



An
Bord
Pleanála

Inspector's Report

ABP-318986-24

Development	Construction of 41 apartments in 2 separate apartment blocks and all associated site works.
Location	Coltsfoot, Dublin Road, Shankill, Dublin 18, D18 F8W6.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D23A/0371.
Applicant(s)	Whitefern Rock Limited.
Type of Application	Permission.
Planning Authority Decision	Grant, subject to conditions.
Type of Appeal	Third Party.
Appellant(s)	Tom and Marea McKenna. Residents of Nos. 25-40 Woodbank.
Observer(s)	Fiachra Baynes. Daniel Moss.
Date of Site Inspection	21 st January 2025.

Inspector

Terence McLellan

1.0 Site Location and Description

- 1.1. The appeal site refers to the dwelling and plot known as 'Coltsfoot' which is located on the western side of the Dublin Road in Shankhill, County Dublin. The existing dwelling is a four bedroom detached bungalow, located centrally within the site and set back from Dublin Road by approximately 46 metres. The existing dwelling benefits from substantial front and rear garden ground which is well planted with trees and hedgerows. The plot is largely rectangular in shape, broadly orientated east/west, and measures approximately 0.35 hectares. There is a decrease in levels of approximately 2.9 metres from west to east across the c.115 metre length of the site (when measured on the southern boundary).
- 1.2. The site is bounded to the north by the two storey semi-detached property known as Kendor which is set within a deep plot with substantial front and rear garden ground. To the east the site is bounded by Dublin Road and the adjacent dwelling known as Lurganbrae, which is also set within extensive and mature landscaped grounds. The subject site is bounded to the south by the three storey semi-detached and terraced dwellings at 25-40 Woodbank and the western boundary of the site is marked by the M11.
- 1.3. The subject site is located within a well-established and sylvan residential area that is generally characterised by two storey detached and semi-detached homes and more recent infill residential development of two and three storey semi-detached/terraced dwellings and duplex/flatted dwellings.
- 1.4. Vehicular access to the site is from Dublin Road, a busy regional road that connects to the N11/M11 at the Loughlinstown Roundabout. Dublin Road has footpaths and cycle lanes on both sides of the carriageway and forms part of the planned BusConnects Bray to City Centre Core Bus Corridor. There is a bus stop immediately adjacent to the site entrance which is served by Dublin Bus route E1. Further public transport is available at Shankhill Dart station which is within 1km walking distance to the south east.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of the existing dwelling and redevelopment of the site to provide 41 flatted dwellings in two apartment blocks with a maximum height of four storeys. Block A would be located at the Dublin Road frontage and would accommodate 25 apartments comprising 1 no. studio, 10 no. one bedroom units, 13 no. two bedroom units and 1 no. three bedroom unit. Block A would also include a communal room for residents in addition to a facilities management office. Block B would be located at the western end of the site and would accommodate 16 apartments comprising 5 no. one bedroom units and 11 no. two bedroom units.
- 2.2. A 983sqm basement would be provided accommodating 32 car parking spaces, bicycle parking spaces, residential bulk storage, bin storage, and plant rooms. Separate car and cycle ramp access would be provided to the basement, with access from Dublin Road.
- 2.3. All of the proposed homes would have private amenity space in the form of balconies or terraces and a central communal amenity space would be provided between blocks A and B with further small amenity spaces located at the western and eastern edge of the site. In design terms the building would be contemporary with modulated facades and various set backs. Proposed materials include brickwork, render and composite cladding.
- 2.4. Further Information was received during the course of the application. This resulted in some design changes to the scheme, notably some changes to the vehicular basement ramp to make it two way, consequent changes to the open space, reduction in car parking, increased storage provision, increased floor to ceiling heights, and some minor changes to the facades. The Further Information did not result in any changes to the schedule of accommodation. A table of key development statistics is provided below:

Site Area	0.35 ha			
Schedule of Accommodation		Block A	Block B	Total
	Studio	1	0	1
	1 Bed	10	5	15

	2 Bed	13	11	24
	3 Bed	1	0	1
	Total	25	16	41
Total GIA	4674sqm			
Maximum Height	4 Storeys - 12.85m to parapet and increased to 13.1m to parapet following FI.			
Open Space		Area (sqm)	FI	Area (sqm)
	Public	703		561
	Communal	439		439
	Play Area	42		42
	Incidental	218		211
	Total	1,402		1,253
Car Parking	32 spaces and reduced to and 27 after FI.			
Cycle Parking	82 spaces and increased to and 96 after FI.			
Density	117 units per hectare.			
Plot ratio	1.34			
Site Coverage	26%			
Dual Aspect	58%			

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Notification of the Decision to Grant Permission was issued by Dún Laoghaire-Rathdown County Council on 10th January 2024, subject to 38 conditions. Conditions of note include:

4. Prior to commencement of the development, the Applicant shall submit to the Planning Authority for written agreement, full details showing the separation of the proposed foul and surface water networks in accordance with the requirements of the Uisce Eireann Confirmation of Feasibility letter dated 30 August 2023.

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

12. Prior to construction, the Applicant shall ensure that the reservation line to accommodate any potential future Core Bus Corridor construction programme, be set out by the contractor and agreed with the Planning Authority. The Applicant shall contact DLR Transportation Planning, to arrange this requirement prior to construction.

Reason: In the interest of the proper planning and sustainable development of the area.

17. The proposed basement car park shall be designed and constructed to meet the requirements set out in the UK's Institution of Structural Engineers booklet entitled 'Design Recommendations for Multi Storey and Underground Car Park Fourth Edition' (2011) and any subsequent updates. All proposed ramp gradients shall be constructed in accordance with these requirements.

Reason: In the interest of the proper planning and sustainable development of the area.

30. Retention of Landscape Architect

- a) Prior to the submission of the Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site, the Applicant, owner or developer shall appoint and retain the services; and notify the Planning Authority of the appointment in writing of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and prior to commencement.
- b) A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the Planning Authority in accordance with the permitted landscape proposals.
- c) Installation of attenuation tree pits shall be supervised by the project landscape architect. / If attenuation tree pits are proposed, their installation shall be supervised by the project landscape architect.

Reason: In the interests of residential and visual amenity and to ensure full and verifiable implementation of the approved landscape design.

31. Application of Tree Bond and Retention of Arborist

- a) Prior to the commencement of development and related tree felling and construction activities, the Applicant shall lodge a Tree Bond with the Planning Authority, as security for tree protection and a deterrent to wilful or accidental damages during construction. The Bond shall be based on a notional estimate of the combined value - amenity and ecosystems services - of retained trees; and taking account of the percentage tree loss(-es) due to direct impacts on healthy trees. The minimum value of the Tree Bond shall be €50,000.00.
- b) Lodgement of the Bond shall be part of an Arboricultural Agreement signed by the developer, empowering the Planning Authority to apply the Tree Bond, or part thereof, for satisfactory protection of all retained trees on and immediately-adjointing the subject site, or the appropriate and adequate

replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of 2-years from the substantial Practical Completion of the development. Sequestration of all or part of the bond shall be based on an estimate of the total costs of appropriate, compensatory tree planting at semi-mature sizes. Replacement planting shall be of the same or similar species/varieties as those lost, or as may be specified by Dlr Parks & Landscape services.

