



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317842-23

|                                     |   |
|-------------------------------------|---|
| <b>Development</b>                  | Alterations to ABP-311013-21 to include alterations to 'The Barn', addition of 3rd storey along with all associated site works.                                       |
| <b>Location</b>                     | 'The Barn', Riversdale Avenue, Bushy Park Road, Dublin 6.   |
| <b>Planning Authority</b>           | Dublin City Council South   |
| <b>Planning Authority Reg. Ref.</b> | 3861/23   |
| <b>Applicant(s)</b>                 | Insignia Investments Ltd.   |
| <b>Type of Application</b>          | Permission  |
| <b>Planning Authority Decision</b>  | GRANT   |
| <b>Type of Appeal</b>               | Third Party   |
| <b>Appellant(s)</b>                 | <ol style="list-style-type: none"><li>1. Ashling Harrison and Bart Casella and others</li><li>2. Aoife Mahon</li><li>3. Martin &amp; Mary-Christina O'Brien</li></ol> |
| <b>Observer(s)</b>                  | None.   |

**Date of Site Inspection**

5<sup>th</sup> April 2024

**Inspector**

Frank O'Donnell

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## 1.0 Site Location and Description

- 1.1. The subject appeal site is located at the southern end of a mature Cul De Sac, Riversdale Avenue, has a stated site area of 2,606 sqm (0.26 hectares) and has a general L shape. The site is within c. 500 metres to the south-east of the centre of Terenure Village and includes a through central access road which serves 2 no. existing dwellings, further to the south, outside the defined site boundary. On the western side of the said access road there is 1 no. disused single storey former dwelling structure and an associated disused detached Barn building to the rear (south-west) of same, which dates from the mid-nineteenth century. The balance of the site, on the eastern side of the central access road, comprises of a grassed area which is overgrown with trees and shrubs. The subject appeal site, as defined by the proposed red line boundary, also includes a narrow strip of mature landscaped ground and trees, positioned to the west of Riversdale Avenue. Vehicular access to a number of dwellings is provided via this strip of ground and there is also an existing parking layby/ passing bay close to the junction of Riversdale Avenue and Bushy Park Road. The site is generally flat.
- 1.2. As mentioned, there are 2 no. existing dwellings which are accessed via the subject site and located to the south, outside the defined redline site boundary. The southernmost dwelling, Riversdale House, is a two-storey house and is listed as a Protected Structure (Ref. 8072). To the immediate north of Riversdale House there is an attached two storey dwelling, Gageby House, which is a later addition, is not listed as a Protected Structure and is outside the defined curtilage of Riversdale House.
- 1.3. There is a total of 9 no. mainly semi-detached two storey dwellings located on the eastern side of Riversdale Avenue on approach to the main development site from the north. Westbourne Road is a mature residential development to the west and comprises a Cul De Sac of 28 no. predominantly semi-detached two storey dwellings. Dwelling no's 12 to 19 Laurelton are positioned in a row to the east of the site and comprise of A gable fronted one and a half storey dwellings. There is a three-storey block of Apartments (Eastmore), located to the west of Riversdale Avenue, accessed via Bushy Park Road.

## 2.0 Proposed Development

2.1. The proposed development comprises of amendments to a previously permitted proposal, as planning reg. ref. no. 2027/21 (Appeal Ref. no. ABP-311013-21) refers.

The Approved development includes:

- The partial demolition and renovation of the Barn as a 1 no. 2 bedroom, 2 Storey Detached House,
- Construction of 5 no. 3 bedroom, 2 Storey Terraced Houses,
- Construction of 2 no. 2 bedroom, 2 storey semi-detached houses

2.2. The proposed amendments, are as follows:

- Construction of an additional third floor to previously permitted 5 no. terrace dwellings (Houses 1 to 5) resulting in an increase in height from 7.0 metres to 9.8 metres in height. This involves the introduction of a new barrel-vaulted roof at second floor level.

At ground floor level, the changes to each of the units include following:

- The front elevation of House no. 1, which is recessed below the first floor, is proposed to be set back 0.8 metres further to the east. It is proposed to increase the depth/ length of the ground floor northern side elevation by 2.2 metres from 15.5 metres to 17.7 metres. The changes at ground floor level allow for internal reconfiguration and include a new side facing kitchen window along the northern elevation.
- The ground floor recessed front elevation of House no. 2 is set back 4.6 metres from the recessed front elevation of House no. 1. House no's 3, 4 and 5 share the same building line and their recessed front elevations are set back a further 3.2 metres from the recessed front elevation of House no. 2. A similar stepped building line is replicated at the rear elevations.

At first floor level each of the 5 no. units are shown to have a front living room, a bedroom and an en-suite.

At second floor level, each of the units is shown to have 2 no. bedrooms within the barrel-vaulted roof space.

The proposals result in an increased floor space of 46 sqm from 144 sqm to 190 sqm for house no's 1 to 5.

Proposed alterations to the rear elevations of house no's 1 to 5 include 1 no. window in place of 2 no. windows at first floor level and the provision of a new narrow window at second floor level within the barrel-vaulted roof.

House no. 5 is proposed to have a new south facing kitchen window along the side southern elevation.

- Alterations, reconfiguration and extension of the 2 no. 2 bedroom, two storey semi-detached houses, referenced as House No's 6 & 7.

House no. 6 is proposed to be extended at ground and first floor level to the north along the northern site boundary with a resultant increase in floor area of 17 sqm from 93 sqm to 110 sqm. It is also proposed to omit 1 no. first floor window on the northern elevation.

House no. 7 is proposed to be re-planned to be orientated east-west with no windows to the south (facilitating the extension to house No. 8) with a resultant increase in floor area of 17 sqm from 94 sqm to 111 sqm.

It is proposed to relocate the front door of house no. 7 from the northern elevation to the north of the side eastern elevation. It is also proposed to provide 2 no. additional windows on the ground floor to the south of the proposed new entrance door and 1 no. additional window on the same eastern elevation above the front door.

It is proposed to provide an additional 2 no. new narrow windows at first floor level on the western elevation.

- Alteration and reconfiguration of the layout of 'The Barn', to include an extended ground floor, resulting in a part 2 storey/ part single storey, 2-bedroom house. The Barn is shown to provide a study, bedroom, bathroom and utility on the ground floor with a master bedroom, w.c. and 2 no. residual rooms on the first floor.
- It is proposed to connect the Barn to a new single storey block positioned c. 8.2 metres further to the east, which is shown to contain the main living kitchen area. The Barn and new elements will all face onto a central

courtyard. The Barn and the associated new interconnected single storey block are identified as House no. 8 on the submitted plans and have a stated combined floor area of 170 sqm.

- The quantity of carparking spaces is increased to 11 no. in total.
- Amendments to the associated site development works and landscaping.

2.3. The application was accompanied by the following documents:

- Planning Report
- Architectural Design Statement (incl. a Shadow Study as Appendix 1)
- Architectural Heritage Impact Assessment

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

3.1.1. The Planning Authority issued a Notification of Decision to GRANT permission on 25<sup>th</sup> July 2023 subject to 12 no. Conditions.

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

##### 3.2.1. Planning Reports

- The **Local Authority Planner** considers that, overall, the proposed development makes good use of the land by increasing the density of an accessible city site, that there are no anticipated impacts on the residential amenities of surrounding properties and that the development is in keeping with the character of the local area and the long-established development on the site.

##### 3.2.2. Other Technical Reports

- The **Transportation Planning Division** raise no objection to the proposed development subject to 3 no. conditions.
- The **Drainage Department** raise no objection subject to 2 no. conditions.
- The **Environmental Health Officer** raises no objection subject to conditions.

### 3.3. Prescribed Bodies

- None.

### 3.4. Third Party Observations

- 3.4.1. A total of 9 no. Third Party Observations were received from neighbouring residents. The issues raised in the third-party observations are covered in the grounds of appeal.

