



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318910-24

#### Development

The demolition of an existing house and garage for the construction of 16 residential units with communal open area and car parking along with all other associated site works.

#### Location

Shanganagh Cottage, Dublin Road, Shankill, Dublin 18

#### Planning Authority

Dun Laoghaire Rathdown County Council

#### Planning Authority Reg. Ref.

D23A/0351

#### Applicant(s)

Auro Naes Ltd. T/A RoeSavin Construction Ltd.

#### Type of Application

Planning Permission

#### Planning Authority Decision

Refuse

#### Type of Appeal

First Party

#### Appellant(s)

Auro Naes Ltd. T/A RoeSavin Construction Ltd.

**Date of Site Inspection**

23<sup>rd</sup> August 2024

**Inspector**

Conor Crowther

## 1.0 Site Location and Description

- 1.1.1. The site consists of a single storey bungalow with a side garage fronting onto the old Dublin Road (R119). The existing bungalow is known as Shanganagh Cottage and is not listed as a protected structure or on the National Inventory of Architectural Heritage (NIAH). The bungalow has been extended to the side and to the rear at ground level. The site is L shaped reflecting the rear garden area of Shanganagh Cottage. The stated site area is approximately 0.23 ha.
- 1.1.2. The site is bounded to the north by Crinken Cottage, a protected structure (Ref. 1850) and to the northeast by the Barbeque Centre which includes retail and commercial uses. The site is bounded to the west by the Dublin Road (R119) and to the east by woodland, which is subject to a Development Plan objective '*to protect and preserve trees and woodlands*'. The woodland is associated with the adjacent Local Authority housing development under construction at the time of writing (ABP-306583-20). The south of the site is bounded by an ancillary building associated with Shanganagh Castle Gate Lodge protected structure (Ref. 1845).
- 1.1.3. The site lies approximately 627m to the south of Shankhill village within the Local Authority area of Dún Laoghaire Rathdown County Council. The M11 is located approximately 256m to the west of the site and the DART line is approximately 806m to the east of the site. A bus stop lies within 59m of the site and the Shankhill DART station is approximately 1.38km to the northeast of the site.

## 2.0 Proposed Development

- 2.1.1. The proposed development is described as follows:
- Demolition of existing single storey bungalow and garage.
  - Construction of 18 no. residential units consisting of a mixture of apartments and duplexes in one detached building up to 4 storeys in height.
  - The 18 no. residential units consist of 4 no. 1 bed ground floor apartments, 6 no. 2 bed ground floor apartments, 4 no. 3 bed duplex apartments and 4 no. 4 bed duplex apartments.

- Provision of communal open space, off-street car parking, landscaping and other associated site works.

Further Information:

2.1.2. It should be noted that the proposal was altered at Further Information (FI) stage to include the following:

- Greater mix of units by subdividing 2 no. ground floor 2-bed apartments into 4 no. 1-bed apartments, increasing the number of residential units to 18.
- Altered roof from a full A roof to a full hipped roof.
- Removal of glazed screens on ground floor front doors.
- New brick type with an almost white colour.
- Windows with a black Ral 9005.
- Colour coded public, private and communal open space areas.
- Revised entrance to the site to demonstrate pedestrian priority.
- Amended cycle storage numbers and locations, to provide 24 no. cycle parking spaces.
- 1 no. disabled parking space and 3 no. EV charging spaces.
- 80m<sup>2</sup> of green roof area on outbuildings.
- Demonstrate overflow from rainwater harvesting system to soakaway/permeable paving and not connecting to the public sewer.

Modification at Appeal Stage:

2.1.3. Due to concerns raised by the Planning Authority relating to the separation distances between the northern elevation and the adjacent protected structure, removal of the pitched roof is suggested to reduce the height of the building (see pg 31-33 of appeal report & revised verified views and CGI submitted with appeal).

Information/Documentation:

2.1.4. Along with the standard drawings and information, the application was accompanied by:

- Planning Report.

- Part V Compliance.
- Verified Views & CGI.
- Engineering & Water Services Report incl. rainwater harvesting info.
- Arboricultural Report.
- Landscape Masterplan (FI).
- Architectural Heritage Impact Assessment (FI).
- Engineering & Water Services Report incl. rainwater harvesting info and infiltration test (FI).
- Confirmation of Feasibility from Irish Water/Uisce Éireann (FI).
- Design Report & Specifications (FI).
- Construction Environmental Management Plan (FI).
- Acoustic Design Report (FI).
- Verified Views & CGI (FI).
- Landscape Design Rationale (FI).
- Revised Verified Views & CGI (Appeal).

2.1.5. The following table outlines the key characteristics of the proposed development:

<b>Key Characteristics</b>	
Site Area	0.23ha
Existing Floor Area	113.33m <sup>2</sup>
Apartment floorspace <sup>1</sup>	2,269.18m <sup>2</sup>
Apartment unit numbers	18
Apartment unit mix	4 no. 1-bed /6 no. 2-bed/4 no. 3-bed/4 no. 4-bed
Residential Density	78dph (18/0.23ha)
Plot ratio	0.98
Site coverage	32%

<sup>1</sup> Not including balconies or patios

Height	Up to 4 storeys (13.08m to ridgeline)
Dual Aspect	100% of units
Residential amenity space	211.96m <sup>2</sup> (private balconies and patios)
Public open space	110.66m <sup>2</sup>
Communal open space	225m <sup>2</sup> (at ground level)
Car parking	14 (1 no. disabled and 3 no. EV)
Cycle parking	24 no. secure external spaces

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. Dún Laoghaire-Rathdown County Council (The Planning Authority) issued a FURTHER INFORMATION request on the 19<sup>th</sup> July 2023 relating to demolition, conservation, bulky storage, public open space, transportation, drainage, water services, landscaping, environmental and construction management.
- 3.1.2. The Planning Authority subsequently decided to REFUSE permission for the proposed development on the 19<sup>th</sup> December 2023 for the following reasons:
- Overdevelopment of a restricted site due to poor layout, lack of public open space, location and configuration of communal open space, high density, building design quality, close proximity to boundaries that would not positively contribute to the public realm and would provide a poor standard of residential amenity for future residents, contrary to the residential zoning objective for the site and Policy Objective PHP35 of the County Development Plan relating to healthy placemaking. Internal configuration would be restricted, disconnected and ineffective in creating an integrated, high-quality and well-managed residential scheme.
  - Erosion of the heritage character of the area due to the demolition of the existing cottage, the quality of the proposed replacement development and

the negative visual impact on the adjacent protected structure (Crinken Cottage – RPS Ref No. 1850). The proposed design and justification/rationale for the demolition of the existing cottage is inadequate and does not demonstrate consideration of the adjacent protected structure in the design of the development. The proposed development does not enhance or protect the architectural integrity of the adjacent protected structure - contrary to Section 12.11.2.3 of the County Development Plan.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

3.2.2. The Planning Officer's Report dated 19<sup>th</sup> July 2023 recommended a request for further information on 14 items.

3.2.3. The Planning Officer's Report found the principle of the proposed development to be acceptable but sought further information on a range of items, as detailed in Section 3.1.1 of this report. The Planning Officer considered the site to be located within a 'transitional zonal area' which places importance on the impact of the proposed development on adjacent lands. The Planning Officer considered the floor to ceiling heights and unit per core elements to be acceptable. The positioning of the proposed development with regard to dual aspect windows was also deemed acceptable.

3.2.4. The submitted FI was considered by the Planning Authority to be significant. Thus, the applicant was required to re-advertise the application. No additional submissions or observations were received during this period.

3.2.5. A second Planning Officer Report was issued by the Planning Authority on the 19<sup>th</sup> December 2023 recommending that permission be refused for the reasons set out above. The Planning Officer's Report concluded that:

- The proposed design is unsympathetic and has the potential to adversely affect the adjacent protected structure's setting and amenity.
- The proposed development would set a poor precedent for similar development in the area.

- Further details would be required in relation to the circulation and layout, bulky storage, works outside the redline boundary, letter(s) of consent, cycle audit, disabled parking, autotracking and communal open space.