- c) Bond Release: 24 months - inclusive of at least two growing seasons (May - Sept.) – after Practical Completion of the permitted development, the developer shall submit to DLR Parks and Landscape Services, an Arboricultural Assessment Report prepared by a qualified arborist. Any remedial surgery or other tree works recommended in that Report shall be undertaken by the developer at his/her expense, under the supervision of a qualified arborist. The Tree Bond shall not be released unless and until an Arboricultural Certificate - signed by a qualified arborist, stating that all tree works have been fully undertaken, trees on site alive and in good condition with useful life expectancy - has been submitted to and agreed with DLR Parks & Landscape Services.
- d) The Project Arboriculturist shall be engaged to carry out site inspections for the duration of the works, at intervals agreed with the Planning Authority (note: no more than 31 days shall elapse between site inspections) and in accordance with the Tree Protection Monitoring Schedule, in order to ensure compliance with the Arboricultural Method Statement and any planning conditions pertaining to tree issues.
- e) The Project Arboriculturist shall report any tree related issues and/or breaches of the Arboricultural Method Statement that they consider to be significant in relation to retained tree health and/or structural stability directly to the Tree Officer.
- f) Any works within a retained trees RPA must be under the agreement and monitoring of the Project Arborist. Any tree stumps removed within a retained trees RPA must not be removed by excavator but be mechanically

ground down. No storage of equipment or materials within the trees RPA, no cables, notices, or other items to be strung up on retained trees.

Reason: to provide security for the protection and long-term viability of trees to be retained on the site and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

3.2. Planning Authority Reports

Planner's Report

3.2.1. The first Planner's Report was issued on 28th July 2023 and contained the following points of note:

- The proposed development is acceptable in terms of zoning and infill residential development in this location is acceptable in principle.
- Demolition of the existing dwelling 'Coltsfoot' is acceptable having regard to the Board's previous assessment of this issue.
- Floor areas of apartments would comply with SPPR 3 of the Apartment Guidelines and dual aspect would comply with SPPR 4 of same.
- The proposed unit mix is acceptable having regard to the scale of the development and the Apartment Guidelines.
- Open space provision is considered to be policy compliant in terms of both public open space and communal open space areas. It is however stated that the public open space would not be inviting to the public as it wouldn't be discernible from the public realm.
- The Child Play area is noted as being located on the public open space which is not in accordance with the CDP or the Guidelines, however, the play area is in a centralised location between both apartment blocks allowing residents to have passive surveillance and in this instance the play area is considered to be acceptable.
- The site meets the criteria of an Accessible Urban Location for density purposes. Existing public transport provision and proposed improvements are noted. On this basis the proposed density is considered acceptable.

- The development would be one storey higher than the Woodbank development and mitigation planting is proposed. The built form, scale, and mass of the development would not detract from the surrounding area.
- The proposal is not considered to be monolithic and would not present an overbearing impact on surrounding properties. The development is considered to broadly comply with the CDP Building Height Strategy and is generally considered acceptable in design.
- There are concerns regarding the installation of a brise soleil and the proposed tone of brick. There are also concerns regarding the floor to ceiling height of the ground floor apartments which is currently deficient, and details of private storage are not acceptable.
- Not considered that there would be any significant amenity impacts in terms of overbearing, overlooking, or overshadowing.
- Separation distances between Block A and B are acceptable.

3.2.2. The first Planner's Report concluded that Further Information was required to overcome the planning issues identified in addition to concerns identified with regards to drainage, transport, land take, relevant development management reports and public lighting (more detail provided below under Other Technical Reports). Further Information was therefore requested on 28th July 2023 with regard to the following 23 points:

1. Revised plans to accord with apartment floor to ceiling heights.
2. Amend engineering Report to comply with 2022-2028 CDP.
3. Omission of Brise Soleil and propose warmer brick palette.
4. Revised plans to show compliance with storage requirements.
5. Drainage, outfall discharge rate and potential attenuation.
6. Updated hydraulic modelling.
7. Clarification on run off rates and calculations.
8. Clarification on type and coverage of green roofs.
9. Engagement with Uisce Éireann on feasibility of connection.
10. Submission of a detailed Construction Management Plan.
11. Submission of a Construction and Demolition Waste Management Plan.

12. Submission of a Demolition and Construction Environmental Management Plan.
13. Submission of a Noise and Vibration Action Plan for demolition and construction phase.
14. Submission of an Operational Waste Management Plan.
15. Revised Lighting Report.
16. Revised transport plans (cycle parking, basement head clearance, line-marking/signage).
17. Detailed cycle audit.
18. Justification for car parking.
19. Revised basement drawings showing accordance with Section 12.4.9 of the CDP and provision of a two way ramp.
20. Visibility splays.
21. Residential Travel Plan
22. Provision of STOP signage, footpaths and tactile paving.
23. Liaison with NTA regarding potential landtake/setback for BusConnects.

- 3.2.3. The second Planner's Report was issued in January 2024, following receipt of Further Information on the 21st November 2023 and publication of revised notices on the 5th December 2023. This report considered the Further Information submission in addition to the updated technical reports and comments from observers and prescribed bodies. The second Planner's Report considered that the Further Information had generally satisfied and addressed previous concerns, concluding that permission should be granted, subject to conditions.

Other Technical Reports

- 3.2.4. **Drainage Planning (26.07.23 and 08.01.24):** The initial response from the Drainage Planning division sought Further Information regarding outfall rates and attenuation, updated hydraulic modelling, clarification on run off rates and updated surface water hydraulic modelling, clarification on the type and coverage of green roofs, and corrections to the Engineering Services Report to reference to the 2022-2028 CDP. These were addressed as Items 5-9 of the Further Information request.

- 3.2.5. The Drainage Division considered that the Further Information suitably addressed the issues raised. Some outstanding concerns remained regarding green roof details and the request from Uisce Éireann that the Applicant remove an element of surface water from the existing foul/combined network in an effort to alleviate known capacity issues in the network, however, the Drainage Division considered that these issues could be appropriately addressed by way of condition and on that basis raised no objections to the proposal.
- 3.2.6. **Environmental Enforcement (11.07.23 and 15.12.23):** Initially requested Further Information to require the submission of a Construction and Demolition Waste Management Plan, Construction Management Plan, Noise Report, Operational Waste Management Plan. Conditions were also recommended regarding Construction waste, Public Liaison, Monitoring, Noise Management, Operational Waste Management, and Pest Control. These were addressed as Items 10-14 of the Further Information request.
- 3.2.7. The Environmental Enforcement Division were generally satisfied with the Further Information submission, particularly in terms of the Planning Stage Acoustic Design Statement. Some concerns remained with regards to waste, where deficiencies were noted in terms of details of waste storage and collection, measures within individual units to support segregation of waste, and measures in relation to access, monitoring and security of proposed bin stores. It was concluded that these matters could suitably be dealt with by way of condition.
- 3.2.8. **Environmental Health (30.06.23):** Further Information was requested regarding the submission of a Demolition and Construction Environmental Management Plan which should include details of waste management, staff welfare facilities, pest control, dust, noise, vibration and emissions to surface and/or ground water. The response stated that the Construction Environmental Management Plan should include a detailed noise action plan, informed by a baseline noise survey. These were addressed as Items 12 and 13 of the Further Information request. No further response is on file.
- 3.2.9. **Housing (21.06.23):** The response notes the proposal to comply with the Part V requirements by way of the transfer of 4 no. one bedroom units on site. While the unit costs exceed the Council's approved acquisition cost threshold, it is acknowledged that the stated costs are estimated, as actual costs cannot be quantified at this

preliminary stage. As such, the Housing division consider that the proposal has the potential to comply with the requirements of Part V of the Planning and Development Act 2000 as amended, the County Development Plan and the Housing Strategy 2022-2028, subject to agreement being reached on land values and development costs and funding being available. Should planning permission be granted and validated costs prove to be of similar value, the council may review the proposal and seek an alternative compliance option. The Housing division recommend a condition be attached requiring the applicant/developer to enter into an agreement in accordance with Part V of the Planning and Development Act, 2000 (as amended).