## 4.0 Planning History

### 4.1. Subject Site

- **2027/21 (Appeal Ref. No. ABP-311013-21):** Partial demolition and renovation of The Barn as house, construction of 5 terraced houses and construction of 2 semi-detached houses. Permission was GRANTED on 26<sup>th</sup> January 2023 (19 no. conditions).
- **2976/20:** Partial demolition and renovation of 'The Barn' as a two-bedroom, two storey detached house with apex rooflight; construction of 5 no. three bedroom, two storey terraced house; construction of 2 no. two bedroom, two storey semi-detached houses. Permission was REFUSED on 28<sup>th</sup> August 2020 for the following reasons:
  1. *The proposed development, by providing residential accommodation where some dwellings would have insufficient daylight, sunlight and where private open space would be of insufficient quality due to the failure to ensure that adequate levels of sunlight reach the space throughout the year and the lack of suitable public open space, would be contrary to the policies and objectives of the Dublin City Development Plan. The proposed development would therefore fail to provide an adequate standard of residential amenity for future residents and would be contrary to the proper planning and sustainable development of the area.*
  2. *Having regard to the location of the site within an established residential area, and having regard to the established pattern of*

*development in the area, it is considered that the proposed development, by reason of its bulk, scale and massing, overall design and materials, would be visually incongruous and contrary to the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

3. *The proposed development of Houses Numbers 6 and 7 by reason of their scale, mass and bulk and siting adjacent to the 'The Barn', a structure of historic interest, and by reason of its proximity to Riversdale and Riversdale House (a Protected Structure), it is considered that the proposed development would adversely affect the character and setting of this historic ensemble and would be contrary to the provisions of the Dublin City Development Plan. The proposed development would thus be contrary to the proper planning and sustainable development of the area.*

- **2510/18 (Appeal Ref. No. ABP-302016-18):** Partial demolition, repair & extension of house to provide a 2-storey detached house., all associated site works. Permission was REUFSED on 12<sup>th</sup> February 2019 for 1 no. reason, as follows:

1. *It is considered that, by reason of its scale and design, the proposed development would materially and adversely affect the character and setting of Riversdale House, a protected structure and its attendant grounds, and the setting of 'The Barn', a structure of historic interest and would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.*

- **3943/17 (Appeal Ref No. ABP-300812-18):** Construction of 3 no. 2-storey dwelling houses comprising 1 no. detached house (c.210sq.m) and 2 no. semi-detached houses (c.213sq.m each). Permission was REFUSED on 05<sup>th</sup> November 2018 for the following 2 no. reasons:

1. *Having regard to its height, scale, bulk and massing, and of its design, which includes substantial pitched gabled roofs and projecting chimneys, it is considered that the proposed development would be visually*

*incongruous and out of character with its surroundings, and in particular would have a detrimental impact on the character and setting of Riversdale House, a protected structure, and its attendant grounds, contrary to the principles set out in the Architectural Heritage Protection Guidelines for Planning Authorities, reissued by the Department of Arts, Heritage and the Gaeltacht in October, 2011 and would not be appropriately respectful of, and sympathetic to, the context and ensemble set by Riversdale House and the other historic structures in the vicinity, namely Riversdale and "The Barn". The proposed development would, therefore, be contrary to these Ministerial Guidelines, would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.*

*2. Having regard to the bulk and extent of the proposed development, which comprises three substantially sized houses on a confined site, with minimal separation distances between the proposed detached and semi-detached houses, and between house number 3 and the southern site boundary, and a cramped layout to the front, necessitating the use of a right of way external to the site for necessary traffic manoeuvring movements, it is considered that the proposed development would constitute overdevelopment and would, therefore, be contrary to the proper planning and sustainable development of the area.*

- **3014/16 (Appeal Ref. no. PL29S.247870):** Partial demolition, repair and extension to provide a 2-storey house with balcony and erection 2 no. 3-storey houses. Permission was REFUSED on 11<sup>th</sup> July 2017 for the following reasons:

*1. The proposed development of Houses Numbers 2 and 3 by reason of their scale, mass and bulk and the extent of site coverage would be out of character with the established pattern of development in the area. The proximity of House Number 2 to the adjoining property to the north would be overbearing and seriously injure the residential amenities of that property (number 9 Riversdale Avenue) and taken together would represent overdevelopment of the subject site.*

2. *By reason of the proposed scale of the intervention including partial demolition and extension to “The Barn”, a structure of historic interest and by reasons of its proximity to Riversdale and Riversdale House (a Protected Structure), it is considered that the proposed development would adversely affect the character and setting of this ensemble and would also seriously injure the residential amenities of adjoining properties to the west.*

- **3954/06/x1:** Extension of Duration. GRANTED on 14<sup>th</sup> September 2012.
- **3954/06 (Appeal Ref. No. PL 29S.221716):** Demolition of The Barn and erection of 4 no. houses around a central hard landscaped courtyard and all ancillary site works. Permission was GRANTED on 28<sup>th</sup> August 2017 subject to 12 no. conditions.

Condition no. 2 c) of Appeal Ref. no. PL 29S.221716 relates to the northernmost dwelling (House B) which was proposed to be positioned to the south of the party boundary with no. 9 Riversdale Avenue and reads as follows:

*2 c) House B shall be set back at both first and second floor level to the front elevation so that it does not break the first-floor front building line established by 9 Riversdale Avenue. House B shall be cut back to the rear at both first and second floor so that it does not extend more than seven metres to the rear of the established first floor rear building line set by 9 Riversdale House.*

*Reason: In the interest of clarity and of residential and visual amenity.*

As per Proposed Section Drawing (D, M – Revised, Drg. No. FF-PP-04) and Proposed Roof Plan (Drg. Ref. No. FF-PP-02), the second floor is stepped off the northern party boundary by 3.6 metres.

4.1.1. Adjacent site to the immediate south (Riversdale House):

- **2580/16:** Extension to south, 2 storey extension to side of house, refurbishment works and site works. Permission was GRANTED on 15<sup>th</sup> September 2016 subject to 6 no. conditions.

## 5.0 Policy Context

### 5.1. Dublin City Development Plan, 2022 to 2028

5.1.1. The Appeal site is predominantly zoned Z1 - Sustainable Residential Neighbourhoods in the Dublin City Council Development Plan, 2022 to 2028. The relevant zoning objective for Z1 lands is: *'To protect, provide and improve residential amenities'*. Residential is a use which is Permitted in Principle on lands zoned Z1 - Sustainable Residential Neighbourhoods.

5.1.2. Chapter 4 relates to the Shape and Structure of the City and includes the following relevant Policies:

- SC10: Urban Density, SC11: Compact Growth, SC12: Housing Mix, SC13: Green Infrastructure, SC14: Building Height Strategy, SC15: Building Height Uses, SC16 Building Height Locations, SC17 Building Height, SC18 Landmark/ Tall Buildings, SC19: High Quality Architecture, SC20: Urban Design, SC21: Architectural Design, SC22: Historical Architectural Character, SC23: Design Statements.

5.1.3. Chapter 5 relates to Quality Housing and Sustainable Neighbourhoods and includes the following relevant Policies and Objectives:

Policies:

- QHSN2: National Guidelines, QHSN6: Urban Consolidation, QHSN9: Active Land Management, QHSN10: Urban Density, QHSN11: 15-Minute City, QHSN12: Neighbourhood Development, QHSN14: High Quality Living Environment, QHSN16: Accessible Built Environment, QHSN17: Sustainable Neighbourhoods, QHSN22: Adaptable and Flexible Housing, QHSN35: Diversity of Housing Type and Tenure, QHSN37: Houses and Apartments, QHSN38: Housing and Apartment Mix,

Objectives:

- QHSNO4: Densification of the Suburbs.

5.1.4. Chapter 11 relates to Built Heritage and Archaeology and includes the following relevant Sections, Policies and Objectives

- Section 11.5 relates to Built Heritage and Archaeological Policies and Objectives:

Policies:

- BHA1: Record of Protected Structures, BHA2: Development of Protected Structures, BHA3: Loss of Protected Structures, BHA4: Ministerial Recommendations, BHA5: Demolition of Regionally Rated Building on NIAH, BHA6: Buildings on Historic Maps, BHA7: Architectural Conservation Areas, BHA8: Demolition in an ACA, BHA9: Conservation Areas, BHA10: Demolition in a Conservation Area, BHA24: Reuse and Refurbishment of Historic Buildings, BHA26: Architectural Heritage.

5.1.5. Chapter 13 relates to Strategic Regeneration Areas.

5.1.6. Chapter 14 of the Plan relates to Land Use Zoning.

5.1.7. Chapter 15 relates to Development Standards and includes the following relevant Sections:

- 15.4: Key Design Principles, 15.5: Site Characteristics and Design Parameters, 15.6: Green Infrastructure and Landscaping, 15.7: Climate Action, 15.8: Residential Development, 15.9: Apartment Standards, 15.11: House Developments, 15.13: Other Residential Typologies, 15.15: Built Heritage and Archaeology

5.1.8. The following Appendices are of relevance:

- Appendix 1 – Housing Strategy (Annex 1 – Housing Needs Assessment (HNDA), Annex 2 - Dublin City Housing Supply Target Methodology & Annex 3 - Dublin City Sub-City HNDA), Appendix 3 - Achieving Sustainable Compact Growth Policy for Density and Building Height in the City, Appendix 4 – Development Plan Mandatory Requirements, Appendix 5: Transport and Mobility: Technical Requirements, Appendix 6 – Conservation, Appendix 7 – Guidelines for Waste Storage Facilities, Appendix 10 – Infrastructure Capacity Assessment, Appendix 12 – Technical Summary of Dublin City Council Sustainable Drainage Design & Evaluation Guide (2021), Appendix 13 – Surface Water Management Guidance, Appendix 14 - Statement

Demonstrating Compliance with Section 28 Guidelines, Appendix 16 - Sunlight and Daylight, Appendix 18 - Ancillary Residential Accommodation.

