



An  
Bord  
Pleanála

## Inspector's Report ABP-318027-23

<b>Development</b>	Retention permission for change of use of part of the existing building from 13 no. student accommodation dwelling units, 1 no. caretaker unit, 2 no. conference and common facilities units to 16 no. private residential units.
<b>Location</b>	Edenmore View Apartments, Edenmore Avenue, Raheny, Dublin 5
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	4021/23
<b>Applicant(s)</b>	Brendan Walsh
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Refuse Retention Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Brendan Walsh
<b>Observers</b>	None

**Date of Site Inspection**

9<sup>th</sup> January 2024

**Inspector**

John Duffy

## **1.0 Site Location and Description**

- 1.1. The appeal site is located at Edenmore Shopping Centre, Raheny, Dublin 5, approximately 7 kilometres northeast of the city centre between Tonlague Road to the north and Woodbine Road to the south. It provides a range of facilities and services for the surrounding area including shops, post office, public house, health and beauty, pharmacy, takeaway, newsagent etc. The shopping centre is encompassed by Edenmore Avenue to the north and west, by Edenmore View to the east and Edenmore Park to the south. St. Monica's Infant School and St. Eithne's National School are located opposite the appeal site to the east, while St. Malachy's National School is located to the south. Edenmore Park is located proximate to the appeal site.
- 1.2. The appeal site is located at the eastern end of the shopping centre and accommodates a 3 storey building which contains The Green Fields public house and retail units at the ground floor level, and residential accommodation at second and third floor level above. The external finish of the building comprises a mix of red brick and render. The north, south and east elevations address the streetscape and the rear of the building faces towards a car park and the rear of existing buildings. The existing roof terrace overlooks this area.

## **2.0 Proposed Development**

Retention permission is sought for the following:

- Change of use of part of the existing building from 13 no. student accommodation dwelling units (12 x 2-bedroom units and 1 x 1-bedroom unit), 1 no. caretaker unit, 2 no. conference and common facilities to 16 no. private residential units (12 x 2 bedroom units and 4 x 1 bedroom units) over first and second floors, as follows:

At first floor level 7 no. apartments are proposed comprising:

- 3 no. 2 bedroom / 3 person units (Units 1, 3, and 6)
- 2 no. 2 bedroom / 4 person units (Units 4 and 5)
- 2 no. 1 bedroom / 2 person units (Units 2 and 7)

At second floor level 9 no. apartments are proposed comprising:

- 2 no. 1 bedroom / 2 person units (Unit 10 and 15)
- 5 no. 2 bedroom / 3 person units (Units 8, 9, 11, 14 and 16)
- 2 no. 2 bedroom / 4 person units (Units 12 and 13)

Minor elevation changes including omission of timber panelling with aluminium box flashing window surrounds, replaced with brickworks.

Having regard to the decision to refuse retention permission for the proposal, the applicant submitted revised plans and drawings with the appeal, proposing a revised design / apartment configuration for assessment by the Board.

### 3.0 Planning Authority Decision

- 3.1.1. The planning authority decided to refuse retention permission for the proposed development for 3 reasons as follows:

*1. The proposed retention of the change of use from student accommodation to standard housing contains eight units containing 2 bedrooms with three bedspaces. The current Dublin City Development Plan 2022-2028 Section 15.9.2 does not recognise such units as appropriate or acceptable as standard residential accommodation in Dublin City and the scheme does not qualify for the limited grounds for which such units might be permitted. Furthermore, such units where permitted may not exceed 10% of the overall unit mix. The development in itself and by the precedent established for substandard development would seriously injure the residential amenities of the area and would, therefore, be contrary to the policies of the current Dublin City Development Plan 2022-2028 and the proposed planning and development of the area.*

*2. The current Dublin City Development Plan 2022-2028 Section 15.9.2 states, inter alia, that the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%. None of the units proposed for retention meet this requirement and the development proposed for retention, in itself and by the precedent set for substandard development, would*

*seriously injure the residential amenities of the area and, therefore, would be contrary to both the current Dublin City Development Plan 2022-2028 and the proper planning and sustainable development of the area.*