- 3.2.10. **Parks and Landscape (13.07.23):** No objection, subject to conditions. The recommended conditions include the implementation of landscape plans, retention of a Landscape Architect, retention of an Arborist, and the application of a tree bond.
- 3.2.11. **Public Lighting (17.07.23 and 13.12.23):** Concerns were initially raised regarding the use of bollard lighting, lighting levels on paths around the building, impact of barrier wall height on light levels to the basement ramp, concerns regarding light levels on the cycle ramp and the access to the courtyard of Block A. This was addressed as Item 15 of the Further Information request. Following the submission of Further Information, the Public Lighting division concluded that the lighting design would be acceptable.
- 3.2.12. **Transport Planning (18.07.23 and 02.01.24):** The Transportation Planning Division raised a number of concerns with the initial submission. Cycle parking was considered to be insufficient in terms of the number of spaces, the type of spaces (provision for cargo bikes) and the need to provide covered short term cycle parking. In terms of car parking, the provision of 32 spaces was not considered to comply with the CDP where 43 spaces would be required for the development. The Transportation Planning division also considered the layout of the car parking to be unacceptable on the basis that the accessible parking bays are not suitably designed and that one way signal controlled ramps are not generally acceptable for maintenance and operational reasons. In terms of the frontage onto Dublin Road, the Transportation Planning Division noted the submission of the National Transport Authority regarding the future BusConnects proposal and the need for a setback to allow for the road to be widened to facilitate cycle and bus lanes.

3.2.13. The issues outlined above, and further issues identified by the Transportation Planning Division were requested to be addressed by way of Further Information, notably Items 16-23 of the Further Information request set out in Section 3.2.2 above. Following the Applicant's Further Information submission in November 2023, the Transportation Planning Division raised no objections to the proposed development, subject to conditions.

3.3. Prescribed Bodies

- 3.3.1. **Uisce Éireann (27.07.23 and 30.08.23):** A Confirmation of Feasibility (COF) was previously issued in August 2021 for a 50 apartment scheme. This COF is now considered outdated, and the Applicant was advised to engage with Uisce Éireann through the Pre-Connection Enquiry (PCE) process. The Applicant undertook a PCE and Uisce Éireann responded on the 30th August 2023 confirming that a water connection is feasible without an infrastructure upgrade. In terms of wastewater connection, Uisce Éireann noted that flooding has been reported in the sewer network downstream of the proposed connection and that in order to facilitate the connection, it would be necessary for the Applicant to identify areas of approximately 300sqm hardstanding area, currently draining to the foul/combined network in this catchment and divert these to a dedicated storm sewer or surface water body. The response notes that the Applicant should engage with the Local Authority Drainage Division to identify areas for the storm water removal from the Uisce Éireann network.
- 3.3.2. **National Transport Authority (10.07.23, 27.11.23 and 15.12.23):** The NTA recommend that the development should take account of the scheme design for the Bray to City Centre Core Bus Corridor (CBC). A critical consideration would be the requirement for temporary and permanent land-take. There is a need to ensure that the development would not compromise the construction and operation of the CBC. The NTA also note that the 'Development Access Layout' drawing shows buff coloured tactile paving on the footpath at the proposed site access location. In order to provide for pedestrian priority at this location, the NTA recommends that a raised table should be provided across the site entrance.
- 3.3.3. The issues raised by the NTA were addressed by item 23 of the Further Information request. The Applicant revised the drawings to provide the required setback. The NTA

considered the design revisions to accord with the design of the CBC as submitted to the Board and that the revised site boundary would be sufficient to facilitate the construction of the CBC. Given that the NTA would have specific requirements relating to the levels of boundary walls and foundations, they recommend a condition requiring the Applicant to agree these details prior to the commencement of any development.

3.4. Third Party Observations

- 3.4.1. A total of 32 observations were submitted to the Planning Authority in response to the planning application. An additional 17 observations were submitted following the publication of revised notices on receipt of Significant Further Information. All of the observations have been summarised in the Planner's Report and are on file for the Board's information. In my opinion, the issues raised are generally reflected in the grounds of appeal and observations made on the appeals, set out in detail below at sections 6.1 and 6.4 respectively.

4.0 Planning History

Subject Site

- 4.1. **ABP Reference 312284/Planning Authority Reference D21A/0861:** Permission was refused by the Board in September 2022 for the demolition of existing dwelling house, removal of existing front boundary wall and construction of 53 no. apartments, car parking spaces, bicycle stands, bin storage, and all associated site works. The development comprised three apartment buildings ranging in height from two to five storeys. Permission was refused for the following reasons:

1. Having regard to the disposition of the proposed apartment blocks, with limited separation from the western and southern site boundaries, it is considered that the proposed development would result in a substandard form of open space and landscaping within the overall scheme, with poor opportunity to provide a sufficient scale of landscaping along the southern site boundary, a poor allocation of usable open space for residents within the overall site and with consequent tree loss which would be contrary to the objective, as set out in the current Dún Laoghaire-Rathdown County Development Plan, to protect and preserve trees and woodlands. In this

regard it is considered that the proposed development would provide an inadequate design response to the subject site which would result in a fragmented form of communal amenity space which includes a considerable amount of movement routes within the allocated space, and which would be poor in usage. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the design and layout of the proposed development, including the siting, height and massing of the proposed blocks, the limited separation distances provided to front/side boundaries and between blocks and the extent of tree retention/loss involved in the proposed development, it is considered that the proposed development would have a negative impact on the residential amenities of the properties to the immediate north and south of the site, by reason of overbearing and potential overlooking. The proposed development would seriously injure the amenity of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

Adjacent Sites

- 4.2. There is a detailed planning history for the site to the immediate south, now known as Woodbank and previously known as 'Site at Arisaig, Woodbank, and Cremore, Dublin Road, Shankill, Dublin 18'. The most recent of these and the most relevant to the current appeal is set out below:
- 4.3. **ABP Reference 243091/Planning Authority Reference D13A/0683:** Permission was granted by the Board August 2014 for the demolition of three existing dwellings (known as Arisaig, Woodbank, and Cremore) and the amalgamation of their plots to facilitate the development of 58 homes consisting of: 20 no. 4-bedroom three-storey semi-detached houses with terraces facing north and south; 20 no. 4-bedroom terraced three-storey houses with terraces facing north and south; 4 no. 2-bedroom and 6 no. 3-bedroom lower level duplex units, and 2 no. 2-bedroom, 6 no. 3 bedroom upper level duplex units in four separate three storey blocks with balconies at all levels facing north south east and west with 2 car spaces to front of each house and 21 no. surface car parking spaces. This application was an amendment to developments previously approved under references D08A/0330, ABP Ref 231704, and D11A/0126.

- 4.4. Permission was originally granted by Dún Laoghaire-Rathdown County Council in February 2014. This was subject to both a Third Party Appeal against the permission and a First Party appeal against Condition 18 which referred to the payment of a contribution in respect of water supply.

Other Relevant Sites

Falmore, Falls Road, Dublin 18.