## 5.2. Natural Heritage Designations

- 5.2.1. The Appeal site is not located within or adjacent to a Natura 2000 site. The South Dublin Bay SAC (site code 000210) and South Dublin Bay and River Tolka SPA (site code 004024), are the nearest Natura sites, located c 5km to the northeast.

## 5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area and outside of any protected site or heritage designation, the nature of the receiving environment, the existing pattern of development in the vicinity, and the separation distance from the nearest sensitive location, 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 total of 3 no. appeals were received from the following neighbouring residents in respect of the decision of Dublin City Council to Grant planning permission:

- Ashling Harrison and Bart Casella and others
- Aoife Mahon
- Martin & Mary-Christina O'Brien

- 6.1.2. The following is a summary of the main Grounds of Appeal:

*Density, Scale & Mass*

- The Density and Massing is too Bulky considering the setting and scale of established dwellings in the area and that of Riversdale House (Protected Structure).
- The Mass of the current proposal is significantly larger than a previously refused proposal in 2017, i.e., c. 3,768 cubic metres currently proposed vs c. 2,962 cubic metres in 2017. The current proposals are far bulkier. There are no structures of this bulk nearby.
- Under Appeal Ref. no. ABP-300812-18 (planning reg. ref. no. 3943/17) permission was refused for 2 no. reasons. The said 2 no. reasons for refusal are still relevant. Direct reference is made to the negative impact of the then proposed gable pitched roof. The proposed additional storey in the form of a pitch roof remains unsympathetic to the existing townscape.
- Under Appeal Ref. no. PL29S.247870 (planning reg. ref. no. 3014/16) permission was refused. Reason for refusal no. 1 related to the scale, mass and bulk of the proposals, the overbearing impact and impact on residential amenity which taken together would represent overdevelopment of the subject site.
- Under Appeal Ref. No. PL29S.221716 (planning reg. ref. no. 3954/06), where permission was granted on appeal, the structures at 7.9 metres were considered to be high. The current proposal is significantly higher again at 9.8 metres. The structures are not considered to be low in height. The established building lines in the area are not respected and neither are established heights. There are no three storey houses on 9.8 metres in height.
- If three stories are required, the developer should consider the construction of basements similar to the development at the Paddocks.
- There are multiple previous refusals on the Appeal site due to significant issues with massing, scale and design.
- The proposed amendments are visually incongruous and contrary to the proper planning and sustainable development of the area.

- The proposals add a third floor while purporting to be three bed dwellings, as per the previous approved proposals, as appeal ref. no. ABP-311013-21 and 2027-21 refer. The addition of a third floor adds no additional occupancy.

#### *Shadow Study*

- The submitted Shadow Study fails to show the Shadow Projection of the proposed development while only showing the shadow projection of existing adjacent dwellings. Structures of 9.8 metres high will create a significant shadow at all times of the year, especially in late afternoon and evenings. This will block light to the houses in Laurelton.
- The proposals will overshadow the rear of no.9 Riversdale Avenue, particularly in the afternoon.

#### *Loss of Daylight/ Sunlight*

- There will be a substantial loss of light and loss of outlook to the first floor south facing windows of No. 9 Riversdale Avenue due to the proximity of house no. 1.
- A Sunlight/ Daylight report has not been included with the application pack. The Appellants are unable to ascertain the impact the amendments will have upon neighbouring buildings and spaces. It is unclear as to whether the amended scheme complies with the relevant sunlight and daylight standards set out in the Development Plan.
- No. 9 Riversdale has two habitable room, south facing windows. Clause 2.2.4 of the BRE 209 Guidelines is referenced in the Development Plan. The distance from House no. 1 to the centre of existing windows at No. 9 Riversdale is not three or more times its height above the centre of the said windows.
- Due to the lack of data completeness in the Sunlight Daylight assessment at the local planning stage, the Board is encouraged to consider this point in their assessment.

### *Design Rationale*

- The five-barrel vaulted structures bulked together with no gaps will form an overbearing mass that is totally unsuitable for this location and are out of character.
- The barrel roof design is irrelevant and unsympathetic to its surroundings and will set an undesirable precedent.
- The design references are not relevant. In particular, the Paddocks as a design reference is misleading as it fails to mention the houses to the rear of this development were restricted to two-storey over basement. The majority of this development (the Paddocks) is adjacent to Laurelton houses and was restricted to two storeys above ground. The same restriction should apply to the 5 no. proposed structures to the west of Laurelton. The only three-storey structures in this area are along the main busy thoroughfare of Bushy Park Road.
- The increased height is likely to potentially result in a loss of light.
- The proposed design amendments represent a significant deviation from the design that was initially approved under DCC Reg. Ref. No. 2027/21 (Appeal Ref. No. ABP-311013-21).
- The new elevations could potentially disrupt the visual harmony and architectural integrity of the streetscape within this established residential area.
- The alterations represent a significant deviation from what was initially submitted for public consultation. As such they should be subject to further scrutiny and public input.
- The 5 no. terraced houses will be overbearing upon surrounding properties, in particular no. 9 Riversdale Avenue and would mitigate or disrupt the established sense of privacy and defensible space of said properties.
- The proposal will cause visual intrusion for no. 9 Riversdale Avenue, including its back garden and will provide a poor outlook for this property.

### *Overlooking/ Separation Distances*

- The existing dwellings at Laurelton will be directly overlooked by the proposed 3 storey dwellings thereby reducing existing residential amenities including a loss of privacy.
- Even at 2 storeys, the issue of overlooking is significant.
- The context of the site with restricted separation distances to neighbouring properties is a key issue.
- The separation distances between houses 1 to 5 and the rear of houses at Laurelton would not be sufficient as the resultant height of three stories will increase the probability of overlooking.
- There is a maximum separation distance of 1.74 metres between House no. 1 and the adjacent dwelling to the north at No. 9 Riversdale Avenue.
- The introduction of a window on the proposed third storey of the terrace will result in a significant negative impact on privacy and overlooking with No.9. This is not addressed as part of the proposed development.
- The proposed separation distance between house no. 7 and no. 8 is not indicated.
- The distance from the proposed barn extension to the boundary wall at Riversdale has not been provided.

### *Car Parking*

- Car Parking is below the required 1.5 spaces. This will result in an overflow of car parking onto Riversdale Avenue creating traffic access conflicts for existing residents along the Avenue and potential to block refuse collection traffic and emergency service vehicles.

### *Open Space*

- There is a significant lack of usable public open space. The spaces to the south are remote and devoid of any meaningful surveillance.

### *Site Works*

- The hours of operation are requested to be no earlier than 8am or later than 6pm and that Saturday hours be restricted from 9am to 1pm.

### *Impact on Riversdale House and the Character of the Area*

- The proposed development would be out of character with the established pattern of development in the area in terms of design, scale, mass and bulk.
- The proposed development would significantly increase the building footprint with the proposed extension in close proximity to the southern boundary with Riversdale House. The proposed alterations to the Barn deviate significantly from the original historic building and materially harms its integrity.
- The Local Authority assessment of the Barn (House no. 8) refers to the An Bord Pleanála Inspectors Assessment of house no. 7 forming part of a cluster, as per Appeal Ref. no. 311013-21. This comment was solely in the context of house no. 7 and cannot therefore be compared to the revised proposals being put forward which include a significant increase in the building footprint.
- To accommodate the extension of 'The Barn' (Building 8), the quantity of private amenity space has been significantly reduced which was permitted to serve Houses 7 and 8.
- The proposed amendments significantly reduce the quality of the landscaped spaces in close proximity to the Barn.
- The proposed development will have a visual impact on Riversdale House and surrounding lands.
- The boundary between the Barn and Riversdale House as set out in the submitted maps does not accurately reflect the actual boundary between the properties. The boundary has been agreed by the parties and is represented by a fence. Any development and requirement to maintain distance from the boundary of Riversdale House should take account of the agreed boundary.