*3. The current Dublin City Development Plan 2022-2028 Section 15.9 and Sustainable Urban Housing: Design Standards for New Apartments 2022 Section 3 set out minimum standards for apartments in regard to storage, floor areas of Living/Kitchen/Dining spaces, and private open space and balcony widths. All of the units proposed for retention are deficient in one or more of these minimum standards. The development, in itself and by the precedent established for substandard development, would seriously injure the residential amenities of the area and therefore would be contrary to the current Dublin City Development Plan 2022-2028, Sustainable Urban Housing 2022 and the proper planning and sustainable development of the area.*

#### **3.1.2. Planning Authority Reports**

#### **3.1.3. Planning Report**

The planner's report dated 18<sup>th</sup> August 2023 reflects the decision to refuse permission for the reasons set out above at 3.11. It refers to Section 15.9.2 of the Development Plan and notes that the planning authority does not recognise 2 bedroom / 3 person units as appropriate standard residential accommodation in Dublin City. The report notes the scheme includes 8 no. 2 bed units containing only 3 bedspaces comprising 50% of all units and are not acceptable due to non-compliance with Development Plan policies.

3.1.4. In terms of floor areas, it is noted that each unit has inadequate living/kitchen/dining space ranging from slightly less to significantly less than the minimum. Private amenity space is also deficient in respect of half the units.

3.1.5. Reference is made to Section 15.9.2 of the Plan which requires that the majority of apartments in a scheme of 10 or more units shall exceed the minimum floor area standard by a minimum of 10%, and also section 3.15 of the Apartment Guidelines

2022 which has a similar requirement. The report notes the scheme does not meet these standards.

- 3.1.6. Concern is expressed that 4 of the units would be substandard in terms of orientation or position with regard to aspect and daylight. In terms of the communal open space (143 sqm) at the 1<sup>st</sup> floor courtyard area, it is considered that its southern part would receive poor levels of sunlight. 9 of the 16 apartments have inadequate private open space which is provided by balconies.

3.1.7. **Other Technical Reports**

Environmental Health Officer: Developer must adhere to Dublin City Council's Construction and Demolition Good Practice Guide for Construction Sites.

Transportation Planning: Further information recommended in relation to the zero-parking approach, provision of a Mobility Management Plan and bicycle parking spaces.

Drainage Division: No objection subject to conditions.

3.1.8. **Reports from Prescribed Bodies**

None received.

3.1.9. **Objections/ Observations**

None received.

## 4.0 **Planning History**

### **Appeal site**

ABP Ref. 302573-18 / Planning Authority Reg. Ref. 3392/18 – Permission refused in January 2019 for provision of 8 no. new student accommodation units. Reason for refusal set out below:

*It is considered that the proposed development, which would result in an increase in height of the existing building, would result in an increased level of overshadowing of*

*the existing communal open space, which when taken in conjunction with the poor quality of open space proposed as part of the scheme, would be contrary to the Guidelines for Student Accommodation set out in the current development plan for the area in respect to open space provision, and would result in a poor level of residential amenity for existing and future occupants of the development. The proposed development would, therefore, seriously injure the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.*

ABP Ref. PL29N.211427 / Planning Authority Reg. Ref. 6244/04 – Permission granted in July 2005 for extension to public house to create 4 storey development to include 12 no. student dwellings, 1 no. caretaker unit, 2 no. conference facilities and 1 no. apartment.

### **Units 12 and 13 of adjoining Edenmore Shopping Centre**

ABP Ref. PL29N.245319 / Planning Authority Reg. Ref. 2854/15 – Split decision made in November 2015. Permission granted for retention of separate Units 12 and 13, awning to the front of Unit 13 and balconies to the rear of the first floor apartments above Units 12 and 13. Retention permission refused for two ground floor single storey residential units to the rear of Units 12 and 13.

## **5.0 Policy Context**

### **5.1 Development Plan**

- 5.1.1. The proposal was considered by the planning authority under the Dublin City Development Plan 2022-2028. The appeal site is zoned Z4 – Key Urban Villages / Urban Villages 'To provide for and improve mixed-services facilities.' The 'Permitted in Principle' category of the Z4 zoning objective lists a wide range of uses including 'Residential' use.