- 4.5. **ABP Ref 312347:** This site is located further to the west of the appeal site on the opposite side of the M11 and relates to a Strategic Housing Development proposal where the Board refused permission for the demolition of the existing three-storey house and associated structures and construction of 100 apartments in two blocks of three to six storeys over a basement/undercroft carpark. The proposal included 1,357sq.m. of communal open space, road upgrade works, pedestrian and cycle linkages, drainage works, and provision of 2,468sq.m landscaped public open space. Permission was refused by the Board in April 2022 for the following reason:

1. The proposed development, by reason of the overall design, scale, massing and height would be visually incongruous from Falls Road due to the loss of existing trees and hedgerows on site thereby detracting from the visual amenities of the area. The proposed development is considered to be contrary to Policy UD1 and Appendix 9 (Building Height Strategy) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Urban Development and Building Height Guidelines for Planning Authorities. Furthermore, the proposed development would not be sufficiently connected to local services and amenities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Site of 1.03 Ha at Rathbeg, Stonebridge Lane, Shankill, Dublin 18

- 4.6. **Planning Authority Reference D20A/0184:** This site is to the south east of the appeal site. The Planning Authority granted permission in February 2021 for the demolition of an existing two-storey dwellinghouse and ancillary outbuildings and sheds, and the construction of a residential development of 54 units consisting of: 3 no. one bedroom apartments, 17 no. two bedroom apartments and 20 no. three bedroom upper level two storey duplexes in 4 no. 3 storey blocks; 11 no. three bedroom 2 storey semi-

detached houses; 2 no. four bedroom three storey detached houses; 1 no. four bedroom three storey semi-detached house. All houses with private rear gardens with ancillary site works including parking for 82 cars, 1 no. communal bin store, 50 secure bicycle parking spaces and main vehicle access off Stonebridge Lane.

Site to the south of Abingdon, Shanganagh Road, Shankill, Dublin 18

- 4.7. **ABP Reference 308418:** This site is further north-west of the subject site. The Board granted permission in February 2021 for a Strategic Housing Development involving construction of a Build to Rent (BTR) residential scheme comprising 193 no. apartments (12 no. studios; 110 no. 1 bed; 1 no. 2 bed (3 persons); and 70 no. 2 bed (4 persons)) within 4 no. blocks ranging in height from 5 to 8 storeys. The development included a pavilion, open spaces, tree houses, meeting rooms and flexible workspace, BBQ facilities, resident's gym, and residential amenities areas; and served by a total of 120 no. car parking spaces, 372 no. bicycle parking spaces, and 6 no. motorcycle spaces.

5.0 Policy Context

5.1. Dún Laoghaire-Rathdown County Development Plan 2022-2028

- 5.1.1. The site is zoned Objective 'A', the stated objective of which is 'to provide residential development and improve residential amenity while protecting the existing residential amenities.'
- 5.1.2. The eastern end of the site fronting Dublin Road has an objective 'to protect and preserve trees and woodlands'. Dublin Road is identified as a Core Bus Corridor
- 5.1.3. Chapter 2 of the CDP is the Core Strategy which sets out the settlement and growth strategy for the County, taking into account housing need, residential capacity, population growth, compact growth, and regeneration.
- 5.1.4. Chapter 3: Climate Action, sets out the detailed policy objectives in relation to climate and the role of planning in climate change mitigation, climate change adaptation and the transition towards a more climate resilient County.
- CA6: Retrofit and Re-use of Buildings - promotes the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where

possible recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction.

- CA10: Renewable Energy

5.1.5. Chapter 4: Neighbourhood – People, Homes and Place, sets out the policy objectives for residential development, community development and placemaking, to deliver sustainable and liveable communities and neighbourhoods. The relevant policy objectives from this chapter include:

- PHP4: Villages and Neighbourhoods – aims to implement a strategy for residential development based on a concept of sustainable urban villages as well as to promote and facilitate the provision of ‘10-minute’ neighbourhoods.
- PHP18: Residential Density – seeks to increase housing 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 set out in Chapter 12. 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
- PHP20: Protection of Existing Residential Amenity - to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.
- PHP27: Housing Mix - to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County.
- PHP35: Healthy Placemaking - to ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.
- PHP42: Building Design and Height – to encourage high quality design in all new development and to ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5.

- 5.1.6. Chapter 5: Transport and Mobility, seeks the creation of a compact and connected County, promoting compact growth and ensuring that people can easily access their homes, employment, education and the services they require by means of sustainable transport. The relevant policy objectives from this chapter include:
- T11: Walking and Cycling
 - T19: Car Parking Standards
- 5.1.7. Chapter 8: Green Infrastructure and Biodiversity includes policies for the protection, creation, and management of this resource in an integrated manner by focusing on key themes within GI such as: landscape and the coast; access; biodiversity; and parks.
- 5.1.8. Chapter 9: Open Space, Parks and Recreation recognises that having safe and easy access to a network of open space and parks, means that the recreational needs of residents are met, while enhancing their health and well-being. The relevant policies from this chapter include:
- OSR4: Public Open Space Standards
- 5.1.9. Chapter 10: Environmental Infrastructure and Flood Risk recognises the critical importance of high quality infrastructure networks and environmental services in creating sustainable, healthy, and attractive places to live and work.
- 5.1.10. Chapter 12: Development Management, contains the detailed development management objectives and standards that are to be applied to proposed developments. The relevant sections of this chapter include:
- 12.3.1: Quality Design
 - 12.3.3.1: Residential Size and Mix
 - 12.3.3.2: Residential Density
 - 12.3.4.5: Management Companies and Taking in Charge
 - 12.3.5: Apartment Development
 - 12.3.7.7: Infill - in accordance with Policy Objective PHP19, infill development will be encouraged within the County and shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings

- 12.3.9: Demolition and Replacement Dwellings
- 12.4.5.6: Residential Parking
- 12.4.6: Cycle Parking
- 12.8.3: Open Space Quantity for Residential Development
- 12.8.3.1: Public Open Space – requires at least 15% of the site area for residential development in an existing built up area to be set aside as public open space. It is acknowledged that in certain instances it may not be possible to provide public open space in line with the required standards. High density urban schemes and/or smaller urban infill schemes for example may provide adequate communal open space but no actual public open space. In these instances where the required percentage of public open space is not provided the Council will seek a development contribution under Section 48 of the Planning and Development Act 2000, as amended.
- 12.8.7.1: Separation Distances
- 12.8.7.2: Boundaries
- 12.8.8: Financial Contributions in Lieu of Open Space
- 12.8.11: Existing Trees and Hedgerows - New developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerows. New developments shall, also have regard to objectives to protect and preserve trees and woodlands.

5.1.11. Appendix 5: Building Height Strategy, states that it is a policy objective (Policy Objective BHS 1- Increased Height) to ‘support the consideration of increased heights and also to consider taller buildings where appropriate in the Major Town Centres of Dún Laoghaire and Dundrum, the District Centres of Nutgrove, Stillorgan, Blackrock, and Cornelscourt, within the Sandyford UFP area, UCD and in suitable areas well served by public transport links (i.e. within 1000 metre/10 minute walk band of LUAS stop, DART Stations or Core/Quality Bus Corridor, 500 metre/5 minute walk band of Bus Priority Route) provided that proposals ensure a balance between the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area.

5.1.12. The Building Height Strategy states that within the built-up area of the County, increased height can be defined as buildings taller than the prevailing building height

in the surrounding area. Taller buildings are defined as those that are more than two storeys taller than the prevailing height for the area.