### 3.3. Other Technical Reports

3.3.1. The following internal sections issued further reports following consideration of FI submitted:

- Conservation Section – cited concerns with the heritage context of the site and the assessment of Shanganagh Cottage, in line with Appendix B of the Architectural Heritage Protection Guidelines. Re-iterated concerns with the visual impact on the adjacent protected structure and the quality of the design of the proposed development.
- Transportation Planning Section – requested clarification of FI on 5 no. issues relating to parking, autotracking, site permeability and landowner consent.
- Parks & Landscaping Section – requested clarification of FI on the layout of the communal open space and the provision of play space.
- Environmental Enforcement/Waste Management Section – no objection, subject to 6 no. conditions.
- Drainage Section – no objection, subject to 5 no. conditions.
- Public Lighting – no objection.

The following internal sections issued reports in response to the original application:

- Building Control – no objection subject to compliance with taking in charge policy.
- Housing Section – no objection, subject to 1 no. condition.

### 3.4. Prescribed Bodies

3.4.1. The following prescribed bodies issued further reports following consideration of FI submitted:

- Environmental Health Officer – no objection, subject to 2 no. conditions.
- Irish Water/Uisce Éireann – no objection, subject to 3 no. conditions.

- National Transport Authority – no objection.

### 3.5. Third Party Observations

3.5.1. None received.

## 4.0 Planning History

### Subject Site:

4.1.1. No recent planning history exists on this site.

### Neighbouring Sites of relevance:

4.1.2. ABP-317742-23 – Bray to City Centre BusConnects Scheme to the immediate west of the site under consideration by the Board at the time of writing.

4.1.3. ABP-306583-20 – Permission GRANTED by the Board in 2020 for a Local Authority residential development with ancillary commercial uses (retail unit, café and crèche) partially comprising a "Build to Rent" scheme within 8 no. blocks up to 6 storeys in height located to the immediate east of the site.

4.1.4. D17A/0454 (ABP Ref. PL06D.248977) – Permission GRANTED by the Board in 2018 for Demolition of single storey gate lodge, new vehicular and pedestrian entrances and construction of 2 no. 3 storey 3-bedroom houses with integral garages and 1 no. 3 storey 4 bedroom house at Sherrington Lodge, Dublin Road, Shankhill approximately 194m to the north of the site.

4.1.5. I note that the Planning Authority included a number of historic neighbouring planning applications in their assessment of the planning history which I do not consider to be pertinent to my assessment.

## 5.0 Policy Context

### 5.1. Design Standards for New Apartments – Section 28 Guidelines (2023)

5.1.1. The following standards are applicable to the proposed development:

- SPPR 1 *'Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed*

*development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms’.*

- SPPR 2 *‘For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha’:*
  - *‘Where between 10 to 49 residential units are proposed, 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 49<sup>th</sup>’;*
- SPPR 3 identifies the following minimum apartment floor areas of relevance to the proposed development:
  - 1-bedroom apartment (2 persons) – 45m<sup>2</sup>
  - 2-bedroom apartment (4 persons) – 73m<sup>2</sup>
  - 3-bedroom apartment (5 persons) – 90m<sup>2</sup>

No minimum standards are set out for 4-bed apartments.

- Section 3.7 – *‘no more than 10% of the total number of units in any private residential development may comprise this category of two-bedroom three-person apartment’.*
- SPPR 4 -
  - *‘A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate’.*
  - *‘For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects’.*
- SPPR 5 *‘Ground level apartment floor to ceiling heights shall be a minimum of 2.7m’.*

- *‘Private amenity space shall be provided in the form of gardens or patios/terraces for ground floor apartments and balconies at upper levels’... ‘A minimum depth of 1.5 metres is required for balconies, in one useable length to meet the minimum floor area requirement’... ‘For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality’.*
- *‘Sufficient communal storage area to satisfy the three-bin system for the collection of mixed dry recyclables, organic waste and residual waste’.*
- *‘Waste storage areas should not be on the public street, and should not be visible to or accessible by the general public. Appropriate visual screening should be provided, particularly in the vicinity of apartment buildings’.*
- *‘For all types of location, where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop off, service, visitor parking spaces and parking for the mobility impaired’.*
- Appendix 1 identifies minimum floor areas for communal amenity space and private amenity space as follows:
  - One bedroom – 5m<sup>2</sup>
  - Two bedroom (3 person) – 6m<sup>2</sup>
  - Two bedroom (4 person) – 7m<sup>2</sup>
  - Three bedroom – 9m<sup>2</sup>

No minimum standards are set out for 4-bed apartments.

## 5.2. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024

5.2.1. The guidelines encourage the following approaches of relevance:

- The quantum of car parking in new developments should be minimised to manage travel demand and to ensure that vehicular movement does not

impede active modes of travel or have undue prominence within the public realm.

- Table 3.1 - Areas and Density Ranges Dublin and Cork City and Suburbs – *‘It is a policy and objective of these Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at ‘accessible’ suburban / urban extension locations’.*
- Table 3.8 Accessibility – High Capacity Public Transport Node or Interchange - *‘locations within 500 metres walking distance of an existing or planned BusConnects ‘Core Bus Corridor’.*
- SPPR 1 – Separation Distances – *‘minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level’.*
- Policy and Objective 5.1 - Public Open Space – *‘In some circumstances a planning authority might decide to set aside (in part or whole) the public open space requirement arising under the development plan’.....’In such circumstances, the planning authority may seek a financial contribution within the terms of Section 48 of the Planning and Development Act 2000 (as amended) in lieu of provision within an application site’.*
- SPPR 3 - Car Parking – *‘In accessible locations, defined in Chapter 3 (Table 3.8) car- parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling’.*
- Section 5.2.5 - Bicycle Parking and Storage - *‘In areas of high and medium accessibility, planning authorities must ensure that new residential developments have high quality cycle parking and cycle storage facilities for both residents and visitors’.*

- SPPR 4 - Cycle Parking and Storage – *‘all new housing schemes (including mixed-use schemes that include housing) include safe and secure cycle storage facilities to meet the needs of residents and visitors’.*

### 5.3. Architectural Heritage Protection Guidelines for Local Authorities

5.3.1. These guidelines were initially issued in 2004 and have since been re-issued in 2011 by the Department of Arts, Heritage & Gaeltacht. The following guidance relates to development within the setting of a protected structure:

- Section 13.8 Other Development Affecting the Setting of a Protected Structure – *‘The extent of the potential impact of proposals will depend on the location of the new works, the character and quality of the protected structure, its designed landscape and its setting’....’ Proposals should not have an adverse effect on the special interest of the protected structure’.*
- Appendix B Architectural Heritage Impact Assessments – Short Description of the Structure - *‘This should be a concise description of the structure as it exists, noting all its salient features, and describing its external and internal appearance and setting, form, present function, type or purpose, materials, architect and date (where ascertainable)’.*

### 5.4. Dún Laoghaire Rathdown County Development Plan 2022-2028

5.4.1. The following are policies and objectives of relevance to the proposed development from the Dún Laoghaire Rathdown County Development Plan:

- The site has two zonings as follows:
  - Zoning Objective A – *‘To provide residential development and improve residential amenity while protecting the existing residential amenities’.*
  - Zoning Objective A1 – *‘To provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans’.*
- The following protections apply to the site and its surroundings:

- Development Plan Objective OSR7 *‘to protect and preserve trees and woodlands’* covering a portion of the eastern boundary of the site.
- Record of Protected Structures No. 1850 Crinken Cottage to the immediate north of the site.
- Record of Protected Structures No. 1845 Shanganagh Castle Gate Lodge 38.7m to the south of the site.
- Chapter 3 – Climate Action
  - Policy Objective CA6: Retrofit and Reuse of Buildings – *‘It is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible’.*
  - Section 3.4.1.2 – *‘Priority should be given to repairing and re-using existing buildings in preference to demolition and new-build’. ....‘Where an existing building cannot be incorporated into a new layout and the development facilitates a significant increase in density, demolition may be considered to be acceptable to the Planning Authority’.*
- Chapter 4 - Neighbourhood - People, Homes and Place
  - Policy Objective PHP18: Residential Density – *‘Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria ... Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.’*
  - Section 4.3.1 Delivering and Improving Homes – This section sets out a minimum density for new residential development at 35 units per hectare but notes that this may not be suitable in all circumstances.