### *Planning History*

- The Board is invited to have regard to the extensive planning history on the site, where a multitude of planning applications have been refused due to

issues with massing, scale and design. The proposals give rise to the same issues and would be visually incongruous and contrary to the proposed planning and sustainable development of the area.

## 6.2. Applicant Response

6.2.1. The following is a Summary of the main points raised in the Applicant's Response to the 3 no. Appeals:

### *Density, Scale and Mass*

- Permission has been previously granted for 5 no. dwellings at the location of the proposed 5 no. dwellings. The proposed changes include a reconfiguration of the ground floor to form a simpler more compact layout and the addition of a third floor/ barrel vaulted roof.
- The existing two storey houses on Riversdale Avenue have hipped roofs and are c. 9.5 metres in height to their ridge line. The proposed 5 no. dwellings at 9.8 metres in height with barrel vaults to the roof follow the same principle reading as two storeys plus a roof and are of similar scale to the neighbouring houses, see figure 2.
- The overall massing and layout are unchanged from the previously approved scheme (DCC ref. no. 2027/21). The barrel vault roof design serves to break up the scale and massing and to express each house individually.
- Three storey houses in this part of the City is normal and appropriate to its context. The site is not overdeveloped.
- The site coverage (29%) and plot ratio (51%) mean the development is low density in keeping with the character of the area. The proposal presents 8 dwellings on a vacant site which is a sustainable and efficient use of the lands.
- The proposed infill development of 8 no. houses has been carefully designed to respect the amenity of the surrounding properties. Houses are set back from the boundaries, of varying height and follow the pattern of the area in terms of their public and private aspects.

- The design is of its own time and contemporary.
- The proposals are compliant with the 2016 Development Plan and the Sustainable Communities Guidelines.
- The design and layout of the proposal sits comfortably in its context and represents an appropriate use at this outer suburban location. The proposal seeks to improve the residential amenity of the area and serves to protect and respect the setting of the Protected Structure.

*Shadow Study/ Sunlight/ Daylight Analysis*

- The proposed development is for a small, low rise residential scheme.
- A Shadow Study is provided in Appendix 1 of the Design Statement which shows existing and proposed shadow conditions side by side for comparison. This provided the Local Authority with appropriate information to arrive at their decision to grant permission.

*Design Rationale/ Additional Third Storey in a barrel-vaulted roof/ Changes to Elevations*

- The site is quite unique at the end of a Cul De Sac, Riversdale Avenue, as noted in the Design Statement. The house designs offer their own unique identity and sense of place and are presented as a cluster.
- The house designs are simple and modern.
- The houses tie in with the neighbouring properties by way of the use of similar rendered facades and vertical window proportions but at the same time having their own style. This is considered by the Applicant to be reasonable given the proposed development would make a positive contribution to the streetscape.
- The design of the proposed elevations is in keeping with the previously permitted scheme, as appeal ref. no. ABP-311013-21 refers. The addition of the proposed barrel-vaulted roof is considered by the Applicant to be the only change to the style of the elevations compared to the previous grant, appeal ref. no. ABP-311013-21. The Applicant submits that the barrel-vaulted roofs

are sympathetic to the rest of the design and present a suitably scaled top to the terrace of houses.

#### *Overlooking and Separation Distances*

- The same separation distance to the boundary is observed in the current proposals to that of the previous proposals in terms of rear facing windows at the first and second floor levels.
- The separation distances of between 16.5 metres to 19.7 metres are a reasonable and established distance. The existing dwellings to the east at Laurelton are a further 12.8 metres from their rear boundary.
- A traditionally accepted distance of 22 metres is exceeded in each case.
- In response to the appeal submission on behalf of the residents of no. 9 Riversdale Avenue which, inter alia, considers that the windows on the south elevation will suffer loss of light as a result of the proposed barrel-vaulted roof of house no.1, the Applicant notes the following:
  - The referenced windows are at first floor level and are set back from the boundary by c. 2.5 metres.
  - The ground floor of said dwelling, no. 9 Riversdale Avenue, extends to the site boundary and has no windows facing the proposed development.
  - Proposed House no. 1 is set back 1.5 metres from its boundary at this location.
  - As per figure 13, which shows a cross section, there is sufficient distance observed between house no. 1 and the first-floor windows of 9 Riversdale Avenue. They will still benefit from a good level of natural light.

#### *Parking*

- Condition no. 4b of the Notification of Decision to Grant permission relates to Parking wherein 8 no. car parking spaces are to be provided. The Applicant will comply with this requirement which is as per the Development Plan and no change to same is sought.

### *Open Space*

- Given the small scale of the proposed development (8 no. houses) and the proximity of the site to amenities such as Bushy Park, the requirement for on-site public open space is not strictly necessary. Such public open space could be omitted and addressed by way of a financial contribution. Notwithstanding, the proposal satisfies the Development Plan Standard of 10% of the site as the site area is 2,610 sqm and 609 sqm of Public Open Space is provided. This is provided in the form of an existing landscaped strip of land on the western side of Riversdale Avenue.
- Private Open Space requirements are exceeded.

### *Site Works*

- The Applicant submits that the standard working hours as per the Local Authority decision are appropriate.

### *Impact on Riversdale House and the Extant Character of the Area*

- The proposed dwellings are low scale in the context of this part of the City.
- There is a strong emphasis on landscaping throughout the scheme design. Please see the landscape plan in Figure 8.
- The relationship of the subject site to the adjacent Protected Structure to the south is considered in detail in the submitted Architectural Heritage Impact Assessment Report which accompanies the planning application documentation.
- The Protected Structure (Riversdale House) is on a separate site and is in separate ownership. Gageby House, which is not a protected structure, and the 2 no. recent and associated extensions are between the subject appeal site and the Protected Structure. This separation in addition to the established mature planting on the Riversdale site provides a strong separation in visual terms between the Protected Structure and the subject appeal site.
- The inclusion of Riversdale House as a Protected Structure was informed by a Report prepared by a Grade 1 Conservation Architect. The said Report considered the curtilage of the Protected Structure to be largely limited to the

area around the Protected Structure and not to include Gageby House and still less 'the Barn'. The Applicant references an associated map presented in figure 11 of the appeal response submission which the recommendation of the said Conservation Architect as to the extent of the curtilage. This Report together with the associated recommendations was endorsed by the Local Authority in its entirety.

- The new dwellings are c. 29 metres from the Protected Structure and heavily screened by existing trees. This will be supplemented with new trees as part of the proposed development. The proposed development has no visual or functional relationship with the Protected Structure aside from an access through the site.
- The low scale design respects neighbouring properties and compliments and improves the setting of the barn. Houses 6 & 7 have been redesigned to be more in keeping with the architectural language of Riversdale House (Protected Structure).
- The proposed development has little or no actual impact on the Protected Structure, respects existing building lines and boundaries of the existing properties and is modest in scale.
- Being located north of the Protected Structure, the addition of the barrel-vaulted roofs to Houses 1 to 5 has no impact in terms of daylight or overshadowing.

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

- The Planning Authority request the Board to uphold their decision. The Planning Department request that if permission is granted that the following condition(s) be applied:
- A condition requiring payment of a Section 48 development contribution.
- A condition requiring the payment of a bond.
- A condition requiring the payment of a contribution in lieu of the open space requirement not being met (if applicable).

- A Social Housing condition.
- A naming & numbering condition.

The Planning Authority refer to the Planners Report for additional conditions.

#### 6.4. **Observations**

- None

#### 6.5. **Further Responses**

- A Further Response was received on 28<sup>th</sup> August 2023 on behalf of the following Third-Party Appellants:
  - Ashling Harrison and Bart Casella and others
- The Appellants refer to the Third-Party Appeals lodged and state they have nothing further to add.

### 7.0 **Assessment**

#### 7.1. Introduction

7.1.1. The proposed development is for amendments to a previously approved development as planning reg. ref. no. 2027/21 (Appeal Ref. No. 311013-21) refers.