The Development Plan notes the following: *Key Urban Villages and Urban Villages (formerly district centres) function to serve the needs of the surrounding catchment providing a range of retail, commercial, cultural, social and community functions that are easily accessible by foot, bicycle or public transport; in line with the concept of the 15-minute city.*

5.1.2. The provisions of the Dublin City Development Plan 2022-2028 relevant to this assessment are as follows:

Chapter 5 of the Development Plan relates to Quality Housing and Sustainable Neighbourhoods. Key policies include:

- QHSN6 – Urban Consolidation *To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.*
- QHSN10: Urban Density *To promote residential development at sustainable densities throughout the city in accordance with the core strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.*
- QHSN11: 15 Minute City *To promote the realisation of the 15-minute city which provides for liveable, sustainable urban neighbourhoods and villages throughout the city that deliver healthy placemaking, high quality housing and well designed, intergenerational and accessible, safe and inclusive public spaces served by local services, amenities, sports facilities and sustainable modes of public and accessible transport where feasible.*
- QHSNO11: Universal Design *To ensure that 50% of apartments in any development that are required to be in excess of minimum sizes should be designed to be suitable for older people/mobility impaired people, people living with dementia and people with disabilities in accordance with the guidelines set out in the Universal Design Guidelines for Homes in Ireland 2015, the*



*DHLG&H's Design Manual for Quality Housing 2022 and the DHP&LG & DH's Housing Options for Our Ageing Population Policy Statement 2019.*

- QHSN36: High Quality Apartment Development *To promote the provision of high quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood.*

## Chapter 15 – Development Standards

- Section 15.9 relates to Apartment Standards and notes the importance that high quality, attractive and liveable units are provided. A range of qualitative and quantitative standards are provided.
- Section 15.9.2 states the following:

*The introduction of a 2 bedroom, 3 person unit may be considered within a scheme to satisfy specialist housing for Part V social housing requirement or to facilitate appropriate accommodation for older people and care assistance. These units will be restricted to a maximum of 10% of the overall unit mix. The 2 bedroom, 3 person unit will only be considered as part of specialist housing provision as specified above and will not be considered as standard residential accommodation.*

*The majority of all apartments in any proposed scheme of 10 or more apartments (excluding Build to Rent accommodation) shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not included as units that exceed the minimum by at least 10%). In accordance with the Housing Options for an Ageing Population Policy Statement 2019, 50% of the apartments that are in excess of the minimum sizes should be designed in accordance with the guidance set out in Universal Design Guidelines for Homes in Ireland 2015 to ensure that they are suitable for older people, mobility impaired people, people living with dementia and people with disabilities.*

### 5.1.3. National Guidance

- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DHLGH, 2023).

These guidelines provide for a range of information for apartment developments including detailing minimum room and floor areas.

#### Specific Planning Policy Requirement (SPPR) 2

For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha:

- Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e., up to 4 units) comprises studio-type units;
- Where between 10 to 49 residential units are proposed, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1, shall apply from the 10th residential unit to the 49th;
- For schemes of 50 or more units, SPPR 1 shall apply to the entire development;

All standards set out in this guidance shall generally apply to building refurbishment schemes on sites of any size, or urban infill schemes, but there shall also be scope for planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development.

SPPR 4 relates to dual aspect ratios and requires a minimum of 50% dual aspect apartments in a single scheme in suburban locations.

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).

## **5.2. Natural Heritage Designations**

None.

## **5.3. EIA Screening**

The current application before the Board does not constitute a class of development for which EIAR is required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The appeal includes revised details and drawings amending several of the apartment types in order to overcome the planning authority's refusal reasons. The applicant submits that the development revised for the purpose of the appeal is compliant with local, regional and national planning policies. The proposed revisions comprise the following:

- At first floor level 8 no. apartments are proposed, as follows:
  - 4 no. 1 bedroom / 2 person units (Units 1, 3, 6, and 8)
  - 2 no. studio units (Units 2 and 7)
  - 2 no. 2 bedroom / 4 person units (Units 4 and 5)
- At second floor level 8 no. apartments are proposed for retention, as follows:
  - 4 no. 1 bedroom / 2 person units (Units 9, 11, 14 and 16)
  - 2 no. studio units (Units 10 and 15)
  - 2 no. 2 bedroom / 4 person units (Units 12 and 13)
- At ground floor level it is proposed to include 4 no. internal storage units for unit nos. 4, 5, 12 and 13. There are 28 no. internal bicycle parking spaces provided for residents and visitors.
- The revised proposal is consistent with national policy/guidelines including Housing for All, the National Planning Framework, the Building Height Guidelines, and the Apartment Guidelines (2022) specifically SPPR 1 to 4 inclusive, as well as the Dublin City Development Plan 2022-2028.