- Policy Objective PHP42: Building Design & Height – *‘Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5’.*
- Chapter 11 – Heritage & Conservation
  - Policy Objective HER20: Buildings of Vernacular and Heritage Interest – *‘It is a Policy Objective to’:*
    - *‘Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape in preference to their demolition and redevelopment’.*
- Chapter 12 - Development Management
  - Section 12.3.5.3 Internal Storage and External Storage –

Minimum Requirements	
One Bedroom	3 sq.m.
Two Bedroom (3 person)	5 sq. m.
Two Bedroom (4 person)	6 sq. m.
Three Bedroom	9 sq.m.

*‘Apartment schemes should provide external storage for bulky items outside individual units (i.e. at ground or basement level), in addition to the minimum apartment storage requirements. These storage units should be secure, at ground floor level, in close proximity to the entrance to the apartment block and allocated to each individual apartment unit’.*

- Section 12.3.5.5 – Minimum Apartment Floor Areas –

Minimum Overall Floor Areas	
Studio	37 sq. m.
One bedroom	45 sq. m.
Two bedroom (3 persons)	63 sq. m.
Two bedroom (4 persons)	73 sq. m.
Three bedrooms	90 sq. m.

*‘In order to safeguard standards, the majority of apartments in any proposed scheme of 10 or more shall exceed the minimum floor area*

standard for any combination of 1, 2 or 3 bed, by a minimum of 10%\* (excluding studios)'.

- Section 12.3.9 Demolition and Replacement Dwellings – ‘The Planning Authority has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant’ ....’Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered on the grounds of replacement numbers only but will be weighed against other factors’.
- Section 12.4.5.2 Application of Standards – ‘In certain instances, in Zones 1 and 2 the Planning Authority may allow a deviation from the maximum or standard number of car parking spaces specified in Table 12.5 or may consider that no parking spaces are required. Small infill residential schemes (up to 0.25 hectares) or brownfield/refurbishment residential schemes in zones 1 and 2’...’may be likely to fulfil these criteria’.
- Table 12.5 Car Parking Zones & Standards –

Land Use		Zone 1 MTC Areas and Blackrock	Zone 2 Near Public Transport
<b>Houses:</b>	<b>Criterion</b>	<b>Maximum</b>	<b>Standard</b>
House 1 bed	unit	1	1
House 2 bed	unit	1	1
House 3 bed or more	unit	1	2
<b>Apartments and Sheltered Housing:</b>			
Apt 1 bed	unit	1	1
Apt 2 bed	unit	1	1
Apt 3 bed +	unit	1	2

- Section 12.4.6 Cycle Parking – ‘Cycle parking should accord with the Council published – ‘Standards for Cycle Parking and Associated Cycling Facilities for New Developments’ (2018) or any subsequent review of these standards. These are minimum cycle parking

*standards. In car parking Zones 1 and 2 these minimum standards should be exceeded’.*

- Section 12.4.6.1 Requirements for New Development – requires a Cycle Audit to be submitted for residential development of more than 5 units.
- Section 12.4.6.2 – Identifies Cycle Parking Assessment Criteria for new residential developments of 5 units or more.
- Section 12.8.3.1 Public Open Space – Provides for a development contribution under Section 48 of the Planning and Development Act 2000, as amended, in lieu of public open space.
- Section 12.8.3.3 Private Open Space – Re-states the minimum requirements set out in the Apartment Guidelines and includes an additional minimum requirement of 12m<sup>2</sup> for 4 bed apartments.
- Section 12.8.3.3 - *‘For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, the quantity of Communal amenity space, to serve the residents, may be relaxed in part or whole, on a case-by-case basis, however this is subject to overall design quality’.*
- Section 12.8.5.3 Communal Open Space – Quality – *‘Inaccessible, hidden or otherwise back land communal open space, and narrow linear strips of communal open space will not be acceptable. Playgrounds in communal open space areas should be carefully sited within residential areas to ensure they are both easily accessible and overlooked by dwellings’.*
- Section 12.8.11 Existing Trees and Hedgerows – *‘The tree symbols on the maps may represent an individual tree or a cluster of trees and are not an absolute commitment to preservation’....’ Where it proves necessary to remove trees to facilitate development, the Council will require the commensurate planting or replacement trees and other plant material. This will be implemented by way of condition’.*

- Section 12.11.2.3 Development within the Grounds of a Protected Structure – *‘Any proposed development within the curtilage, attendant grounds, **or in close proximity to a Protected Structure** (emphasis added), has the potential to adversely affect its setting and amenity. The overall guiding principle will be an insistence on high quality in both materials, and design, which both respects and complement the Protected Structure, and its setting’....’a balance must be struck between allowing compact development, while protecting the Architectural heritage and historic building stock within the County’.... ‘All planning applications for development in proximity to a Protected Structure must be accompanied by a design statement, with supporting illustrative material, demonstrating how it has been developed having regard to the built heritage, topography, and landscape character of the site. An accredited conservation architect or equivalent should be engaged at the outset of the design process to assist in determining the appropriate siting of the development in order to minimise the impact on the Protected Structure’.*
- Chapter 13 – Land Use Zoning Objectives
  - Section 13.1.2 Transitional Zonal Areas – *‘it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones. In dealing with development proposals in these contiguous transitional zonal areas, it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone’.*
- Appendix 5 – Building Height Strategy
  - Policy Objective BHS 3 Building Height in Residual Suburban Areas – *‘It is a policy objective to promote general building height of 3 to 4 storeys, coupled with appropriate density in what are termed the residual suburban areas of the County provided that proposals ensure a balance between the reasonable protection of existing amenities including residential amenity and the established character of the area’.*

- Table 5.1 – Criteria for Assessing Proposal for Increased Height – 3(d) - *‘Proposal should not negatively impact on an Architectural Conservation Area (ACA) or the setting of a protected structure’.*
- The Planning Authority’s ‘Standards for Cycle Parking & associated Cycling Facilities for New Developments’ states the following with regard to the provision of cycle parking:

Table 4.1 Cycle parking for residential development		
Residential Development type	1 short stay (visitor) parking space per: (Minimum of 2 spaces)	1 long stay parking space per: (Minimum of 2 spaces)
Apartments, Flats, Sheltered housing	5 units	1 unit

- Section 4.1 Standards for Residential Land Use *‘Secure, covered communal parking should be provided at ground floor level as close as possible to the main entrances’.*

**5.5. Woodbrook-Shanganagh Local Area Plan 2017-2023 (extended to October 2027)**

5.5.1. The Woodbrook-Shanganagh Local Area Plan (LAP) covers the eastern and southern portion of the proposal site. The LAP was adopted by the Local Authority in July 2017 and was extended in October 2022 for a period of 5 years until October 2027. Thus, the LAP remains in force at the time of writing. I consider the following sections of relevance to the proposed development:

- Section 2.8 – Vision for Woodbrook-Shanganagh –
  - *‘To improve pedestrian and cycle connections to, and through, Shanganagh Park providing both strategic and local routes through the LAP area and into the wider area’.*
  - *‘To promote a modal shift to more sustainable modes of transportation – with priority afforded to walking and cycling – to include the provision of a new DART Station at Woodbrook’.*
  - *‘To enhance the landscape, environmental and architectural heritage within the Plan Area’.*

- Policy OR12 – ‘*Planning applications for all future development shall be accompanied by an ecological assessment, informed by ecological surveys where relevant, of how proposed developments are compliant with provisions of both the Local Area Plan and the County Development Plan relating to the protection and management of ecology, including protected species such as badgers, bats and owls. Disturbance or destruction to the resting places of protected species will be avoided where possible. In the instances where avoidance is not possible a full assessment will be carried out by a qualified ecologist and the derogation licence process will be followed through engagement with the NPWS.*
- Map 12 indicates a likely historic route passing through the site.
- Map 15 identifies local views and vistas, one of which is directed towards the site from the east.