5.2. Regional Policy

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031

- 5.3. The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP), and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. The RSES seeks to promote compact urban growth by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens. The RSES seeks to build a resilient economic base and promote innovation and entrepreneurship ecosystems that support smart specialisation, cluster development and sustained economic growth.

5.4. National Policy

The National Planning Framework - Project Ireland 2040

- 5.4.1. The NPF addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places. Relevant Policy Objectives include:
- National Policy Objective 2a: A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.
 - National Policy Objective 6: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.
 - National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and

villages, subject to development meeting appropriate planning standards and achieving targeted growth.

- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.5. Section 28 Ministerial Guidelines

5.5.1. Having considered the nature of the proposal, I consider that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- Urban Development and Building Heights - Guidelines for Planning Authorities (2018). The guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated, but actively sought out and brought forward by our planning processes, in particular by Local Authorities and An Bord Pleanála. These Guidelines caution that due regard must be given to the locational context and to the availability of public transport services and other associated infrastructure required to underpin sustainable residential communities.
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (December 2023). These guidelines seek to achieve both high quality apartment development and a significantly

increased overall level of apartment output. Standards are provided for unit mix, apartment sizes, dual aspect ratio, floor to ceiling heights, apartment design and private/communal amenity space. The Guidelines set out the type of locations that are suitable for increased density and apartment development.

- Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024). The Guidelines support the application of densities that respond to settlement size and to different place contexts within each settlement, recognising in particular the differences between cities, large and medium-sized towns and smaller towns and villages. They will also allow greater flexibility in residential design standards and cover issues such as open space, car and cycle parking, and separation distances.

5.6. Natural Heritage Designations

- 5.6.1. There are no European Sites within the boundary of the appeal site nor are there any European Sites directly abutting the appeal site or within its immediate context. The nearest European Site is the Rockabill to Dalkey Islands SAC (Site Code 003000) which is located c. 2.7km to the north-east of the appeal site. The Ballyman Glen SAC (Site Code 000713) is approximately 4.2km to the south/south-west.

5.7. EIA Screening

- 5.7.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Two Third Party appeals have been submitted against the decision of Dún Laoghaire-Rathdown County Council to grant planning permission for the proposed development. The first appeal has been submitted by Marston Planning, for and on behalf of the following Third Parties:

- Paul Clinch and Lynne Massey, 25 Woodbank
- Anne and Demront Grumley, 26 Woodbank
- Daragh and Sarah O'Neil, 27 Woodbank
- Joanna and Jonathan Skeritt, 28 Woodbank
- Zoe Stephenson and Adam Wong, 29 Woodbank
- Stephen and Marie Hedderman, 30 Woodbank
- Darren Comiskey and Louise Morrissey, 31 Woodbank
- Amy Connolly and Eoin Kenny, 32 Woodbank
- Mark and Christine Russell, 33 Woodbank
- Brian Holland and Fiona Kirwan, 34 Woodbank
- Amy Heffernan and Conor Kenny, 35 Woodbank
- Jane and John Deehan, 37 Woodbank
- Brian Kiely and Emma O'Brien, 38 Woodbank
- IzabelaMajer and Michal Krzyzowski, 39 Woodbank
- John and Mary Kelly, 40 Woodbank

6.1.2. This appeal includes verified massing models of the proposed development.

6.1.3. The second appeal has been submitted by Patrick M.Kerr Architecture, for and on behalf of Tom and Marea McKenna of Kendor, Dublin Road, Shankhill Dublin 18. The grounds of appeal for both Third Party appeals can be summarised as follows:

- The proposal fails to address the fundamentals and principles of the previous refusal by An Bord Pleanála.
- The previous application and the current proposal are completely misrepresented in a number of images submitted with the application and at Further Information stage, such as showing trees screening Woodbank which

do not exist and do not provide an accurate representation of the impact of the scheme.

- Access to the rear gardens of the dwellings closest to the south of Block B was not available at the time of the survey.

6.1.4. Residential and Visual Amenity

- The position, minimal setback, and excessive scale and width of Block A and B would be significantly overwhelming and overbearing on neighbouring dwellings and would have a severe and permanent negative impact on residential and visual amenity.
- The dwellings on Woodbank have relatively short gardens and the eaves height of Woodbank should be taken as the guide to a baseline building height that development on the subject site should respond to.
- A contiguous full elevation of the development along the northern boundary with the extent of Kendor shown would demonstrate the excessive nature of the scale, height, and overbearing nature of the development.
- The reduction in height and increase in setback from the previous application do not address concerns.
- Separation distances are less than 16 metres and as such are contrary to SPPR1 of the Compact Settlement Guidelines.
- The development would result in overlooking to both Kendor to the north and the dwellings on Woodbank to the south. Mitigation measures in this regard would be ineffective.
- Proximity of the block to the Woodbank boundary is such that a range of mitigation factors are required to avoid direct overlooking. The proposal would result in direct and perceived overlooking due to proximity to the boundary and the lack of privacy screens on some balconies. There would also be overlooking from the east and west elevations of Blocks A and B as these elevations contain full windows with no mitigation.
- The overbearing impact of the proposal is exacerbated by the fenestration pattern and the limited palette of materials.
- Pleached trees along the boundary are sparse and offer no visual relief at all.

- The proposed development, by virtue of its increased length and overall massing, form, and proximity to the southern boundary, would be visually intrusive and incongruous and would fail to integrate with the established character of the area.
- There would be overshadowing impacts to Kendor, which is located to the north of the proposed development, with significant overshadowing of the dwelling and rear garden from 12pm until after 8pm in the summer evenings.
- Overshadowing would also impact energy generation, energy efficiency, and sustainability.
- The larger basement ramp would undermine the northern boundary and would impact on and threaten the mature hedge as well as preventing mitigating screen planting.
- It is not clear if the ramp can be constructed without having to trespass on lands to the north. The ramp should be pulled back from the boundary by two metres.
- The ramp would have potential structural impacts on the neighbouring site and dwelling to the north.
- The development would not comply with Policy PHP35.

6.1.5. Density

- The proposed density is 117dph, this is excessive, not sustainable, and would be almost two and a half times the minimum required density of 50uph.
- CDP recognises that higher density is important, but not at the expense of the residential amenity of existing established properties.
- The density is excessive for the location and surrounding context. The Board previously considered the density to be excessive and there has only been a marginal reduction from the previously refused scheme, 140dph to 117dph.
- The Compact Settlement Guidelines consider the site to be a City Suburban/Urban Extension where densities of between 40-80dph are encouraged. This would generate 14-28 units on the site which is much more appropriate.
- Appropriate density could be achieved by reducing the height of Block A to three floors and Block B to two floors.

