to impact negatively on the residential amenity of adjoining properties and this is considered in detail in section 7.4 of this report below.
- 7.3.6. The shared open space provided is stated to comprise 125 sq metres and the minimum standards set out in the apartment guidelines are therefore met. The shared amenity space is however of restricted width and would appear likely to be shaded for significant parts of the day, particularly the area between the proposed building and the eastern site boundary with Nos 52 and 54 Jamestown Road.
- 7.3.7. Internal layout would appear to be consistent with the Sustainable Urban Housing Design Standards for New Apartments - Guidelines for Planning Authorities, 2022. Specifically, the revised layout submitted as part of the first party appeal indicates a single two bedroom unit which has a floor area of 85 sq. metres. The floor areas of the proposed one bed units are significantly in excess of the minimum required. The revised plans submitted with the first party appeal also detail the provision of storage areas which meet the minimum standards required in the guidelines and the development plan. Two of the four proposed units are indicated as dual aspect which meets the 50 percent requirement set out in SPPR4 for suburban locations.

- 7.3.8. With regard to room areas, these appear to be consistent with relevant standards. I do however note that the curved roof profile proposed at first floor level would have an impact on the amount of usable floorspace. This impact is difficult to quantify based on the drawings submitted.
- 7.3.9. The scheme as originally submitted provides for 2 no. on site car parking spaces. These spaces are located on the northern side of the access road and such that access to and circulation around the spaces would appear likely to be very difficult. I therefore agree with the report of the Traffic Planning Section that in the event of a grant of permission these spaces should be omitted from the development. Given the proximity of the site to the centre of Finglas Village I would also agree with the traffic planning division report that car parking is not required in this location and for this scale of development.
- 7.3.10. In conclusion, the main standards set out in the Design Standards for New Apartments Guidelines for Planning Authorities are met in the proposed development. As detailed above, however, the applicant has not provided a detailed daylight and sunlight assessment and I have concerns regarding the degree of daylight to the single aspect units and the levels of daylight and sunlight available to the communal amenity areas.

7.4. Impact on Residential Amenity

- 7.4.1. Reason for Refusal No. 1 as included in the Notification of Decision to Refuse Permission issued by the Planning Authority relates to the impact of the proposed development on the residential amenity of surrounding properties. In particular, the reason for refusal states that the scale of the proposed development and proximity to site boundaries that the development would seriously injure the residential amenities of surrounding properties by virtue of loss of daylight and sunlight, overlooking and overbearing visual impact.
- 7.4.2. The design proposed incorporates a design that has the windows facing east and where the block immediately adjoins the western boundary. With regard to the impact of the development on the development to the west at Gofton Hall, the private amenity areas at the rear of the properties in Gofton Hall where they adjoin the appeal site range between 10.5 metres and 6.5 metres. The proposed development

would project a significant extent above the boundary wall between the Gofton Hall development and the appeal site and such that, notwithstanding the proposed curved roof profile at first floor level, the development would be potentially visually obtrusive and have an overbearing visual impact on the residents of Gofton Hall.

- 7.4.3. On the eastern side, the proposed development would come within less than two metres of the boundary with Nos. 52-54 Jamestown Road at the closest point. The closest first floor window (to Unit 4) would be within c.2.8 metres of the boundary with No.52. The separation distance between directly opposing first floor windows in the east facing elevation of the proposed development and the rear of No.52 would be c.16.5 metres which is in my opinion close enough to lead to a loss of residential amenity. Of more concern in my opinion is the proximity of the proposed development to the boundary and to the amenity space to the rear of No.52. This proximity is such that the proposed development would have a significant negative impact on the residential amenity of No.52 in particular but also No.54 by virtue of overlooking and overbearing visual impact. I note the points raised in the first party appeal regarding the potential for the angling of windows in the development to limit overlooking and also to the nature of the boundary and presence of shed structures in the rear gardens of Nos. 52 and 54. These points are noted, however I do not consider that they overcome the proximity of the development to the boundary and the potential for overlooking and visual intrusion that this gives rise to. I also note that alterations to the design or orientation of windows to prevent overlooking may exacerbate daylight issues discussed at 7.3 above.
- 7.4.4. With regard to the private amenity areas proposed, the first floor balconies serving proposed apartments Nos. 3 and 4 have potential to overlook the rear of Nos. 52 and 54 and the area to the rear of No.50 to the south. The first party indicates that any issues could be addressed by screening to these areas however this solution would potentially increase the level of visual intrusion from these features for surrounding residential properties and perception of overlooking. An increase in the height of screen to these first floor private amenity spaces would also give rise to additional loss of light to these spaces, particularly the north facing space serving unit No.4.
- 7.4.5. The application is accompanied by a shadow projections which indicate the daylight impact of the development on surrounding residential properties. I note however that the shadow diagrams presented (which relate to winter solstice, equinox and