7.1.2. Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeals, and having inspected the site, and having regard to relevant local/ regional/ national policies and guidance, in my opinion, the substantive issues in this appeal are as follows:

- Impacts on Surrounding Properties
- Car Parking
- Open Space
- Design Rationale and Layout
- Built Heritage
- Other issues

- Appropriate Assessment
- Construction Works
- Planning History of the Subject Appeal Site

## 7.2. Impacts on Surrounding Properties

### Daylight, Sunlight and Overshadowing

- 7.2.1. Section 15.11.12 of the Development Plan relates to Aspect, Daylight / Sunlight and Ventilation for House Developments. Further details and guidelines for Daylight and Sunlight Assessments are set out in Appendix 16 of the Plan. Section 3.0 of Appendix 16 relates to Guidance, Standards and National Policy. Section 3.6 relates to Understanding and Expectations and states that *'If, over the coming years, a revised version of BR 209 is to be issued, the guidance within this new version will take precedence.'* The latest BRE Guidance is BR 209 (2022) (3<sup>rd</sup> Edition) Site layout planning for daylight and sunlight, a guide to good practice.
- 7.2.2. The standards set out in the BRE Guidelines allow for a certain degree of flexibility in terms of their application. It is stated in Paragraph 1.6 that *'Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.'*
- 7.2.3. Section 2.0 of the BRE Guidelines (BR 209, 2022), relates to *'light from sky'*. Section 2.2 specifically relates to Existing Buildings and considers in Section 2.2.4 that where the distance of each part of a new development from the existing window is three or more times its height above the centre of the existing window then the issue of 'loss of light' need not be analysed. Section 2.2.5 relates to a scenario where buildings are taller or closer than this and refers to an angle of 25° to the horizontal subtended by the new development at the level of the centre of the lowest window. Where, for the entire development, this angle is less than 25° then it is stated to be unlikely to have a substantial effect on the diffuse of light enjoyed by the existing building. Conversely, a more detailed check is required to find the loss of skylight if this angle is any greater than 25° for any part of the new development. In this scenario important considerations include the total amount of skylight and its distribution within the building.

- 7.2.4. In respect of the dwellings to the rear (west) at Laurelton and the separation distances observed, the height of the proposed development would not subtend an angle which is greater than 25° when measured from existing windows. I am therefore satisfied that the proposed development, as presented, would not result in any undue impact in terms of a loss of Daylight or Sunlight for the said properties at Laurelton as ample separation distances are observed.
- 7.2.5. The dwelling to the immediate north at No. 9 Riversdale Avenue is noted to have 2 no. windows on the first-floor side southern facing gable. I note the Appeal response submission lodged by the Applicant and, in particular, figure 13 which shows the relationship between the proposed development and the abovementioned property. The Applicant shows an angle of 45° from the sill of the existing window towards the proposed development. I calculate that from the centre of the windows the angle subtended to be c. 41°. This is above 25° and, as per the BRE Guidance, exceeds acceptable limits.
- 7.2.6. The Appellants refer to these windows as serving a habitable room. I note this is not disputed by the Applicant. As there is no apparent evidence to the contrary, I am satisfied that this is the case. This referenced room, in my opinion, has the appearance of a bedroom. It is noted that the BRE Guidelines (2022) place less emphasis on bedrooms in terms of a loss of daylight/ sunlight.
- 7.2.7. Section 5.3.7 of the Sustainable and Compact Settlement Guidelines, 2024 relates to the issue of Daylight. In particular, the Guidance states that *'poor performance may arise due to design constraints associated with the site or location and there is a need to balance that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.'* In my view, the subject proposals represent such an opportunity to deliver effective urban design.
- 7.2.8. Having reviewed the submitted plans and drawings, it is my opinion that the omission of the barrel-vaulted roof at house no. 1 would serve to maximise available Daylight/ Sunlight for the upper side window of the adjacent dwelling to the immediate north, no. 9 Riversdale Avenue. This arrangement would be consistent with the previously permitted two storey flat roofed dwellings at this location, as planning reg. ref. no.

2027/21 (Appeal Ref. No. 311013) refer. Where the Board is of a mind to Grant planning permission, a condition to this effect should be attached.

- 7.2.9. The Applicant has submitted a Design Statement which includes a Shadow Study in Appendix 1. The said Shadow Study shows the predicted existing and proposed scenarios for 9.00 am, 12.00 noon and 16.00 pm for 21<sup>st</sup> March, 21<sup>st</sup> June, 21<sup>st</sup> September and 21<sup>st</sup> December. The Applicant states in the Conclusion of the Design Statement that the *'low height and setbacks from boundaries ensures that overshadowing is minimised to the level one would expect in a suburban location such as this.'* The content the Architectural Design Statement and the said Shadow Study are noted. As per recommendations contained in Section 3.3 of the BRE Guidelines (BR 209, 2022) in respect of Gardens and Open Spaces and having regard to the submitted Shadow Study, I am satisfied that the centre of the primary area of private open space to the rear of no. 9 Riversdale Avenue will receive at least 2 hours of sunlight on 21 March (equinox). I am therefore satisfied that the rear private open space will not be unduly overshadowed as a result of the proposed development. Overshadowing will be further reduced with the implementation of the recommended design measures discussed above in Section 7.3.8 of this Report.

#### Overlooking/ Separation Distances

- 7.2.10. The Appellant raises concern in relation to the issues of overlooking and to separation distances from the proposed 5 no. dwellings at the east of the site to the dwellings to the rear (west) at Laurelton and to no. 9 Riversdale Avenue to the north.
- 7.2.11. As per the submitted Proposed Site Plan, Drawing No. A-PA-02, the minimum length of rear garden for the said proposed 5 no. terrace dwellings from the rear party boundary with the dwellings at Laurelton to the east is shown to be 11.1 metres, see proposed dwelling no. 5. In the case of proposed dwelling no. 1, the length of the rear garden is shown to be 19.0 metres. All of the proposed 5 no. terraced dwellings share the same internal configurations. Both said dimensions are taken from the proposed rear single storey living areas. It should be noted that in all cases, the proposed first and second floors are set back a further 5.2 metres. This means that in the case of house no.5, the minimum separation distance from the rear upper floors to the party boundary with the properties at Laurelton measures 16.2 metres. In the case of house no. 14 Laurelton, the separation distance from the rear upper

floors of dwelling no. 5 is measures 29 metres. The relationship between proposed dwelling no. 5 and no. 15 Laurelton is also shown on the submitted Context Sections and Elevations A-A, H-H, M-M, N-N, O-O & P-P, Drawing No. A-PA-10, see Section A-A.

- 7.2.12. Section 1.5 of Appendix 18 (Ancillary Residential Accommodation) of the Development Plan relates to Separation Distances and states that *‘with the emphasis on increased residential densities and the consequent incorporation of a variety of unit types and sizes in schemes, the requirement for 22 metre separation in such cases may no longer be applicable in certain instances. The acceptable reduction of such distances, however, requires a high standard of building design and layout particularly having regard to the height and inter-relationship between buildings, the use and aspect of rooms and relative floor levels.’*
- 7.2.13. Having regard to the separation distances observed from the proposed 5 no. terraced dwellings to the existing dwellings at Laurelton, I am satisfied that the proposed development will not result in any undue overlooking of the said properties at this location. I am further satisfied that adequate separation distances will be observed.
- 7.2.14. The Appellants also raise the issue of overlooking of the rear amenity space of no. 9 Riversdale Avenue from the proposed new window on the third floor of the terrace. In my opinion, the position of the proposed window in the adjacent proposed dwelling to the immediate south, no. 1, is such that it will not directly overlook the said rear amenity space of no. 9 Riversdale Avenue. Notwithstanding this and as discussed in Section 7.2.8 above, it is my opinion and recommendation that the second floor of no. 1, which contains the proposed barrel-vaulted roof be omitted. I am satisfied that the proposed development both as presented and as would be amended as a result of the said design changes, would not give rise to undue overlooking of the rear amenity space of No. 9 Riversdale Avenue.
- 7.2.15. The Appellants raise the issue of the proposed separation distance between proposed house no. 1 and no. 9 Riversdale Avenue to the north. A maximum separation distance of 1.8 metres is shown. It is noted that there is no side passageway along the southern site boundary of no. 9 Riversdale Avenue and that access to the rear amenity space is via the said dwelling. The proposed maximum

separation distance of 1.8 metres is not, in my view, untypical in similar residential settings and would be ample to facilitate access to the rear of site no. 1. It is noted that the principle of such a separation distance is already established under the most recent planning permission on site as planning reg. ref. no. 2027/21 (Appeal Ref. No. 311013-21) refers and that the recommended design changes discussed in Section 7.2.8 above will serve to result in a dwelling of comparable size and format. I am therefore satisfied that the proposed maximum separation distance of 1.8 metres is acceptable at this location.

7.2.16. The Appellant notes that the proposed separation distance between house no. 7 and no. 8 is not indicated. I estimate this distance to be 0.8 metres. A side passage between the 2 no. proposed dwellings, no's 7 and 8, is shown to the south of no. 7 and this runs for a length of 11.2 metres. The passageway, although somewhat narrow at 0.8 metres is not flanked by any windows or door openings and, is in my view, of sufficient width to accommodate a wheelie bin. I am therefore satisfied that the proposed separation distance is acceptable.