6.1.6. Design

- The design is unimaginative, monolithic, bland and repetitive, with little in the way of quality design or quality materials.
- The design ignores the well-established building line along the Dublin Road. Noting Woodbank, the correct response would be to treat Coltsfoot as a transitional site. The pattern of development and building line to the north has been ignored in order to achieve excessive density.
- Both blocks would be four storeys in height and not 'ranging in height from 1 to 4 floors' as stated on the public notices which are somewhat misleading. The development is excessive in height and the Board have already ruled that four storeys is excessive in this location.
- The contextual elevation shows Block A but should also have shown Block B in outline as this is closer to the neighbouring property to the north. This is attempting to play down the negative impact of the design.
- The Applicant proposed to increase the height of the development further by increasing the floor to ceiling heights of the apartments, which would add a further metre in height.
- The transition in scale is insufficient, the height of the development is out of context with its surroundings.
- The proposed layout requires the extensive removal of trees, with the only retained trees being those tight to the western boundary.
- The two blocks have a combined length of 67 metres which has increased from the 57 metres proposed on the refused scheme.
- Separation distances to the southern boundary continue to be minimal at between 3 and 5 metres. The development would be too close to the northern boundary with Kendor.
- The height, layout, scale, bulk, and massing of the two blocks and the expanse of built form would be out of character with the pattern of development in the area, the context of the site, and would constitute overdevelopment.
- There are limited opportunities for meaningful landscaping to soften the bulk and mass of the proposal due to the limited setbacks.
- The proposal is an incongruous form and intensity of development more appropriate to a central urban location rather than a suburban location.

- The development would not comply with Policy PHP35.
- The proposal represents a clear material contravention of the CDP, and the Planning Authority should be prohibited from granting permission.

6.1.7. Trees

- The site has a Tree and Woodland zoning objective. The Board previously considered the loss of 21 of the 29 trees to be unacceptable. There is a lack of clarity relating to proposed tree removal. The tree survey fails to identify the number of trees being removed but the Arboricultural Impact Drawing indicates that only seven trees are being retained.
- All retained trees are at the rear of the site on the western boundary, the remainder of trees throughout the site would be removed.
- The Tree and Woodland zoning objective applies to the whole site rather than the specific location of the symbol on the zoning map and seeks to retain the site and surrounding area's wooded nature and character.
- The landscape plan lacks mature planting and fails to mitigate the proposed substantial loss of trees.

6.1.8. Public Open Space

- The previously refused scheme was considered by the Board to have inadequate public open space, and this remains to be the case on the current proposal.
- The linear open space along the periphery of the site and the area to the front of Black bounding the main road do not provide any degree of amenity and should be dismissed from the public open space calculation.
- The proposed level of public open space is between 380-400sqm and far short of the 525sqm CDP requirement. This issue has not been appropriately assessed by the Planning Authority.
- The development would result in a substandard form of open space and landscaping, with poor opportunity to provide a scale of landscaping on the southern boundary, a poor allocation of usable open space, and excessive tree loss.

6.1.9. Property Values

- The development would have a negative impact on property values given the poor quality of the proposal and the negative impact it would have on the residential and visual amenity of neighbours.

6.1.10. Transport

- Car parking provision is insufficient and would lead to unauthorised parking in the area.
- There is a discrepancy in the stated number of car parking spaces being provided (32) and the number of car parking spaces shown on plan (27).
- Unit numbers should be reduced to provide a more balanced parking ratio.
- The area suffers from traffic congestion and the development would increase this issue.
- Additional traffic movement entering and exiting the site would result in a traffic hazard and affect neighbouring property.
- The development is 1.2km from Shankhill Dart Station, not 970 metres as stated by the Applicant.

6.1.11. Basement and Ramp

- The basement ramp has increased significantly in terms of length, width and proximity to the neighbouring site to the north.
- The basement represents overdevelopment, is not sustainable and would cause a significant amount of disturbance, disruption, noise, dust, and traffic during construction.
- Dust is a particular concern for the Appellants to the north due to medical reasons.
- Construction impacts would affect the use and enjoyment of the neighbouring garden.
- The basement is a consequence of poor design and would result in a huge amount of material having to be removed from the site and disposed of.
- Use of the basement will generate significant noise as would the M&E plant and bin storage.

6.2. Applicant Response

6.2.1. A First Party response has been received from BG Architecture, for and on behalf of the Applicant, Whitefern Rock Limited. The response is summarised as follows:

6.2.2. Height

- There is a clear design precedent within the area with regard to height and massing of building form and structure and the subject site is aligned to the previously granted permission on the adjoining site D08/0330.
- The Woodbank residential scheme is effectively three storeys high.
- The Appellants contend that the eaves of Woodbank should set baseline height for the subject site. The third-floor parapet height for Block A is only 1.3 metres above the adjacent eaves height on Woodbank and this is an acceptable transition in height.
- The height of the development is not excessive relative to its immediate surrounds, Woodbank is 10.4 metres to ridge and Kendor is almost 9 metres high.
- Block A is neither excessively high or overbearing in terms of scale and massing.
- The degree of impact on adjoining properties is acceptable having regard to the national imperatives around consolidation/intensification and local height precedents previously noted.

6.2.3. Massing

- All previous concerns raised by the Council and the Board in terms of height and massing have been successfully addressed, as evident by the Planning Authority's decision to grant permission.
- Elevations have been carefully considered in terms of composition, visual appeal, and materiality and reflect a correct response to the context and receiving environment.
- The 3D model images submitted by the Appellants show an entire mass on a single plane with little depth or definition which show the various setbacks and external finishes.

- The Appellant states that these are verified images however there are no baseline photography reference points, and it is difficult to assess the 3D images in a structured manner.
- The final design of Block A references the tight grain of the Woodbank development, which is a well-defined, linear, uniform building line.

6.2.4. Density

- The site meets the requirements of SPPR1 of the Building Height Guidelines and is extensively served by good public transport links which would justify an increase in building heights on its own accord.

6.2.5. Overlooking

- The development has been designed to mitigate against overlooking impacts, all primary windows are on an east/west orientation and all glazing facing south or north contain either opaque glazing or translucent wall panels.
- Balconies are designed to avoid overlooking and incorporate a wraparound translucent L shaped screen which mitigates overlooking but allows light penetration.

6.2.6. Trees

- It should be noted that BusConnects upgrade works will require a number of existing trees within the subject site (south-east corner) and along the eastern pathway to be removed in order to facilitate upgrade works.

6.2.7. Shankhill Station

- The route through the amenity space on Corbawn Lane takes the distance from the site to Shankhill Dart station to 970 metres. This route is not shown on Google Maps.

6.2.8. Bus Corridor

- The Dublin Road forms part of a Quality Bus Corridor with a high number and frequency of buses. BusConnects has designated the Bray to Dublin City Centre as a Core Bus Corridor with an operational frequency of 5 minutes during the morning and evening peak periods. There is also a Luas shuttle

running in the morning and evening peak to Stillorgan Luas using the same stops as BusConnects/Dublin Bus.

- The site benefits from existing and planned high frequency public transport and future residents would have the opportunity to use public transport modes as a sustainable alternative to cars.

6.2.9. Daylight/Sunlight

- The daylight analysis and overshadowing study was undertaken using the methodology set out in the BRE Guide which is an expected standard within the built environment.

6.3. **Planning Authority Response**

- 6.3.1. The Planning Authority do not consider that the grounds of appeal raise any new matter which would justify a change of attitude to the proposed development.

6.4. **Observations**

- 6.4.1. Two observations have been received from Fiachra Baynes of 18 Woodbank and Daniel Moss of 33 Woodbank. The points raised in the observations are summarised below:

- The development is a threat to privacy due to its layout, orientation of gardens, bedrooms, and bathrooms.
- There would be daylight and sunlight impacts to neighbouring properties and garden ground. Reduction in light affects the aesthetic appeal of the areas in addition to the mental and physical wellbeing of residents.
- Height, scale and massing is excessive and would be out of synch with the character of the neighbourhood which is typically low rise and modestly sized.
- The incongruous nature of the development threatens to undermine the cohesive aesthetic and sense of community that currently defines the area.
- Concerns regarding the capacity of existing transport and traffic infrastructure to accommodate the development, posing a threat to the living standard and functionality of the neighbourhood.