- Amended design is of high quality and mitigates the concerns of the planning authority as outlined in the refusal reasons.
- The 16 apartments cover c 1000 sqm of floor space and therefore exceed the minimum floor area standard by approximately 20%. This provision overcomes the second refusal reason.
- Each apartment unit is now in accordance with or exceeds minimum standards. Appendix C lists the Schedule of Accommodation for the scheme.
- In relation to the issues of sunlight and daylight raised by the planning authority it is noted that 50% of the units are dual aspect. The single aspect units (Nos. 2, 4, 5, 7, 10, 12, 13 and 15) have access to adequate private amenity space in the form of balconies, and also communal amenity space in terms of the roof terrace.
- Section 6.9 of the Apartment Guidelines 2022 relating to practically and flexibly implementing the guidelines for refurbishment schemes where property owners must work with the fabric and dimensions of the building should apply in this instance. This would allow the conversion from student accommodation use to residential apartments at this location.
- The proposal facilitates more efficient use of zoned and serviced lands within Dublin city.
- Student accommodation is not sought after in the area. The revised proposal constitutes a more appropriate use in line with the principles of the 15-Minute City; it is located proximate to public transport services.

The following Appendices are submitted with the appeal:

- Appendix A – Notification of Decision dated 18<sup>th</sup> August 2023 from Dublin City Council
- Appendix B – Alternative Design Drawings prepared by Tyler Owns Architects
- Appendix C – Schedule of Accommodation at application stage with revisions made for the purpose of the appeal

## 6.2. **Planning Authority Response**

Requests that the decision to refuse retention permission is upheld. If permission is granted, recommendation that specific conditions to be attached.

## 6.3. **Observations**

None.

## 7.0 **Assessment**

7.1. I consider the main issues in the assessment of this appeal are as follows:

- Scope of appeal
- Compliance with Apartment Standards and Impact on Residential Amenity
- Other issues
- Appropriate Assessment

### 7.1.1. **Scope of appeal**

7.1.2. I note that the applicant has submitted revised plans and drawings with the appeal which alters the apartment typology as originally applied for, with a view to overcoming the refusal reasons as set out in the Notification of Decision from the planning authority.

7.1.3. In my opinion it is inappropriate at appeal stage to consider such information given that it constitutes a significant and material departure from the original proposal.

7.1.4. This assessment will consider the proposal as applied for and the Planning Authority's decision to refuse retention permission. It will not assess the revisions / amendments to the development which were submitted with the appeal.

### 7.1.5. **Compliance with Apartment Standards and Impact on Residential Amenity**

7.1.6. The scheme includes 8 no. 2 bedroom / 3 person apartment units. Section 15.9.2 of the current Dublin City Development Plan is clear that this apartment typology is not

considered as standard residential accommodation and that it will only be considered as part of specialist housing provision (for Part V social housing or to facilitate accommodation for older people and care assistance).