## 5.6. Natural Heritage Designations

5.6.1. The closest site of natural heritage interest to the proposed development is the Loughlinstown Woods proposed Natural Heritage Area (001211) which is approximately 2km to the north of the proposed development. Other sites of relevance include:

- Dalkey Coastal Zone & Killiney Hill proposed Natural Heritage Area (001206) located approximately 2.47km to the north of the proposed development.
- The Ballyman Glen proposed Natural Heritage Area (000713) located approximately 2.83km to the southwest of the proposed development.
- Dingle Glen proposed Natural Heritage Area (001207) located approximately 3.75km to the northwest of the proposed development.
- South Bray Head proposed Natural Heritage Area (000714) located approximately 3.98km to the southeast of the proposed development.

## 5.7. EIA Screening

5.7.1. Having regard to the limited nature and scale of the proposed development, the location of the site within a serviced suburban area at a remove from areas of

environmental sensitivity, and the criterion set out in Schedule 7 of the Regulations, 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 stage (see Appendix 2) and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A 1<sup>st</sup> party appeal was submitted by Auro Naes Ltd. t/a RoeSavin Construction Ltd. on the 22<sup>nd</sup> January 2024 opposing the decision of the Planning Authority to REFUSE permission. The grounds of appeal are summarised as follows:

- The proposed development complies with national and local planning standards and controls.
- No objections from 3<sup>rd</sup> parties or prescribed bodies.
- The appellant does not object to the inclusion of any condition pertaining to clarifications sought by the Planning Authority's Transportation Section.
- The appellant suggests that a condition be included, in the event of a grant of planning permission, relating to social and affordable housing arrangements.
- A modification is suggested involving the removal of the pitched roof to create a flat roof profile and to reduce the height of the proposed development. This is articulated in pg 31-33 of the appeal report & the revised verified views and CGI submitted with appeal.

#### 1<sup>st</sup> Reason for Refusal:

- Disconnect between the Planning Authority's first reason for refusal relating to the standard of residential amenity and the report of the planning officer which does not oppose the residential amenity elements of the proposal.
- The Planning Authority endorses many elements of the proposed development including its concept, height, orientation, unit sizes, as well as a range of technical matters.

- Concerns regarding public open space could be addressed by the payment of a monetary contribution by way of planning condition, in the event of a grant of planning permission.
- The Planning Authority's concerns about communal open space do not take account of the large area of parkland further to the east of the site.
- Concerns relating to the close proximity of the proposal to site boundaries do not align with the assessment of the planning officer which does not identify any particular issue with the positioning of the proposal.
- The planning officer's analysis does not identify any deficiencies with the shape of the site.
- The Planning Authority's first reason for refusal does not provide rationale.
- The needs of existing and future residents can be met without the need for travel by car due to the proximity of bus routes, Shankhill train station and Shankhill village.
- Insufficient bulk storage provision should not be considered as a reason for refusal as private amenity spaces are often utilised for external storage purposes.
- The Planning Authority's criticisms of the proposal relate to issues of detail rather than of principle and with the possible exception of the open space provision, are unrelated to the character of this land.
- The Planning Authority have incorrectly relied on the impact of the density of the proposed development on residential amenity as a reason for refusal when it is clear that the Planning Authority is concerned about the relationship of the proposed development with neighbouring structures in the context of residential amenity.
- The site can absorb the scale and density proposed. In this regard, a previous decision by the Board is cited which opposed a development on the basis of its low density (ABP Ref. TA09.301371).
- The quantity of communal open space provided as part of the proposed development exceeds the requirements of the Development Plan.

- The Planning Authority's inclusion of the location of the communal open space in the reasons for refusal is unfounded as the Parks & Landscape Section did not object to the proposed development on these grounds.
- The Planning Authority's request for further information only envisages some redesign of the proposed development, whereas the refusal appears to envisage a more comprehensive redesign.
- The elements of the proposed development opposed by the Planning Authority are not relevant to amenity concerns.

2<sup>nd</sup> Reason for Refusal:

- The Planning Authority has erred in overstating the historical value of Shanganagh Cottage and the effect of the proposal on the setting of Crinken Cottage, without explaining the basis for this.
- The photomontages submitted with the application demonstrate that the proposed development would satisfactorily co-exist with the existing built fabric.
- The Planning Authority's Conservation Section seeks to treat Shanganagh Cottage as a protected structure of great historic importance, which it is not.
- The Planning Authority accept the principle of the demolition of Shanganagh Cottage.
- The Conservation Section's consideration of the proposed development is at variance with the character of modern development in the immediate vicinity, including ABP Ref. 306583.
- The Planning Authority has not provided sufficient explanation for its opposition to the Architectural Heritage Impact Assessment submitted by the appellant.
- The Board has previously resisted the retention of a similar structure in a separate previous application (ABP Ref. PL.09.242566).

## 6.2. **Planning Authority Response**

- 6.2.1. The Planning Authority refers the Board to the Planning Officer's Report as the grounds of appeal do not, in the opinion of the Planning Authority, raise any new matters which would justify a change of attitude to the proposed development.

## 6.3. **Observations**

- 6.3.1. None received.

## 7.0 **Assessment**

- 7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the Planning Authority, and having inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Zoning.
- Height & Density.
- Residential Amenity & Nature of Development.
- Open Space.
- Ecology & Tree Loss.
- Justification for Demolition.
- Impact on Architectural Heritage/Visual Impact.
- Acceptability of Modification.
- Other Matters.

## 7.2. **Zoning**

- 7.2.1. The Planning Authority have considered the site to be located within a 'transitional zonal area' by virtue of the two separate zonings covering the site, both zonings permit residential uses. Given that the proposed development and the adjacent permitted development to the east (ABP-306583-20) are both for residential uses of

a similar scale, I do not consider the site to be located within a 'transitional zonal area' as a transition of scale and uses does not apply.

### **7.3. Height & Density**

- 7.3.1. The height of the proposed development (13.08m up to 4 storeys) is generally reflective of the provisions of the Development Plan which encourages heights up to 4 storeys on such sites. Located to the immediate east of the site is a Local Authority development (under construction) which includes buildings up to 6 storeys in height. This demonstrates the acceptability of developments of such a height in the surrounding area. The site is located in close proximity to a proposed BusConnects Scheme and the DART rail line. In addition, a new DART station is proposed approximately 935m to the southeast of the site. The site is also situated within a serviced site in a suburban area. Thus, the proposed development is located in a highly accessible area, as defined in the Compact Settlement Guidelines. However, the Planning Authority's Building Height Strategy (Appendix 5) requires the consideration of the impact on the setting of a protected structure when assessing increased building heights. Given my concerns surrounding the impact of the proposed development on the setting of Crinken Cottage, as detailed in Section 7.8 of this report, I consider that the height and proximity of the proposed development would adversely impact and detract from the setting of a protected structure. I therefore do not consider the height of the proposed development to be acceptable due to the proximity of the proposed development to Crinken Cottage (a protected structure).
- 7.3.2. The appellant has proposed, as part of their appeal, a modification to the roof profile of the proposed structure which involves the removal of the attic floor area and pitched roof. This would reduce the height of the proposed structure by 3.2m (9.9m in height) and would incorporate a flat roof design. Revised photomontages have been submitted with the appeal demonstrating the visual impact of the proposed modification. Revised drawings have, however, not been submitted in support of this modification. The Planning Authority have not taken the opportunity to comment on this modification. I consider that the modification would more closely align with the maximum height of the adjacent Crinken Cottage (9.2m) and would address my concerns surrounding the height and roof profile of the proposed structure, in the

context of Crinken Cottage. However, I have concerns surrounding the materiality of the proposed modification, as set out in Section 7.9 of this report.

7.3.3. The residential density of the proposed development is calculated as 78 units per hectare. This represents a moderately high density for a site located in a suburban area on the outskirts of Dublin and would be considered an appropriate density, in principle. The Compact Settlement Guidelines allow for higher densities where a site is located in close proximity to high frequency public transport, such as an existing or planned BusConnects Scheme. In this respect, I note that the planned Dublin to Bray BusConnects scheme is located to the immediate west of the site. Notwithstanding this, the Development Plan emphasises the need to account for the impact on the setting of any protected structure when assessing the density of a proposed development (Policy Objective PHP18: Residential Density). Given my concerns surrounding the impact of the proposed development on the setting of Crinken Cottage, as detailed in Section 7.8 of this report, I am of the opinion that the density of the proposed development would not be acceptable due to the negative impact on the setting of Crinken Cottage (a protected structure) and the character of the area.