- The proposal could set a precedent for further high-density developments in the area and encroachment on privacy.
- The lack of safeguards against future large-scale developments threatens to erode the character of the neighbourhood and could threaten its long-term sustainability and desirability.
- The proposed development failed to address the concerns of residents. It exacerbates problems rather than alleviating them.
- The development is too high and too big for the site and is too close to Woodbank. It would dominate the skyline and dwarf surrounding residents.
- The proposal is contrary to the CDP and contrary to the proper planning and sustainable development of the general Shankhill environs.
- Endorse the appeal of other residents of Woodbank.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

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

- Density
- Design and Visual Amenity
- Quality of Accommodation – New Issue
- Open Space and Landscaping
- Residential Amenity
- Transport
- Other Matters

7.2. Density

- 7.2.1. A core issue raised by the Appellants is that the proposed density of 117uph would be excessive for the location and surrounding context. The Board previously considered the density to be excessive and there has only been a marginal reduction from the previously refused scheme from 140dph to 117dph. The density is not considered to be sustainable and would be almost two and a half times the minimum required minimum density of 50uph.
- 7.2.2. The Appellants note that the CDP recognises that higher density is important, but not at the expense of the residential amenity of existing established properties and are of the view that the Compact Settlement Guidelines consider the site to be a City Suburban/Urban Extension, where densities of between 40-80dph are encouraged, which would be more appropriate and could be achieved by reducing the height of Block A to three floors and Block B to two floors.
- 7.2.3. The Applicant considers that the site meets the requirements of SPPR1 of the Building Height Guidelines which supports increased building height and density in locations with good public transport accessibility, noting that the site is extensively served by good public transport links which would justify an increase in building height.
- 7.2.4. The Planning Authority consider density to be acceptable in principle, having regard to the location of the development, albeit noting concerns that this would be higher than the prevailing density in the area. Observations made on the appeal consider that the density would be excessive and that the scheme would represent overdevelopment.
- 7.2.5. The proposed development would provide 41 apartments on a site of 0.35 hectares, resulting in a residential density of 117 units per hectare, a plot ratio of 1.34, and a site coverage level of 26%.

Policy Background

- 7.2.6. Policy PHP18: Residential Density of the Dún Laoghaire-Rathdown CDP states that where a site is located within a 1km pedestrian catchment/10 minute walking time of a rail station, Luas line, Core/Quality Bus Corridor and/or 500 metres/5 minute walking time of a Bus Priority Route, and/or 1 km/10 minute walking time of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged. The minimum density of 50 units per hectare would therefore apply to the appeal site given its location proximate to the Dart, and a Core Bus Corridor.

- 7.2.7. The NPF promotes the principle of ‘compact growth’ at appropriate locations, facilitated through well-designed, higher-density development. Of relevance are NPOs 13, 33 and 35 of the NPF, which prioritise the provision of new homes at increased densities through a range of measures including, amongst others, increased building heights and promoting more compact and sustainable urban development within the existing urban envelope. The NPF recognises that a significant and sustained increase in housing output and apartment type development is necessary.
- 7.2.8. The RSES for the region further supports consolidated growth and higher densities, promoting compact urban growth by making better use of under-used land and buildings within the existing built-up urban footprint, and to drive the delivery of quality housing and employment choice for the region’s citizens.
- 7.2.9. The Building Heights Guidelines (2018), the New Apartments Guidelines (2023), and the Compact Settlements Guidelines (2024), all provide further guidance in relation to appropriate densities and are supportive of increased densities at appropriate locations in order to ensure the efficient use of zoned and serviced land. All national planning policy indicates that increased densities and a more compact urban form is required within urban areas, subject to high qualitative standards being achieved in relation to design and layout.
- 7.2.10. The Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated, but actively sought out and brought forward by our planning processes, and in particular by Local Authorities and An Bord Pleanála. The Guidelines caution that due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities.
- 7.2.11. The New Apartment Guidelines (2023) note that increased housing supply must include a dramatic increase in the provision of apartment development to support population growth, a shift towards smaller average household sizes, an ageing and more diverse population with greater labour mobility, and a higher proportion of households in the rented sector. The Guidelines address in detail, suitable locations for increased densities by defining the types of location in cities and towns that may be suitable, with a focus on the accessibility of the site by public transport and proximity

to city/town/local centres or employment locations. Under the Apartment Guidelines, the site would be considered an intermediate urban location due to its access to public transport.

7.2.12. The Compact Settlements Guidelines echo the Government objectives of promoting increased residential densities in appropriate locations. The Guidelines refine the assessment of location and set recommended density ranges. Under the Guidelines, the appeal site would be categorised as a suburban/urban extension where densities in the range of 40dph – 80dph shall be applied.

7.2.13. However, the Guidelines state that densities up to 150dph shall be open to consideration at accessible suburban/urban extension locations. The Guidelines define high capacity transport nodes/interchanges as being lands within 1,000 metres (1km) walking distance of an existing or planned high capacity urban public transport node or interchange, namely an interchange or node that includes DART, high frequency Commuter Rail, light rail or MetroLink services; or locations within 500 metres walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop. Accessible locations are defined as being within 500m (5-6 minute walk) of existing or planned high frequency urban bus services (10 minute peak hour frequency).

Local Assessment

7.2.14. The site is located on a Quality Bus Corridor and a planned BusConnects Core Bus Corridor. The bus stop immediately adjacent to the site was previously served by Dublin Bus services 7D, 84, 84A, 143 and 145. These services have now been replaced by BusConnects Service E1 from Ballywaltrim (Bray) to Northwood (Santry) via Dublin city centre. Service E1 operates on a 24 hour basis with a peak frequency of at least every ten minutes. Further public transport is available at Shankhill Dart Station which is within 1km walking distance of the subject site.

7.2.15. In my opinion the site is well served by public transport and would clearly be considered an Accessible Location in the context of the Compact Settlement Guidelines, based on the bus services on the BusConnects Core Bus Corridor adjacent to the site and proximity to Dart services. I am therefore satisfied that the proposed density of 117uph is acceptable in principle, that it would be in line with national guidance seeking compact growth, and that that public transport is of a scale

and level of provision/frequency that could adequately support the resultant future population of this development. However, whilst the proposed density is acceptable in principle, consideration has to be given to design, including height, scale, and massing, the protection of existing residential amenities, and regard to local character which is considered in the assessment below.

7.3. Design and Visual Amenity

- 7.3.1. Various issues have been raised in the appeal regarding the design and scale of the proposed development. The primary design concerns relate to the height, scale and massing of the development and its proximity to the boundaries, where separation distances are considered to be insufficient. The grounds of appeal state that the height, layout, scale, bulk, and massing of the two blocks and the expanse of built form would be out of character with the pattern of development in the area, the context of the site, and would constitute overdevelopment.
- 7.3.2. The appeal raises particular issue with combined length of both blocks at 67 metres, which has increased from the 57 metres proposed on the refused scheme and it is considered that the design is unimaginative, monolithic, bland and repetitive, with little in the way of quality design or quality materials. It is stated that the proposal ignores the well-established building lines on Dublin Road and that the transition in scale is insufficient. The appeal states that the proposed development, by virtue of its increased length and overall massing, form, and proximity to the southern boundary, would be visually intrusive and incongruous and would fail to integrate with the established character of the area. It is further stated that the proposal represents a clear material contravention of the CDP, and the Planning Authority should be prohibited from granting permission.
- 7.3.3. The Applicant on the other hand considers there to be a clear design precedent within the area with regard to height and massing of building form and structure, and the subject site is aligned to the previously granted permission on the adjoining site D08/0330, noting that the Woodbank residential scheme is effectively three storeys high. The Applicant's position is that the height of the development is not excessive relative to its immediate surrounds, Woodbank is 10.4 metres to ridge and Kendor is almost 9 metres high. On this basis the Applicant considers that the proposal

represents an appropriate transition in height and that the development would neither be excessively high or overbearing in terms of scale and massing.