- 7.1.7. The 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (DHLGH, 2023) note the 2 bedroom / 3 person apartment type may be particularly suited to social housing schemes such as sheltered housing, but that it would not be desirable for this type of 2 bedroom unit to displace the 2 bedroom / 4 person apartment typology. In this context, the Guidelines require that no more than 10% of the total number of units in any private residential development may comprise this category of apartment.
- 7.1.8. For the above-mentioned reasons, which I consider to be reasonable, the Dublin City Development Plan does not recognise the 2 bedroom / 3 person apartment typology as standard residential accommodation and this is reflected in Table 15-5: 'Minimum Floor Area Requirements for Apartments,' which omits this unit type.
- 7.1.9. It is clear the proposal which seeks, inter alia, to retain this particular unit typology conflicts with Section 15.9.2 of the Development Plan. Furthermore, such units, where permitted, may not exceed 10% of the overall unit mix. In this instance, 50% of the total number of apartments to be retained comprise the 2 bedroom / 3 person unit type, which is significantly above the maximum specified in the Apartment Guidelines (2023) and as such this is not acceptable or appropriate.
- 7.1.10. A Schedule of Accommodation submitted with the planning application details, inter alia, minimum, and actual quantitative standards in terms of floor areas, room widths, storage areas and private amenity spaces. Notwithstanding that provision of 2 bedroom / 3 person apartment units are not deemed appropriate as set out above, 4 of these units (Unit 3, 6, 11 and 14) are marginally below the required minimum floor area (63 sqm), given that they each measure 62 sqm.
- 7.1.11. Key information contained in the Schedule of Accommodation relating to particular areas which do not meet minimum standards is set out below as follows:

**1 bedroom Apartments** (Units 2, 7, 10 and 15):

- Private amenity minimum standard is 5 sqm; Actual is 3.2 sqm.
- Storage provision minimum standard is 3 sqm; Actual is 2.5 sqm.
- Aggregate living / kitchen / dining minimum area is 23 sqm; Actual is 21 sqm.

- Double bedroom minimum area is 11.4 sqm; Actual is 11.2 sqm.
- Bedroom width minimum standard is 2.8 m; Actual is 2.7 m.

**2 bedroom / 3 person Apartments** (Units 1, 3, 6, 8, 9, 11, 14 and 16):

- Storage provision minimum standard is 5 sqm; Actual is 2 sqm.
- Aggregate living / kitchen / dining minimum area is 28 sqm; Actual is 24.5 sqm for Units 1, 8, 9, and 16, and 23.9 sqm for Units 3, 6, 11 and 14.
- Balcony minimum depth is 1.5 m; Actual is 1.4 m for Units 3, 6, 11 and 14.

**2 bedroom / 4 person Apartments** (Units 4, 5, 12 and 13):

- Private amenity minimum standard is 7 sqm; Actual ranges from 6.1 to 6.3 sqm.
- Storage provision minimum standard is 6 sqm; Actual ranges from 2.2 to 2.6 sqm.
- Aggregate living / kitchen / dining minimum area is 30 sqm. Actual ranges from 27.2 to 27.8 sqm
- Bedroom minimum width is 2.8 m; Actual ranges from 2.4 to 2.7 m.
- Balcony minimum depth is 1.5 m; Actual is 1.4 m.

7.1.12. Having regard to the foregoing it is apparent that all of the units to be retained are below minimum standards in terms of aggregate living / kitchen / dining spaces and storage provision. Furthermore 50% of the units are deficient in terms of private amenity space. As such it is clear that the proposal is not compliant with minimum standards as set out in both the Dublin City Development Plan 2022-2028 and the 'Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities' (July 2023).

7.1.13. Section 15.9.2 of the Development Plan requires that the majority of all apartments in a scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%. The development to be retained does not comply with this requirement.

7.1.14. 50% of the units are dual aspect and therefore comply with SPPR 4 of the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (July 2023). However, both the Development Plan (Section 15.9.3) and the Apartment Guidelines (Section 3.18) note that north facing single aspect apartments may be considered, where overlooking a significant amenity such

as a public park, garden or formal space, or a water body or some other amenity feature. I note that Units 2 and 10, both north-facing single aspect 1 bedroom apartments overlook the roof terrace (which itself overlooks a car park and service area) and as such are not compliant in this regard.

- 7.1.15. On a related point, I note that no daylight and sunlight assessment has been provided to assess the daylight and sunlight levels received within each individual unit, as required under Section 15.9.16.1 of the Development Plan.
- 7.1.16. Section 15.9.8 of the Plan requires all new apartment developments to provide communal amenity space externally within a scheme for use by residents only. The singular form of communal space is the first floor roof terrace (c 143 sqm) which is flanked on 3 sides by the block. The Development Plan notes that roof terraces will not be permitted as the primary form of communal open space, although it may contribute to a combination of courtyard or linear green space.
- 7.1.17. I note that the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (July 2023) allow planning authorities to exercise discretion in respect of standards for building refurbishment schemes subject to overall design quality. I note however that all of the units fall below minimum standards in terms of aggregate living / kitchen /dining floor areas, storage provision and several are deficient in the quantum of private open space; in my view, the proposal would seriously injure the residential amenities of existing and future residents.