7.3.4. As stated above, I have concerns about the height and density of the proposed development due to the close proximity of a protected structure (Crinken Cottage). It follows that the height and density of the proposed development, and its close proximity to a protected structure, would likely lead to an overdevelopment of the site in this heritage context on what is a tightly configured site. Notwithstanding this, I am of the view that an appropriately configured and designed development of a similar size could be achieved on this site where the impact on the setting of Crinken Cottage is appropriately mitigated.

#### **7.4. Residential Amenity & Nature of Development**

##### General Design & Layout:

7.4.1. With regard to the general design of the proposed structure, I consider its rectangular form, its east-west orientation and its external finishes to be acceptable and these design elements would be absorbed into the wider area. Notwithstanding this, I believe the height and roof profile of the proposed development would result in an overly dominant structure that would negatively impact the adjacent protected

structure (Crinken Cottage). The location of the proposed building approximately 6m from the adjacent protected structure further compounds this negative impact.

Separation Distance:

- 7.4.2. Minimum separation distances above ground floor level to neighbouring properties are achieved, with the exception of Crinken Cottage to the north where a separation distance of approximately 14.9m between opposing windows above ground floor level is proposed. This is marginally under the minimum separation distance of 16m between windows serving habitable rooms above ground floor level, as set out in the Compact Settlement Guidelines. However, the proposed development does not include any windows serving habitable rooms above ground floor level facing onto the northern boundary of the site. The separation distances above ground floor level associated with the proposed development would be acceptable with no negative impacts on adjoining residential amenity.
- 7.4.3. With regard to the separation distances at ground floor level, the proposed development achieves acceptable separation distances from all neighbouring properties, with the exception of Crinken Cottage where a separation distance of 6m is achieved at ground floor level. Given the height and density of the proposed development, the status of Crinken Cottage as a protected structure and the scope to increase the separation distance between the proposed structure and Crinken Cottage by moving the structure further south, I am of the view that the ground floor separation distance would not be acceptable. Thus, the proposed development would not be acceptable due to its close proximity to Crinken Cottage (a protected structure).
- 7.4.4. Internal Layout:
- 7.4.5. Minimum apartment floor areas, as set out in both the County Development Plan and the Apartment Guidelines, are achieved in all units. The majority of apartment floor areas would also be a minimum of 10% above the minimum requirements, as required by the Development Plan and Apartment Guidelines. The apartment internal layout would therefore be acceptable with respect to floor area requirements.
- 7.4.6. With regard to the residential amenity of future residents, I note that no daylight/sunlight assessment of the proposed development has been provided. All units are dual aspect and appear to be within 90 degrees due south, as required by

the BRE Guidelines. However, concerns arise surrounding the depth (7m) of the ground floor units and the likelihood of sufficient daylight and sunlight penetration to the kitchen area of the 2 bed ground floor units which I believe to be due to the poor layout of the 2 bed ground floor units. This is a new issue, and the Board may wish to seek the views of the parties. However, having regard to the other substantive reason for refusal set out below, it may not be considered necessary to pursue the matter as part of this appeal.

Storage:

7.4.7. The Development Plan encourages the provision of bulky storage externally at ground floor or basement level, in addition to minimum apartment storage requirements, but does not outline a minimum requirement. The proposed development includes an external communal storage area (13.8m<sup>2</sup>) which I consider to be a positive feature of the proposed development. The Development Plan also allows for the relaxation of this provision for sites such as the subject site. Given that no minimum requirement for external storage is detailed in the Development Plan and that ample external communal storage is provided, I consider the external storage element of the proposed development to be satisfactory.

7.4.8. With regard to minimum internal storage, the requirements of the Development Plan are achieved within the majority of apartment units, except for the 3 bed units. In this respect, the internal storage provision for the 3 bed units is marginally less than the minimum requirement (approx. 0.5m<sup>2</sup>). This could be addressed by way of planning condition requiring the reconfiguration of the internal layout, if the Board were minded to grant permission. I believe this to be achievable given the quantum of apartment floorspace provided which I consider to be in excess of the minimum requirements set out in the Development Plan and Apartment Guidelines.

Residential Unit Mix:

7.4.9. The proposed development unit mix is as follows:

<b>Residential Unit Type</b>	<b>Percentage of Unit Mix</b>
1 Bed (2 person)	22.22% (4)
2 Bed (3 person)	33.33% (6)

3 Bed	22.22% (4)
4 Bed	22.22% (4)
Total	100% (18)

7.4.10. The unit mix complies with SPPR 1 & 2 of the Apartment Guidelines, in that it does not include an overprovision of one particular unit type. The Apartment Guidelines state that *'no more than 10% of the total number of units in any private residential development may comprise of two-bedroom three-person apartment types'*, and the proposed development includes six 2-bed (3 person) units which amounts to approximately 33.33% of the overall unit mix. The development, as proposed, would not accord with the provisions of Section 3.7 of the Apartment Guidelines in this respect.

7.4.11. Both the Apartment Guidelines and the Development Plan, however, encourage an element of policy flexibility for infill sites below 0.25 hectares and for proposed developments below 50 units, in the case of unit mix. Given that the site is an infill site measuring less than 0.25 hectares and that the proposed development is for less than 50 units, I consider the proposed unit mix to be acceptable.

Private Amenity Space:

7.4.12. The proposed development provides private amenity space in the form of ground floor patios and above ground floor terraces. Both the quantum and depth of the private amenity space align with the minimum standards set out in the Apartment Guidelines and the Development Plan. I consider that the proposed development would comply with private amenity space requirements.

**7.5. Open Space**

Communal Open Space:

7.5.1. The minimum communal open space requirement for the proposed development is approximately 128m<sup>2</sup>. This includes calculating the 4 bed units as 3 bed units, as there are no minimum standards for 4 bed units. The proposed development provides approximately 225m<sup>2</sup> of communal open space in the northeast of the site.

This is well in excess of the minimum standards and represents an acceptable quantum of communal open space.

7.5.2. With regard to the quality of communal open space provided, the Local Authority's Parks & Landscaping Section questioned the location and functionality of the recreational area in a part of the site that is not overlooked and is disconnected from the proposed development. I also note the requirement to locate cycle parking as close as possible to the main entrance. The appellant is of the view that the proposed communal open space area exceeds the requirements of the Development Plan, that the parkland area further to the east provides for additional open space and the Parks and Landscaping Section did not object to the proposed development on these grounds but sought a re-design of the communal open space.

7.5.3. Given the configuration and shape of the proposed development site, I do not consider it possible to locate both the recreational area and the cycle parking in close proximity to the proposed development or the main entrance. Notwithstanding this, I do not consider that a trade-off is required between access to the cycle parking and to the recreational area. In this respect, access to the recreational area would be limited to future residents, would not be located at a significant distance from the proposed development and coupled with an improved lighting plan covering the recreational area, would be satisfactory. If the Board were minded to grant permission, I would recommend the inclusion of a condition requiring a revised lighting plan covering the recreational area. I therefore consider the accessibility of the communal open space to be acceptable and that reconfiguration is not required as this would likely inhibit accessibility to communal cycle parking facilities which I consider to be an equally important factor in the assessment of the proposed development.

Public Open Space & Public Realm:

7.5.4. The public open space requirement for the proposed development would be 345m<sup>2</sup>, as set out in the Development Plan. The public open space provision within the proposed development is approximately 110m<sup>2</sup>, representing a shortfall of approximately 235m<sup>2</sup>. The Planning Authority acknowledge this shortfall and recommend imposing a contribution in lieu of the shortfall. Having analysed the Planning Authority's Development Contribution Scheme, I am satisfied that the

shortfall in public open space can be facilitated with a contribution in lieu. If the Board were minded to grant permission, this shortfall could be conditioned, as provided for in the Development Plan and Development Contribution Scheme.