7.2.17. The Appellant notes that the separation distance from the proposed barn extension to the boundary wall at Riversdale has not been provided. I note a minimum distance of 0.845 metres is shown on the Proposed Site Plan, Drawing No. A-PA-02. I further note that there are 3 no. hardwood framed full length clear glass windows/ doors proposed along the rear west elevation of this new single storey block. In my view there is a likelihood that direct access from the kitchen/ dining/ living room area to the central private amenity space would be facilitated at this location. I further note that the minimum separation distance of 0.845 metres is at a pinch point and that this minimum separation distance increases for the remainder of the accessway. Although the passageway is also narrow, as per the proposed side access to the south of proposed dwelling no. 7, I am satisfied that the proposed minimum separation distance 0.845 metres at this said pinch point is acceptable.

#### Overbearing

7.2.18. The issue of a perceived overbearance of the proposed development is raised as part of the Appeal. In particular, concern is raised that the proposals, i.e., house no.1 will present an undue overbearing effect on the adjacent property to the immediate north, no. 9 Riversdale Avenue.

7.2.19. The principle for a two-storey block of 5 no. terraced dwellings at this location is already established under planning reg. ref. no. 2027/21 (Appeal Ref. no.311013-21). As discussed, and recommended above in Section 7.2.8 of this report, the barrel-vaulted roof of proposed house no. 1 should be omitted. I am satisfied subject to the implementation of these said changes to house no.1 that the proposed development, as presented, will not present an overbearing impact on the adjacent property to the immediate north, no. 9 Riversdale Avenue.

### Conclusion

In summary, I am satisfied that the proposed development, as presented, will not result in any undue negative impacts on established surrounding properties in terms of a loss of daylight or sunlight, overshadowing, overlooking or in terms of an overbearing impact. I am satisfied that the proposed separation distances are acceptable. I am further satisfied that the proposed design changes and amendments presented are acceptable and in accordance with the proper planning and sustainable development of the area.

### 7.3. Car Parking

7.3.1. The Appellant considers that the Car Parking provision is below the required 1.5 spaces and that this will result in an overflow of car parking onto Riversdale Avenue which, in turn, will create traffic access conflicts for existing residents along the Avenue and that this has the potential to block refuse collection traffic and emergency service vehicles.

7.3.2. The Development Plan Car Parking Standards are set out in Section 4.0 of Appendix 5 of the Plan. As per Map J of the Plan, the subject site is located in Parking Zone 2 and as per Table 2, that a maximum car parking standard of 1 car parking space per house/ apartment/ duplex is applicable. The proposed development therefore generates a car parking demand for 8 no. car parking spaces.

7.3.3. I note, as per the proposed development description, that the Applicant sought permission for an increase in Car Parking provision to 11 no. spaces. I further note the assessment of the Local Authority Planner regarding the issue of Car Parking wherein the proposed increase in Car Parking spaces to 11 no. is stated to not be acceptable to the division. The Assessment is informed by an internal Report from the Roads Streets & Traffic Department (Road Planning Division). Reference is

made in the Assessment to a revised drawing (A-PA 13 Revision 1) lodged in response to Item 3 b) of the Request for Further Information issued under planning reg. ref. no. 2027/21 (Appeal Ref. No. ABP-311013-21). This said drawing detailed a revised boundary treatment at the front of the properties and indicates street trees, which defined the boundary of each property to the road and would serve to limit the available width to restrict parked cars to one car parking space per dwelling.

- 7.3.4. The Local Authority refer to the Proposed Landscape Plan which proposes to alter the permitted landscaping layout under planning reg. ref. no. 2027/21 (Appeal Ref. No. ABP-311013-21) and consider that the proposed changes to the front of the proposed houses, in terms of Car Parking and Landscaping, be omitted. In this regard, I note Condition no. 4 b) of the Local Authority Notification of Decision to Grant permission wherein 8 no. car parking spaces are to be provided. For ease of reference, Condition no. 4 b) reads as follows:

*'4 b) The changes to the car parking layout and the front boundary landscaping shall be omitted. The site layout in terms of car parking, vehicular entrances, front boundary treatment including landscaping layout as permitted under reg. ref. 2027/21 (ABP-311013-21) shall be implemented.'*

- 7.3.5. In their response to the issue of Car Parking, the Applicant refers to Condition 4b and states that they will comply with this requirement.
- 7.3.6. The Development Plan Car Parking Standards are maximum standards. I therefore agree with the assessment of the Local Authority in respect of the quantum of Car Parking and the justifications for the application of Condition no. 4 b). In the event of a Grant of permission being issued, Condition no. 4 b) or similar should be applied.
- 7.3.7. The Appellant raises concern with regards to potential conflicts in traffic movements which they anticipate would arise, as a result of the proposed development.
- 7.3.8. In the first instance, it is noted that the proposed development would generate the same volume and type of traffic movements to that of the permitted development, planning reg. ref. no. 2027/21 (ABP-311013-21). Therefore, I consider that the principle of such traffic movements is already established.
- 7.3.9. I note the Report and recommendation of the Transportation Department where a potential conflict between traffic movements from House no. 1 and pedestrians is

identified and appraised. I agree with this assessment and recommended conditions which form Condition no. 4 parts a), c) & d) of the notification of decision to Grant permission. I note that no other issue in relation to potential traffic impacts is raised in the Report of the Transportation Department.

- 7.3.10. Riversdale Avenue, in my view, is of sufficient width and alignment to readily facilitate access to the subject site. In the absence of any definitive information to the contrary I do not accept the assertion of the Appellant that the proposed development will give rise to traffic access conflicts for existing residents along the Avenue and that it will serve to block refuse collection traffic and emergency service vehicles.
- 7.3.11. The proposed development, as presented, in my opinion, is acceptable from a traffic safety perspective. A maximum of 8 no. car parking spaces on the site is also acceptable and is consistent with Development Plan Standards. In the event of a Grant of permission being issued, a condition to the effect of Condition no. 4 of the Local Authority Notification of Decision to Grant permission, or similar, should be applied.

#### 7.4. Open Space

- 7.4.1. The Appellant considers there is a significant lack of public open space and that the spaces to the south are remote and devoid of any meaningful surveillance.
- 7.4.2. In the first instance, the quantum and extent of public and private open space is already established under the previous planning permission on site as planning reg. ref. no. 2027/21 (ABP-311013-21) refer.
- 7.4.3. The Applicants' proposals for both public and private open space are shown on page 15 of the Architectural Design Statement and on the Proposed Landscape Plan, Drawing no. A-PA-11, Rev. 10. The Applicant considers that the Development Plan requirement of providing 10% of the site area as Public Open Space has been satisfied. An area of 609 sqm of Public Open Space is shown in the form of an existing linear landscaped strip along the side/ west of Riversdale Avenue. As there is no amendment proposed to this said approved Public Open Space, I am satisfied that the principle of the proposed Public Open Space arrangements has already been established. I therefore consider the proposed arrangements for the provision of Public Open Space to be acceptable.

7.4.4. The Appellant refers to the space to the south of the Barn. As shown on the Landscaping Plan, drawing no. A-PA-11, this area does not form part of the public open space and is instead private open space for proposed dwelling no.8 and is proposed to be planted with a mix of Beech Trees and Maiten Trees (Maytenus Boaria). As the main area of Public Open Space is positioned to the west of Riversdale Avenue and is overlooked by existing dwellings, I do not accept the Appellants assertions that it and the abovementioned area to the south which is private open space are devoid of any meaningful surveillance.

## 7.5. Design Rationale and Layout

7.5.1. The primary design concerns raised in the appeals relates to the design of house no's 1 to 5 located on the western side of the central access road. In particular, the proposed Height, Design, Scale, Mass, and Bulk of the said 5 no. dwellings, which under the current design amendments include the introduction of a third storey in the form of new barrel-vaulted roofs, form the focus of the concerns raised. The Appellants are concerned that the proposals will impact negatively upon the surrounding established residential and visual amenities of the area and the wider character of the area.

7.5.2. The amendments to the 5 no. terrace dwellings (house no's 1 to 5) occupy almost the same footprint to that of the previously permitted two storey flat roofed terraced dwellings at the same location. The principle for a block of 5 no. two storey terraced dwellings at this location is therefore already established.