## **7.2. Other issues**

- 7.2.1. Public open space
- 7.2.2. Section 15.8.6 of the Dublin City Development Plan notes that the public open space requirement for residential developments shall be 10% of the overall site area. No on-site public open space is proposed to serve the development. In my view this is acceptable given the constrained nature of the site in this urban location. I also note the location of Edenmore Park proximate to the appeal site which has facilities including soccer pitches, an outdoor gym, pitch and putt and a playground.
- 7.2.3. Bicycle Parking



7.2.4. Section 4.17 of the Apartment Guidelines (2023) relates to bicycle parking. A general minimum standard of 1 no. bicycle parking space per bedroom, and 1 no. space per 2 units for visitors is required, which aligns with Appendix 5 of the Development Plan. Internal bicycle parking spaces are proposed at ground floor level, although there is a lack of information relating to the number of spaces to serve the development to be retained and how bicycle parking standards as set out in Appendix 5 of the Plan are to be met.

7.2.5. Car parking

7.2.6. The appeal site is located within Parking Zone 2 as set out in Appendix 5 of the Development Plan. Parking Zone 2 occurs alongside key public transport corridors; the car parking for residential use is a maximum of 1 no. space per unit in this parking zone. There is no existing parking provision for the student accommodation units above the public house and no parking provision is proposed by the applicant. In my view this is acceptable given the provision of on-street parking proximate to the building, the location of Raheny DART Station within c 1 km of the appeal site and bus services along the Malahide Road.

7.2.7. Changes to elevations

7.2.8. In my view the omission of the timber panels with aluminium box flashing window surrounds between windows at first and second floor levels does not unduly affect the appearance of the block.

### **7.3 Appropriate Assessment Screening**

7.3.1 Having regard to the nature and scale of the apartment development, the location of the site in a serviced urban area, the absence of a hydrological or other pathway between the site and European sites and the separation distance to the nearest European sites, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

I recommend that retention permission for the proposal be refused for the reasons and considerations below.

## **9.0 Reasons and Considerations**

1. Section 15.9 of the Dublin City Development Plan 2022-2028 and 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (DHLGH, 2023) set out minimum standards for apartments in relation to, inter alia, aggregate floor areas of living / kitchen / dining spaces, storage provision and private amenity space. All of the apartments to be retained fall below the minimum standards in terms of aggregate floor areas of living / kitchen / dining spaces and storage provision, while several apartments have inadequate private amenity spaces. As such, the proposal comprises a substandard form of development which would seriously injure the residential amenities of existing and future occupants and would therefore be contrary to the Dublin City Development Plan 2022-2028, the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DHLGH, 2023), and the proper planning and sustainable development of the area.

2. Section 15.9.2 of the Dublin City Development Plan 2022-2028 states, inter alia, that the provision of 2 bedroom / 3 person apartments will only be considered as part of specialist housing provision and will not be considered as standard residential accommodation. The proposal includes 8 such apartment types, which constitutes 50% of the total number of units to be retained. The Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (DHLGH, 2023) require that no more than 10% of the total number of units in any private residential development may comprise this category of apartment. It is therefore considered that the proposal would seriously injure the residential amenities of the area and would be contrary to the Dublin City Development Plan 2022-2028, the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (DHLGH, 2023) and the proper planning and sustainable development of the area.

3. Section 15.9.2 of the Dublin City Development Plan 2022-2028 requires, inter alia, that the majority of apartments in a scheme of 10 or more units shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom development types by a minimum of 10%. The development to be retained does not comply with this requirement and as such the proposal would seriously injure the residential amenities of the area and would be contrary to the Dublin City Development Plan 2022-2028 and the proper planning and sustainable development of the area.

I confirm that the report represents my professional planning assessment, judgment and opinion on the matter assigned to me and that no person has influenced or tried to influence, directly or indirectly, the exercise of my professional judgment in an improper or inappropriate way.

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John Duffy  
Planning Inspector

25<sup>th</sup> March 2024