## 7.6. Ecology & Tree Loss

- 7.6.1. The Development Plan aims to protect and preserve trees and woodlands within the eastern portion of the site. This is *'not an absolute commitment to preservation'* of the trees and woodlands in this area, however, it does create an expectation that commensurate planting will be provided, at a minimum, in the event of tree removal. The appellant's Arboricultural Report states that the tree cover onsite *'is largely located along the eastern site boundary, adjacent to the neighbouring woodland area'*. The proposed development requires the removal of all trees onsite and the Arboricultural Report states that the highest category tree identified onsite would be category B (approximately 8 no.). 20 no. category C trees and 1 no. category U tree are also proposed to be removed. The Planning Authority's Parks & Landscape Section note the physical constraints of the site and the difficulty in retaining trees in the context of the proposed development. The Landscape Plans and planting details demonstrate extensive additional planting around the site. Additionally, the green roof details provide further reassurance in relation to replacement planting. I am satisfied that commensurate planting would be provided as part of the proposed development.
- 7.6.2. Further to the above, Policy OR12 of the Woodbrook-Shanganagh LAP requires new developments undertake an ecological assessment of the site in the interests of compliance *'with provisions of both the Local Area Plan and the County Development Plan relating to the protection and management of ecology, including protected species such as badgers, bats and owls'*. No such assessment has been submitted as part of this appeal. Given that the majority of the tree loss would occur along the eastern boundary of the site, which is within the LAP boundary, and that the potential arises for negative ecological impacts such as disturbance of resting places for bats or owls, I consider that an ecological assessment should have been submitted as part of the appeal. I consider that the proposed development does not comply with Policy OR12 of the LAP as it does not include an ecological assessment of the site. This is a new issue and the Board may wish to seek such a report and the views of the parties, however, having regard to the other substantive reason for

refusal set out below, it may not be considered necessary to pursue the matter as part of this appeal.

## 7.7. Justification for Demolition

- 7.7.1. With regard to the significance of the existing building itself, the Planning Authority's Conservation Section is of the opinion that the existing building contributes greatly to the historic narrative of the locality in terms of legibility. However, they consider that it would be acceptable to demolish the existing structure if the replacement building served to enhance the character of the area. The Conservation Section does not consider the proposed development to be of sufficient quality to justify the loss of the existing building.
- 7.7.2. The appellant's Architectural Assessment includes an interior survey of the existing building which demonstrates that very few original internal features remain. No analysis is provided of the external architectural elements of the existing building. The assessment also states that it should not be read as a Condition or Structural Report. The assessment concludes that the proposed development would have little or no adverse impact on the character of any protected structures in the vicinity and would improve the character of the area.
- 7.7.3. Having inspected the existing building on my site visit, I consider the condition of the building to be poor but not in a state of disrepair. I did not note any features of architectural value which aligns with the internal survey within the appellant's Architectural Assessment. Notwithstanding the absence of a Condition Report on the existing building, the need to provide compact growth and greater levels of density on such infill sites provides for a reasonable justification for the demolition of the existing dwelling.
- 7.7.4. The Development Plan requires the '*retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible*' (Policy Objective CA6: Retrofit and Reuse of Buildings). Additionally, Policy Objective HER20 of the Development Plan encourages the reuse and rehabilitation of buildings of vernacular interest, where appropriate, which make a '*positive contribution to the character and appearance of the area and streetscape*'.
- 7.7.5. Given the prominence of the existing dwelling on the roadway and the vernacular style architecture of the building, I consider that the existing building positively

contributes to the character of the area by way of its visual prominence and architectural form which is not found within the immediate vicinity. Notwithstanding this, I am of the view that the need to provide compact growth and greater levels of density outweighs the contribution of the existing dwelling to the character of the area. As such, I believe that justification exists for the demolition of the existing dwelling, however, I am of the view that the proposed development would negatively impact the character of the area by way of its impact on the adjacent protected structure (Crinken Cottage) as set out in Section 7.8 of this report. Thus, I do not consider the proposed development to be of sufficient quality to justify the loss of the existing dwelling.

## **7.8. Impact on Architectural Heritage/Visual Impact**

- 7.8.1. The site is bounded to the north by Crinken Cottage, a protected structure, and another protected structure, Shanganagh Castle Gate Lodge, is located approximately 38m to the south of the proposed development.
- 7.8.2. Section 12.11.2.3 of the Development Plan requires that development respect the setting of protected structures in close proximity and to strike a balance between permitting compact development and protecting architectural heritage. In relation to Shanganagh Castle Gate Lodge, I am satisfied that both the proposed landscaping along the southern boundary of the site and the separation distance of approximately 50m from the proposed structure serves to negate any impacts on the setting of the protected structure to the south.
- 7.8.3. In relation to Crinken Cottage, this is described on the NIAH as a structure of regional importance and is located approximately 6m from the proposed structure. The Planning Authority's Conservation Section consider the design of the proposed development adjacent to Crinken Cottage to be unsuitable and that it would have an unwanted visual impact on Crinken Cottage which would erode the heritage character of the area. Conversely, the appellant's Architectural Heritage Impact Assessment concludes that the proposed development would have little or no adverse impact on the character of any protected structure in the vicinity. The assessment further concludes that the proposed development would improve the character of the area due to its setback from the original boundary wall and the retention of relevant trees along the northern boundary with Crinken Cottage.

- 7.8.4. The contiguous elevation drawing submitted with the application shows the ridgeline of the proposed development approximately 5m above the ridgeline of neighbouring Crinken Cottage. The eaves of the proposed development are, however, aligned with the ridgeline of Crinken Cottage. This does not serve to adequately mitigate the visual impact of the proposed development on the setting of the protected structure. The design results in the visual dominance of the proposed development which arises as a result of the elevated roof profile of the proposed development and its close proximity to Crinken Cottage.
- 7.8.5. When viewed from the north along the Dublin Road (R119), the proposed development would appear overly dominant in the context of the setting of Crinken Cottage. This is particularly evident in Proposed VVM3 within the verified views and CGI. I also do not consider the setback from the boundary and the retention of trees along the northern boundary to sufficiently mitigate the visual impact of the proposed development on the setting of Crinken Cottage, which I consider to be both negative and significant. I would agree with the opinion of the Planning Authority's Conservation Section as I am of the view that the proposed development would appear overly dominant due to its height, roof profile and close proximity to Crinken Cottage, thereby adversely impacting and detracting from the setting of Crinken Cottage (a protected structure). The proposed development would therefore fail to comply with the provisions of Section 12.11.2.3 of the Development Plan as it would fail to enhance or protect the architectural integrity of the adjacent protected structure (Crinken Cottage).
- 7.8.6. Section 12.11.2.3 of the Development Plan also requires the submission of a design statement for developments in close proximity to protected structures. Whilst a specific design statement has not been submitted by the appellant, I consider that the Architectural Heritage Impact Assessment adequately demonstrates how the design of the proposed development has been developed (pg 7-11). I consider the proposed development would accord with Section 12.11.2.3 of the Development Plan in this respect, however, it would fail to accord with this section of the Development Plan on the basis of failing to enhance or protect the architectural integrity of the adjacent protected structure.
- 7.8.7. The Planning Authority's Conservation Section stated that the appellant's Architectural Heritage Impact Assessment had not been undertaken in line with

Appendix B of the Architectural Heritage Protection Guidelines, as the existing building was not considered to be suitably assessed. In this regard, the guidelines require a short description of the structure which is provided within the assessment (page 6). I would not agree with the Planning Authority on this matter and consider the Architectural Heritage Impact Assessment to have been undertaken in accordance with the Architectural Heritage Protection Guidelines.

**7.9. Acceptability of Modification**

7.9.1. The impact of the proposed modification on the proposed 4 bed units, which includes the removal of 4 no. master bedrooms at attic level, has not been considered or demonstrated by the appellant by way of any plans or drawings. This lack of detail has inhibited my ability to fully assess the proposed modification.

7.9.2. Whilst the overall number of units proposed would not be altered, the proposed unit mix would be altered as follows:

<b>Residential Unit Type</b>	<b>Percentage of Unit Mix of proposed development</b>	<b>Percentage of Unit Mix of modified development</b>
1 Bed (2 person)	22.22% (4)	22.22% (4)
2 Bed (3 person)	33.33% (6)	33.33% (6)
3 Bed	22.22% (4)	44.44% (8)
4 Bed	22.22% (4)	0% (0)
Total	100% (18)	100% (18)

I consider this a material change to the proposed development as it would lead to a twofold increase in the number of proposed 3 bed units which would then account for almost half of the overall unit mix. Notwithstanding this, the change in unit mix remains compliant with SPPR 1 & 2 of the Apartment Guidelines, as outlined in Section 7.4.10 of this report. I do not consider the altered roof profile to be a material change as it does not substantially alter the proposed structure to the point that it would appear materially different to the proposed development as originally proposed.