7.5.3. As discussed, and recommended above in Section 7.2.8, the proposed second floor barrel-vaulted roof at House no. 1 should be omitted in order to increase the extent of Daylight and Sunlight for the adjacent property to the north, no. 9, Riversdale Avenue. This design change means that only terraced dwellings 2 to 5 would have a second-floor barrel-vaulted roof.

7.5.4. The Applicant correctly notes that the adjacent dwellings at Riversdale Avenue are all two-storey and that all measure 9.5 metres to their ridge line. I note that house no's 4, 5, 6 & 7 all have A Gabled roofs and that the adjacent dwellings to the north of the subject site, no. 8 & 9, have hipped roofs. I agree with the Applicant that the proposed 5 no. terraced dwellings, which would include barrel vaulted roofs to a

height of 9.8 metres, follow the same principle and are of a similar scale to the neighbouring houses.

- 7.5.5. I note that certain dwellings at Westbourne Road to the west, which were all originally two storey, have part of their attic space converted to habitable accommodation, see dwelling no's 16, 17 & 18 in particular, all of which include rear roof dormer extensions. There are also a number of dwellings located further to the north-west along Bushy Park road which share the same design principle of providing habitable accommodation above second floor level. I further note the 3 storey apartments c. 97 metres further to the north-west on the western side of Riversdale Avenue (Eastmore) and the 3 storey apartments located within 121 metres to the north-east which face north onto Bushy Park Road (the Paddocks). I would agree with the Applicant that 3 storey houses in this part of the City is normal.
- 7.5.6. I am satisfied owing to the setting and location of the site at the end of a Cul De Sac, which is well screened by surrounding development and tree cover, where adequate separation distances are proposed to the nearest dwellings and to the Protected Structure to the south (Riversdale House), that the principle of 3 storey houses on the subject site, as presented, is acceptable in this instance.
- 7.5.7. As stated, the principle for a block of 5 no. two storey terraced dwellings is already established at this location under the previous planning application on site. In relation to the said terraced block, the primary design change involves the introduction of a barrel-vaulted roof above second floor level.
- 7.5.8. The Appellant considers this additional storey to be out of character and unsympathetic to the existing townscape. I would agree with the Applicant that the proposed design of this block is contemporary and of its own time and that it sits comfortably in its context. I would further agree with the Applicant that the house designs offer their own unique identity and sense of place. I am satisfied that the proposed dwelling designs are acceptable and represent a logical design progression from the previously permitted development on site.
- 7.5.9. In respect of the proposed scale, mass and bulk of house no's 1 to 5, it is noted that the floor space above second floor level, proposed to be contained within the barrel-vaulted roofs, equates to an additional 59 sqm in each case and that this additional floor will serve to increase the overall height by an additional 2.6 metres. The barrel-

vaulted roof comprises metal sheeting behind a previously approved parapet wall. Each of the proposed 5 no. dwellings are relatively narrow and have a maximum internal floor width of only 4.5 metres. The addition of 5 no. barrel-roof vaults, in my opinion, serves to accentuate the said narrow widths and has the effect of breaking up the overall scale. In addition, the metal roof material together with the barrel roof shape serves to distinguish the third floor from the remainder of the building and this, together with the proposed stepped building line, serves to further reduce the overall mass and bulk of the block. Having regard to same, I am satisfied that the proposed scale, mass and bulk of the terraced block is acceptable in accordance with the proper planning and sustainable development of the area.

- 7.5.10. It is noted that Appendix 3 of the Dublin City Plan relates to Achieving Sustainable Compact Growth and Building Height in the City. With regard to the Outer City (Suburbs) the following is stated with regard to the issue of height:

*‘Outside of the canal ring, in the suburban areas of the city, in accordance with the guidelines, heights of 3 to 4 storeys will be promoted as the minimum. Greater heights will be considered on a case by case basis, having regard in particular to the prevailing site context and character, physical and social infrastructure capacity, public transport capacity and compliance with all of the performance criteria set out in Table 3.’*

- 7.5.11. Having regard to the above guidance, I am satisfied that that the proposed maximum height of 3 storeys is appropriate in this instance.
- 7.5.12. The principle of the proposed residential density of 8 houses on a previously stated (net) site area of 0.1997 hectares results in a density of c. 40 units per hectare. The principle for this stated residential density is already established under the previous permission on site. There are no additional units proposed under the subject appeal. The proposed residential density is therefore, in my view, acceptable in this instance.

## 7.6. Built Heritage

- 7.6.1. As per the previous permission on site, planning reg. ref. no. 2027/21 (Appeal Ref. no. 311013-21), proposed works to the Barn will result in the provision of 1 no. dwelling identified as House no. 8. The current proposals, in addition to the refurbishment and repurposing of the Barn for residential use, now also include a new single storey flat roofed eastern block, which will be connected to the Barn

structure via a new single storey flat roofed link. These elements combine to provide an overall stated floor area of 170 sqm for house no. 8. This is an increase of 78.8 sqm from the previous application, which in the case of House no. 8, solely related to the refurbishment of the Barn Structure (previously stated floor area of 91.2 sqm).

- 7.6.2. The original Barn structure to the west, the proposed link to the north and the proposed single storey block to the east are all positioned around and face onto a central private courtyard. The nature and extent of proposed works to the Barn are presented on pages 7 to 11 of the Applicants' Architectural Heritage Impact Assessment.
- 7.6.3. The Barn structure, although of built heritage value, is not a Protected Structure and does not form part of the defined curtilage of the Protected Structure to the south, Riversdale House (Ref. 8072). In my view, in addition to the refurbishment and repurposing of the Barn Building for residential purposes, the principle for which is already established under the previous permission, the proposed extensions suitably complement the existing Barn structure and are sympathetic to the established character.
- 7.6.4. The majority of the proposed external Barn alterations have already been permitted under the previous permission. Alterations now proposed under the current appeal include a new hardwood framed clear glass central window on the front (east) elevation in place of a previously approved full length hardwood patio door and the widening of an existing ope on the same elevation to facilitate access to and from the proposed single storey link.
- 7.6.5. I am satisfied that the proposed works to the Barn Structure are suitably justified from a Built Heritage perspective and serve to form an appropriate cluster of buildings around a central courtyard. In this regard, I agree with the assessment of the Local Authority Planner that the height, scale and elevations for the single storey element are of contemporary nature in terms of design in comparison to the existing extensions and would complement the cluster of outbuildings. I do not accept the opinion of the Appellant that the proposals will serve to significantly deviate from the original historic fabric and materiality or that the integrity of the structure will in any way be harmed to any significant degree.

- 7.6.6. The stated area of proposed private open space at house no. 8 measures 170 sqm. The Appellant considered that this has been achieved at the expense of the loss of private open space at house no's 6 & 7. It is accepted that a loss of private open space of 3 sqm for house no. 6 and a loss of 12 sqm for House no. 7 will arise. Both dwellings will still, nonetheless, achieve an adequate quantum of private open space as per the minimum development plan standard of 10 sqm per bedspace. This, in my opinion, is acceptable.
- 7.6.7. A landscaped area was previously permitted to the east of the Barn Structure (House No. 8). Under the subject appeal, this area, for the most part, now forms part of house no. 8 as proposed to be extended. It is noted that this area does not form part of the proposed area of public open space, as permitted under the previous application. Although I agree with the Appellant that this landscaped area will be lost, as the site is otherwise suitably served in terms of an acceptable quantum of public open space, I am satisfied the proposed arrangements are acceptable.
- 7.6.8. The Appellant considers that the proposed development, particularly the proposed third storey barrel-vaulted roof design of house no. 5, positioned along the southern site boundary, will serve to be injurious to the character of Riversdale House (Protected Structure) and to that of its attendant grounds. Furthermore, the Appellant considers the increase in the height of the terraces and their pitched roof form, will present a detrimental visual impact on Riversdale House and surrounding lands.
- 7.6.9. I note the 2013 Curtilage Map for Riversdale House as show on page 4 of the Applicant's Architectural Heritage Impact Assessment. I estimate the minimum distance between the southern elevation of house no. 5 and the northern elevation of Riversdale House (and its associated curtilage) to be over 35 metres. This intervening area includes Gageby house attached and to the immediate north of Riversdale House and an area of private amenity space including mature trees and screen planting. In my view, owing to the separation distances observed, this intervening area will serve as a buffer between the properties and will allow for Riversdale House, positioned further to the south, to retain its own character and setting.
- 7.6.10. I would agree with the assessment of the Local Authority Planner, which in turn refers to the assessment of the previous An Bord Pleanála Inspector as per planning

reg. ref. no. 2027/21 (Appeal Ref. no. 311013-21), that there are very limited visual and functional relationships between the proposed development and Riversdale House. The Local Authority assessment further considers that the site is visually concealed at the end of a Cul De Sac and is also well screened by surrounding development and tree cover. I would agree with this assessment. In this regard, I do not accept the opinion of the Appellant that the proposed development will have a detrimental visual impact on Riversdale House and its attendant grounds.