summer solstice) only indicate the midday position. Given the orientation of the proposed development on essentially a north – south axis and the location of third party lands and property to the east and west, I do not consider that the shadow projections presented give a full impression of the potential impact of the proposed development from shadowing and loss of sunlight on surrounding properties. In particular, I consider that the proposed development would give rise to a potentially significant loss of sunlight to the private amenity space serving the 5 no. ground floor units to the west in Gofton Hall which have very short (c.6.5 metres long) rear gardens.

- 7.4.6. In conclusion I consider that the issues cited in reason for refusal No.1 attached to the Notification of Decision issued by the Planning Authority to be valid and that the proposed development would be such as to have a significant negative impact on the residential amenity of surrounding properties due in particular to overbearing visual impact and overlooking. I therefore agree with the planning authority that the proposed development would seriously injure the residential amenities and depreciate the value of surrounding residential properties and should be refused. The points raised in the first party appeal to mitigate these impacts are noted but are not considered to be such as would have a significant beneficial impact and would potentially significantly reduce the level of residential amenity for future occupants of the proposed scheme.

7.5. **Other Issues**

- 7.5.1. I note the presence of a right of way through the site from the entrance to Jamestown Road and accessing the rear of No.50 Jamestown Road to the south. I do not see that this right of way would be adversely impacted by the proposed development. In the event that on street parking was being considered, sight lines at the existing access are in my opinion satisfactory for an urban area.
- 7.5.2. I note the concerns raised by the third party observers with regard to the potential for the development to lead to anti-social behaviour and a loss of residential amenity if the existing gate was removed and access was available to the area between Nos. 50 and 52 Jamestown Road. The elevation drawings submitted do not indicate the existing gate in either the existing or proposed elevation drawings and it is not

completely clear as to whether it is proposed that the entrance would or would not be gated. In the event that permission was granted and the on site parking was omitted as recommended above, then it may be feasible for the access to be gated.

- 7.5.3. I note that the report on file from the Drainage Division which recommends further information on proposals for surface water management and disposal as well as the submission of a flood risk assessment. These issues are not raised in the first party appeal and given the substantive reasons for refusal it is not proposed that these would be pursued further. No surface water drainage details are available on file and in the event that the Board is considering a grant of permission drainage details including SuDS and a flood risk assessment could be requested from the first party.
- 7.5.4. The report of the EHO recommending refusal of permission on the basis of the vertical alignment of the proposed first floor apartments with the chimneys serving Nos. 52 and 54 Jamestown Road is also noted. The closest such flue or chimney is at the rear of No.54 Jamestown Road and would be c.19 metres from the proposed development at the closest point. In view of this separation and the wording of the EHO report which goes on to identify conditions in the event of a grant of permission, I do not consider that the proximity of the development to surrounding flues or chimneys is a strong basis for refusal of permission.
- 7.5.5. In the event that permission is granted, I note the submission received from the Planning Authority and the conditions that are requested to be attached. Specifically, in the event of a grant of permission it is considered appropriate that conditions requiring the payment of a financial contribution and a bond would be attached.

7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. Having regard to the above it is recommended that permission be refused based on the following reasons and considerations:

9.0 Reasons and Considerations

- 1 Having regard to the design and scale of the proposed development, in particular its proximity to site boundaries and the proximity of windows and first floor private amenity spaces to the south east facing site boundary and adjoining residential properties, it is considered that the proposed development would have a significant negative impact on the amenity of surrounding properties by virtue of overlooking, overbearing visual impact and overshadowing of private amenity areas. The proposed development would therefore seriously injure the residential amenities and depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

- 2 Having regard to the single aspect nature of two of the proposed units in the development, to the proximity of the development to the eastern boundary of the site and to the confined layout and dimensions of the private amenity space serving the ground floor units and communal open spaces, it is considered that the proposed development would fail to provide an adequate level of daylight and sunlight penetration to the ground floor units and to these amenity spaces and result in a sub-standard level of residential amenity for future occupants of the development. The proposed development would therefore be contrary to Paragraph 15.9.6 and Appendix 16 of the Dublin City Development Plan, 2022-2028 regarding daylight and sunlight and Paragraphs 15.9.7 and 15.9.8 of the plan regarding amenity space and would be contrary to the proper planning and sustainable development of the area.

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.

Stephen Kay
Planning Inspector

24th June, 2023