7.9.3. The proposed modification reduces the height of the proposed structure by way of the removal of the pitched roof, as outlined in Section 7.3.2 of this report. In my view, this serves to mitigate my concerns about the visual dominance of the proposed development in the context of Crinken Cottage, however, I consider the proposed modification to be a material change as it would double the amount of 3 bed units accounting for almost 50% of the unit mix. Given my concerns about the materiality of the proposed modification, I consider that a re-design would be better addressed by way of a new application.

#### 7.10. **Other Matters**

##### Pedestrian Link:

7.10.1. The proposed development includes a pedestrian link to the adjacent Local Authority housing development to the east of the site (ABP Ref. 306583-20). This was included in the proposed development in the interests of permeability and the Planning Authority Parks & Landscape Section accept this concept. From analysis of the drawings associated with the adjacent development, it appears as though the pedestrian link would connect into recreational space associated with the proposed creche on this site. This presents security concerns with regard to the safety of children frequenting the proposed creche. I consider that the proposed development does not provide for a secure pedestrian link between both developments. I also do not consider that evidence of landowner consent has been provided to support the delivery of the pedestrian link. Given the substantive reason for refusal, it is not considered necessary to include this matter in the reasons for refusal.

##### Works outside the Redline Boundary:

7.10.2. The Planning Authority raised concerns relating to the undertaking of works outside of the redline boundary, particularly at the location of the site entrance where a vehicle cross-over detail is proposed to ensure pedestrian priority in the public realm. Having reviewed the Site Layout and the BusConnects Layout, I am satisfied that said works do not fall within the redline of the proposed development but fall within the redline of the proposed BusConnects Scheme. I do not consider the works outside of the redline boundary at the site entrance to be within the remit of this development. The National Transport Authority have indicated their satisfaction with

the proposed development; therefore, I am satisfied that the proposed development would not preclude any determination on the BusConnects Scheme.

Cycle Parking:

7.10.3. Whilst no Cycle Audit has been submitted and no Cycle Parking Assessment undertaken, the appellant has provided for ample cycle parking spaces within the proposed development (24 no. spaces). The Planning Authority's cycle parking standards would require approximately 21.5 cycle parking spaces. The Planning Authority's Parks & Landscaping Section has queried the location of the long stay cycle parking, and that the Planning Authority's Cycle Parking Standards require cycle parking to be located as close as possible to the main entrance. I am generally satisfied with the quantum, quality and layout of the cycle parking which I believe would be adequately accessible for both visitors and future residents.

Vehicle Parking:

7.10.4. With regard to car parking, a reduced number of car parking spaces are provided as part of the proposed development (14 no. spaces). When assessed against the parking standards set out in the Compact Settlement Guidelines, the proposed development could provide for a maximum of 27 no. car parking spaces (SPPR 3). I consider this on the basis that the proposed development location represents an accessible location, given the proximity of existing and planned high frequency public transport. When assessed against the parking standards set out in the Development Plan, the proposed development could provide for a maximum of 26 no. car parking spaces (Zone 2). Both the Compact Settlement Guidelines (SPPR 3) and the Development Plan (Section 12.4.5.3) allow for the reduction of car parking provision. In particular, the Development Plan states that a deviation from the parking standards may be considered for sites such as the proposed site. The Planning Authority have stated that they consider the reduced car parking provision to be acceptable and there is no reference to a material contravention of the Development Plan in this regard.

7.10.5. I consider the reduced number of car parking spaces to be acceptable considering the close proximity of the planned BusConnects Scheme, an existing high frequency bus service and the location of the planned (Woodbrook) DART station further to the southeast of the site. This aligns with the determination of the Planning Authority on

this matter. Having regard to the above, I am of the view that no material contravention of the Development Plan arises.

Refuse Storage & Accessibility:

- 7.10.6. Sufficient communal bin storage is provided to satisfy the three-bin system. However, the location of the communal bin storage adjacent to the entrance of the site exposes it to access and unauthorised use by the general public. This is explicitly discouraged in Section 4.9 of the Apartment Guidelines. Although the communal bin storage includes louvered doors which would reduce the visibility of the bin storage, I consider that security issues are likely to arise as a result of the location of the communal bin storage. If the Board were minded to grant permission, I would suggest the inclusion of a condition requiring the restriction of access to the communal bin storage to residents of the proposed development.
- 7.10.7. The Planning Authority's Transportation Section expressed concern about the accessibility of the site for the purposes of operational waste management. Given that no autotracking has been provided to address this concern, I am in agreement with the Planning Authority on this matter. Given the substantive reason for refusal, it is not considered necessary to include this matter in the reasons for refusal or address this matter as part of this appeal.

Drainage:

- 7.10.8. The drainage report submitted as part of the application to the Planning Authority indicates that the foul sewer outfall would connect into the adjacent site to the east and south of the site. Existing trees are located in this area which raises concerns about the impact of the drainage on the roots of the trees. Notwithstanding this, the Tree Protection Plan states that excavation works within tree root protection areas would be supervised by an arboricultural specialist. Thus, I am satisfied that this impact would be appropriately mitigated.

**7.11. Conclusion**

- 7.11.1. Having regard to the foregoing, I am of the view that the height, density, roof profile and close proximity of the proposed development would lead to an overly dominant structure that would detract from the setting of the adjacent protected structure, Crinken Cottage, and from the character of the area. I do not consider the demolition

of the existing dwelling justified, on the basis of the adverse impact of the proposed development on the setting of the adjacent protected structure and the character of the area.

- 7.11.2. With regard to the overdevelopment of the site, I am of the view that the height, density and proximity to boundaries of the proposed development represents overdevelopment of the site, however, I do not consider this to be a substantive issue as it only arises as a result of the protected structure status of Crinken Cottage and the general heritage context of the area which I consider to be the substantive reason for refusal. As the issue of overdevelopment only arises as a result of the impact of the proposed development on the setting of a protected structure and the character of the area, I do not consider overdevelopment of the site to be a substantive reason for refusal in itself. Although the configuration of the site is notably tight, I consider that scope exists for a similar sized development on this site located at a greater distance from the adjacent protected structure – Crinken Cottage.
- 7.11.3. In summary, I consider that the proposed development is not in accordance with the provisions of the Dún Laoghaire Rathdown County Development Plan, particularly Policy Objective PHP18, Section 12.11.2.3 and Appendix 5 of the Development Plan and would result in an overly dominant development that would detract from the setting of the neighbouring protected structure and the character of the area.

## **8.0 AA Screening**

### **Appropriate Assessment Screening Determination (Stage 1, Article 6(3) of Habitats Directive)**

- 8.1.1. I have considered the proposed development of a 4 storey residential building in light of the requirements of S177S and 177U of the Planning and Development Act 2000, as amended.
- 8.1.2. A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, in the Local Authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by Dún Laoghaire Rathdown County Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined.

- 8.1.3. A detailed description of the proposed development is included in Section 2.1.1 of my report. In summary, the proposed development comprises the demolition of an existing single storey bungalow plus site clearance and construction of a building of 4 storeys in height including 10 no. 1 and 2 bed ground floor apartments and 8 no. 3 and 4 bed duplex apartments, communal open space at ground level, car parking, outdoor secure bicycle and bin storage with yard and associated site works.
- 8.1.4. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area. The site is located approximately 1.2km from the Irish Sea.

### **European Sites**

- 8.1.5. The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). Four European sites are located within 6km of the potential development site:
- Ballyman Glen Special Area of Conservation (000713).
  - Rockabill to Dalkey Island Special Area of Conservation (003000).
  - Bray Head Special Area of Conservation (000714).
  - Dalkey Islands Special Protection Area (004172).
- 8.1.6. Ballyman Glen SAC *'is situated approximately 3 km north of Enniskerry and straddles the County boundary between Dublin and Wicklow. It is orientated in an east-west direction with a stream running through the centre. The glen is bounded mostly by steeply sloping pasture with Gorse (Ulex europaeus) and areas of wood and scrub'*. The site is a Special Area of Conservation under the EU Habitats Directive.
- 8.1.7. Rockabill to Dalkey Island SAC includes *'a range of dynamic inshore and coastal waters in the western Irish Sea. These include sandy and muddy seabed, reefs, sandbanks and islands. This site extends southwards, in a strip approximately 7 km wide and 40 km in length, from Rockabill, running adjacent to Howth Head, and crosses Dublin Bay to Frazer Bank in south Co. Dublin. The site encompasses Dalkey, Muglins and Rockabill islands'*. The site is a Special Area of Conservation under the EU Habitats Directive.