7.6.11. I note the concerns of the Appellant in relation to the boundary between the Barn and Riversdale House. The Appellant states that the boundary has been agreed between the parties and is represented by a fence and that any development and requirement to maintain distance from the boundary of Riversdale House should take account of the agreed boundary.

7.6.12. I note the previously approved Landscape Plan, drawing ref. no. A-PA-11, Rev. 9, the proposed Site Layout Plan, drawing reg. ref. no. A-PA-02, Rev. 8 and the proposed Landscape Plan, drawing reg. ref. no. A-PA-11, Rev. 10. Along the southern site boundary to the west of the central access road which serve Gageby House and Riversdale House further to the south, there is a small area of ground outlined in blue to the immediate south of the proposed redline boundary. As per the previously approved Landscape Plan, drawing ref. no. A-PA-11, Rev. 9, the approved southern boundary at this location is proposed to be defined by Beech Hedges. In my view, final boundary details at this location can be agreed by way of a specific landscaping/ boundary treatment condition in the event of a Grant of permission being issued.

## 7.7. Other Matters

- *Appropriate Assessment*

7.7.1. Having regard to the nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

- *Construction Works*

7.7.2. The Appellant requests that the hours of operation be no earlier than 8 am or later than 6 pm and that Saturday hours be restricted from 9 am to 1 pm.

7.7.3. The hours of operation are typically addressed by way of a standard condition in the event of a Grant of permission being issued. The hours of operation in such a standard condition would be between the hours of 0800 to 1800 Monday to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. The condition would also allow for deviation from these times only in exceptional circumstances where prior written approval has been received from the Planning Authority. It is noted that condition no. 14 of planning reg. ref. no. 2027/21 (Appeal Ref. No. ABP-311013-21) relates to the hours of operation. All relevant conditions attached to the previous permission will be applied in the event of a Grant of permission being issued.

- *Planning History of the Subject Appeal Site*

7.7.4. Reference is made in the appeal to the previous planning history of the site. A summary of planning history is provided above in Section 4.0 of this Report. The most relevant precedent case to the subject proposal, owing to the nature of the proposed development as an amendment application is planning reg. ref. no. 2027/21 (Appeal Ref. No. 311013-21). It is considered that the principle of the proposed development for a total of 8 no. dwellings on the site is already established under the said previous permission.

7.7.5. The Appellant refers, in particular, to 2 no. previous refusals on the lands, namely Appeal Ref. No. ABP-300812-18 (planning reg. ref. no. 3943/17) and PL29S.247870 (Planning Reg. Ref. no. 3014/16). I have reviewed the reasons for refusal in both said cases.

7.7.6. The said previous refusals, in my view, should in the first instance be considered in the context of the subsequent Grant of permission, reg. ref. no. 2027/21 (Appeal Ref. No. 311013-21) together with the recommendations set out in Section 7.2.8 above which will result in the omission of a third floor for house no.1. This said measure will ensure that there is an increased set-back for the proposed 3 storey elements of the scheme further into the site away from the northern boundary. I am satisfied that the proposed development, as presented, and as will be amended by the above stated

changes, serves to suitably address the concerns of the Appellant with regard to a perceived overbearance in design terms and that the proposed development is therefore in accordance with the proper planning and sustainable development of the area.

## **8.0 Recommendation**

8.1. I recommend that permission be GRANTED for the following reasons and considerations and subject to the following conditions.

## **9.0 Reasons and Considerations**

9.1. Having regard to the pattern and character of existing development in the area, the design and scale of the proposed development, the planning history of the site, and the provisions of the Dublin City Development Plan 2022 - 2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in accordance with the zoning objective for the site, would not detract from the visual amenity or built heritage of the area, including Riversdale House (a protected structure), would provide an acceptable standard of residential amenity for the prospective residents, would not seriously injure the residential amenity of surrounding properties, and would not endanger public safety or convenience by reason of traffic generation or otherwise. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

**Reason:** In the interests of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 26<sup>th</sup> day of January, 2023 under An Bord Pleanála appeal reference number PL 29S.311013, planning register reference number 2027/21, and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. Prior to the commencement of any work on site, the Applicant shall submit a revised design proposal for house no. 1 to the Planning Authority for prior written agreement. The revised design proposal shall omit the second-floor barrel-vaulted roof for house no. 1 only.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

4. Prior to the commencement of any work on site, the Applicant shall submit the following to the Planning Authority for prior written agreement:

- i) A revised site layout plan, scale 1:100, which in terms of car parking, vehicular entrances, front boundary treatments and landscaping, is as per as permitted under planning reg. ref. no. 2027/21 (ABP-311013-21).

**Reason:** In the interests of orderly development and the proper planning and sustainable development of the area.

5. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed street furniture, including bollards, lighting fixtures and seating;

(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity.

*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.*

---

Frank O'Donnell  
Planning Inspector

29<sup>th</sup> April 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

|   |   |                                |   |
|---|---|--------------------------------|---|
| <b>An Bord Pleanála<br/>Case Reference</b>  | ABP-317842-23   |                                |   |
| <b>Proposed Development<br/>Summary</b>   | Alterations to ABP-311013-21 to include alterations to 'The Barn', addition of 3rd storey along with all associated site works. |                                |   |
| <b>Development Address</b>  | 'The Barn', Riversdale Avenue, Bushy Park Road, Dublin 6.   |                                |   |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br><small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>                         | <b>Yes</b>  | √                              |   |
|   | <b>No</b>   | No further action required     |   |
| <b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>   |   |                                |   |
| <b>Yes</b>  |   | Class 10(b), Schedule 5 Part 2 | EIA Mandatory EIAR required                 |
| <b>No</b>   | √   | N/A – Below threshold          | Proceed to Q.3                              |
| <b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b> |   |                                |   |
|   |   | <b>Threshold</b>               | <b>Comment<br/>(if relevant)</b>            |
|   |   |                                | <b>Conclusion</b>                           |
| <b>No</b>   | √   | N/A                            | No EIAR or Preliminary Examination required |
| <b>Yes</b>  |   | Class/Threshold.....           | Proceed to Q.4                              |

**4. Has Schedule 7A information been submitted?**

|     |   |                                  |
|-----|---|----------------------------------|
| No  | √ | Preliminary Examination required |
| Yes |   | Screening Determination required |

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

**Appendix 2 - Form 2**

**EIA Preliminary Examination**

|  |  |                      |
|--|--|----------------------|
| An Bord Pleanála Case Reference  | ABP-317842-23  |                      |
| Proposed Development Summary   | Alterations to ABP-311013-21 to include alterations to 'The Barn', addition of 3rd storey along with all associated site works.  |                      |
| Development Address  | 'The Barn', Riversdale Avenue, Bushy Park Road, Dublin 6.  |                      |
| The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations. |  |                      |
|  | Examination  | Yes/No/<br>Uncertain |
| Nature of the Development<br><br>Is the nature of the proposed development exceptional in the context of the existing environment?<br><br>Will the development result in the production of any significant waste, emissions or pollutants?                                   | The proposed development for 8 no. residential units (stated area 0.26 hectares) is within an area zoned residential in the Dublin City Development Plan 2022-2028.<br><br>The proposed development is to connect to public services. The proposed development will not result in significant emissions or pollutants. | No<br><br>No         |
| Size of the Development<br><br>Is the size of the proposed development exceptional in the  | This proposal is for the construction of 8 no. residential units and is far below the threshold of 500 units and below 10ha as per Class 10(b) of  | No                   |

|   |  |                     |
|---|--|---------------------|
| <p>context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>   | <p>Schedule 5 of Part 2 of the Planning and Development Regulations 2001 (as amended).</p> <p>Please refer to the Planning History Section of this Report. No significant cumulative considerations.</p> | <p>No</p>           |
| <p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p> | <p>Residential Development on serviced site on zoned lands and proposal includes regard to surface water drainage and the incorporation of SuDS.</p>   | <p>No</p> <p>No</p> |

| Conclusion  |   |   |
|---|---|---|
| <p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required</p> | <p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p><del>Schedule 7A information required to enable a Screening Determination to be carried out.</del></p> | <p>There is a real likelihood of significant effects on the environment.</p> <p><del>EIAR required.</del></p> |

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)