8.1.8. Bray Head SAC 'is situated in the north-east of Co. Wicklow between the towns of Bray and Greystones. The bedrock geology is Cambrian quartzites and shales (with mudstones and greywackes). Bray Head consists of a plateau of high ground, with five prominent quartzite knolls and has a maximum height of 241 m. The more exposed higher ground has a covering of shallow acidic soils, with protruding bedrock and scree. Elsewhere, deeper soils are formed by drift deposits and are calcareous in character'. The site is a Special Area of Conservation under the EU Habitats Directive.

8.1.9. Dalkey Islands SPA '*comprises Dalkey Island, Lamb Island and Maiden Rock, the intervening rocks and reefs, and the surrounding sea to a distance of 200 m. Dalkey Island, which is the largest in the group, lies c. 400 m off Sorrento Point on the Co. Dublin mainland from which it is separated by a deep channel. The island is low-lying, the highest point of which (c. 15 m) is marked by a Martello Tower. Soil cover consists mainly of a thin peaty layer, though in a few places there are boulder clay deposits. Vegetation cover is low-growing and consists mainly of grasses. Dense patches of Bracken (Pteridium aquilinum) and Hogweed (Heracleum sphondylium) occur in places. Lamb Island lies to the north of Dalkey Island, and at low tide is connected by a line of rocks. It has a thin soil cover and some vegetation, mainly of grasses, Nettles (Urtica dioica) and Hogweed. Further north lies Maiden Rock, a bare angular granite rock up to 5 m high that is devoid of higher plant vegetation*'. The site is a Special Protection Area under the EU Birds Directive.

8.1.10. Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of Ballyman Glen, Rockabill to Dalkey Island, Bray Head and Dalkey Islands.

European Site	Qualifying Interests (summary)	Distance	Connections
Ballyman Glen Special Area of Conservation (000713)	7220 Petrifying springs with tufa formation (Cratoneurion) 7230 Alkaline fens	<b>2.83km</b>	No direct
Rockabill to Dalkey Island Special Area of Conservation (003000)	1170 Reefs 1351 Harbour porpoise Phocoena phocoena	<b>3.37km</b>	No direct
Bray Head Special Area of	1230 Vegetated sea cliffs of the Atlantic and Baltic coasts	<b>3.98km</b>	No direct

Conservation (000714)	4030 European dry heaths		
Dalkey Islands Special Protection Area (004172)	3 no. bird species of tern	5.5km	No direct

### **Likely impacts of the project (alone or in combination)**

- 8.1.11. Due to the brownfield nature of the development site and the presence of a significant buffer area (urban development and open space) between the brownfield site and the Irish Sea, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.
- 8.1.12. The proposed development would not have direct impacts on any European site. During site clearance, demolition and construction of the proposed building and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.
- 8.1.13. The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to European Sites makes it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.
- 8.1.14. Given the scale of the proposed development within a suburban area, I do not consider it likely that any temporary noise or human disturbance that may occur during the construction phase would represent any significant increase on the current baseline.

### **Likely significant effects on the European sites in view of the conservation objectives**

- 8.1.15. The construction or operation of the proposed development will not result in significant impacts that could affect the conservation objectives of the SPA or SACs. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions as a result of any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile

species including otter during construction or operation of the proposed development.

### **In combination effects**

8.1.16. The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area. From analysis of the Appropriate Assessment Screening associated with the adjacent permitted development (ABP Ref. 306583-20), no significant effects on any European Sites were identified.

8.1.17. No mitigation measures are required to come to these conclusions.

### **Overall Conclusion**

#### **Screening Determination**

8.1.18. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the qualifying interests of European Sites within vicinity of the site namely, Dalkey Islands SPA, Bray Head SAC, Rockabill to Dalkey Island SAC, Ballyman Glen SAC or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

8.1.19. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and absence of indirect connections to the European sites.
- The determination of the Planning Authority, in their assessment of the proposed development that it would not significantly impact upon a Natura 2000 site.

## **9.0 Recommendation**

I recommend that planning permission be REFUSED for the reasons and considerations as set out below.

## 10.0 Reasons and Considerations

1. It is considered that, by reason of the proposed height, density, roof design and profile and close proximity to boundaries, the proposed development would seriously detract from and adversely affect the setting of the adjacent Protected Structure (Crinken Cottage) and would, therefore, seriously injure the amenities of the area and be contrary to Policy Objective PHP18, Section 12.11.2.3 and Appendix 5 of the Dún Laoghaire Rathdown County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

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Conor Crowther  
Planning Inspector

29<sup>th</sup> October 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	<b>ABP-318910-24</b>		
<b>Proposed Development Summary</b>	The demolition of an existing house and garage for the construction of 18 residential units with communal open area and car parking along with all other associated site works.		
<b>Development Address</b>	Shanganagh Cottage, Dublin Road, Shankill, Dublin 18		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<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.....	EIA Mandatory EIAR required
<b>No</b>	✓		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 (if relevant)</b>
		N/A	<b>Conclusion</b>
<b>No</b>			No EIAR or Preliminary Examination required
<b>Yes</b>	✓	Class 10(b)(i) and (iv)/ min. 500 dwelling units and/or an area greater than 10 ha	Proceed to Q.4

<b>4. Has Schedule 7A information been submitted?</b>		
<b>No</b>	<input checked="" type="checkbox"/>	<b>Preliminary Examination required</b>
<b>Yes</b>	<input type="checkbox"/>	<b>Screening Determination required</b>

**Inspector: Conor Crowther      Date: 29<sup>th</sup> October 2024**

**Appendix 2 - Form 2**  
**EIA Preliminary Examination**

<b>An Bord Pleanála Case Reference</b>	<b>ABP-318910-24</b>	
<b>Proposed Development Summary</b>	The demolition of an existing house and garage for the construction of 18 residential units with communal open area and car parking along with all other associated site works.	
<b>Development Address</b>	Shanganagh Cottage, Dublin Road, Shankill, Dublin 18	
<p><b>The Board carried 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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development</b></p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>Given the location of the proposed development in an suburban area where development of a similar nature has previously been permitted, I do not regard the nature of the proposed development to be exceptional in the context of the existing environment.</p>	<p>No</p> <p>No</p>
<p><b>Size of the Development</b></p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>	<p>Given the location of the proposed development in a suburban area where development of significant size has previously been permitted, I do not regard the size of the proposed development to be exceptional in the context of the existing environment.</p>	<p>No</p>

<p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>		<p>No</p>
<p><b>Location of the Development</b> 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, including any protected structure?</p>	<p>Concerns arise in relation to the potential disturbance of resting places for bats or owls as a result of the proposed tree loss. As stated in Section 7.7.2 of my report, an ecological assessment was not submitted with the appeal in line with Policy OR12 of the Woodbrook-Shanganagh LAP. This results in a level of uncertainty regarding the impact of the proposed development on ecologically sensitive locations.</p> <p>Whilst I have determined that the proposed development would seriously detract from and adversely affect the setting of the adjacent protected structure (Crinken Cottage), the principle of residential development on this site remains acceptable and a similarly sized development, at greater remove from the adjacent protected structure, could be achieved without significantly affecting the adjacent protected structure.</p>	<p>Uncertain</p> <p>No</p>
<p><b>Conclusion</b></p>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required.</p> <p>Yes</p>	<p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p> <p><del>Schedule 7A Information required to enable a Screening Determination to be carried out.</del></p> <p>No</p>	<p><b>There is a real likelihood of significant effects on the environment.</b></p> <p><del>EIAR required.</del></p> <p>No</p>

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

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

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

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

(only where Schedule 7A information or EIAR required)