- 7.3.4. The Applicant is satisfied that all previous concerns raised by the Council and the Board in terms of height and massing have been successfully addressed, as evident by the Planning Authority's decision to grant permission. In terms of the 3D images submitted by the Appellants, the Applicant is of the view that they show an entire mass on a single plane with little depth or definition to show the various setbacks and external finishes and that whilst the Appellant states that these are verified images, there are no baseline photography reference points, and it is difficult to assess the 3D images in a structured manner.
- 7.3.5. The Applicant considers that the final design of Block A references the tight grain of the Woodbank development, which is a well-defined, linear, uniform building line and that the degree of impact on adjoining properties is acceptable having regard to the national imperatives around consolidation/intensification and local height precedents previously noted.
- 7.3.6. The Planning Authority have assessed the proposed development against the Building Height Strategy contained in Appendix 5 of the CDP, concluding that the proposed development would satisfy the criteria and that the proposed height of the building would be acceptable due to the scale and mass of the built form and in the context of the receiving environment.

Height, Scale, and Massing

- 7.3.7. The proposal is for 41 apartments in two blocks with a maximum height of four storeys and a height to roof parapet level of c. 13.1metres. The adjacent dwellings at Woodbank are three storey and have a height to ridge level of c. 11 metres and eaves level of c. 7.8 metres. The dwelling to the north, Kendor, is two storey with a height to ridge level of c. 9.5 metres and eaves level of c. 6.4 metres.
- 7.3.8. At the outset I would note that the precedent scheme referred to by the Appellant (D08/0330) dates back 17 years, was assessed under a different development plan and national policy framework and in any event, the permission was never implemented.

- 7.3.9. Appendix 5 of the CDP sets out the County's Building Height Strategy that aligns with the Building Height Guidelines. Policy Objective BHS1: Increased Height, states that it is a policy objective to support the consideration of increased heights and also to consider taller buildings where appropriate, in areas well served by public transport links, subject to the protection of existing amenities/sensitivities, and compliance with the criteria outlined in Table 5.1 of the Strategy. The Building Height Strategy states that within the built-up area of the County, increased height can be defined as buildings taller than the prevailing building height in the surrounding area and are defined as buildings that are more than two storeys taller than the prevailing height for the area. The prevailing building heights for the area are 2-3 storeys and the proposed development would be a maximum of four storeys. I am therefore satisfied that it would not be significantly above the prevailing heights for the area and the principle additional height is acceptable subject to suitable scale, massing and an appropriate response to the surrounding character and context. In assessing the height, scale, massing and design of the proposed development, I have had consideration to the performance criteria set out in Table 5.1 of the DLR Building Height Strategy in addition to the criteria outlined in the Building Height Guidelines.
- 7.3.10. Firstly I would acknowledge the revisions made to the proposed development following the previous refusal of permission. This includes a reduction in the number of apartments from 49 units to 41, a reduction in the number of apartment blocks from three to two, a general reduction in height from the previous five storeys to four storeys and some additional set backs from the site boundaries.
- 7.3.11. The development has been pulled back from the Dublin Road frontage and now aligns with the building line set by Woodbank. In my opinion this is acceptable and provides more relief on the principal frontage. The proposed height would not be significantly taller than the surrounding built form but in my opinion, the massing, form, and intensity of development would still be an incongruous feature in the local townscape, exacerbated by the proposed removal of trees that would increase its visibility and its visual dominance on the streetscape.
- 7.3.12. Although the reduction in height from the previous refusal has been beneficial, the scale and massing of the development is such that I have concerns that it would be overbearing on the properties at Woodbank and Kendor. I note that whilst the number of apartment blocks has been reduced from three to two, the overall length of built

form has increased from a total of 56 metres on both the north and south boundaries, to 62 metres on the south boundary and 68 metres on the north boundary, largely driven by the increased size of Block A, compensating for the loss of an apartment block.

- 7.3.13. On the northern boundary, I consider that on balance, the development would not have an overbearing impact on the dwelling at Kendor, largely as a result of the position and orientation of Kendor with its principal facades being perpendicular to the development site and the aspect/outlook from the dwelling being largely unaffected. However, Block B would remain overbearing on the rear garden ground.
- 7.3.14. In terms of Woodbank, the three-storey elements of Blocks A and B would remain close to the boundary. For the three-storey element of Block A this ranges from c. 3.8 metres from the boundary to 4.7 metres. The three-storey element of Block B would similarly be approximately 3.9 metres from the boundary at its closest point. Although I acknowledge that the fourth floor of both blocks would be further set back, this is not significant, being in the region of 2 metres. The dwellings at Woodbank have gardens that are generally 11 metres deep, with the rear of the dwellings directly facing the proposed development. In many cases the separation distance would be below the 16 metres recommended in SPPR1 of the Compact Settlement Guidelines , although I note that privacy measures have been adopted (and discussed in section 7.6 below). In my opinion, the scale and massing of the proposed development along the southern boundary is such that there would be an overbearing impact. I acknowledge the Applicant's point that the central section of Block A is further set back but this does not overcome my general concern with regards to the overall scale and massing along the boundary.
- 7.3.15. I agree that the modulation on the southern and northern facades would be successful in avoiding a monolithic appearance, but this does not quell my concerns regarding the relationship between the development and the adjacent dwellings. In my view, the level of design intervention required to mitigate overlooking as a result of the development's proximity to the boundary is indicative of an overly intensive form of development being pursued on this site. Furthermore, it has a significant impact on the quality of accommodation being proposed, as discussed in section 7.4 below.

7.3.16. In summary, I have no objection to the provision of apartments on this site, nor do I have any objections to the design quality of the east and west facing facades or the materials being proposed. I acknowledge the reduction in height from the previously refused scheme, which is welcomed. However, on balance and for the reasons set out previously, I consider the scale, massing, and intensity of development to be excessive for this site having regard to the site configuration, the relationship with the adjoining properties, and the local character/context. In my opinion, the development would fail to satisfy the development management criteria required in section 3.2 of the Building Heights Guidelines and the development would have a detrimental impact on the character, visual, and residential amenity of the area.

7.4. Quality of Accommodation – New Issue

7.4.1. The Applicant has submitted information to demonstrate that all units would comply with SPPR 3 of the Apartment Guidelines by meeting or exceeding the minimum floorspace standards and it is noted that the majority of units would exceed these standards by 10% or more. Following Further Information, compliance with SPPR 5 (floor to ceiling heights) was secured, as was compliance with the storage requirements set out in Appendix 1 of the Guidelines.

7.4.2. However, in terms of the layout of the development, I have significant concerns regarding the quality of accommodation that would be provided for some units within Block A, notably units A12, A22, and A32, and to a lesser extent unit A01.

7.4.3. Block A comprises a combination of 'own front door' access at ground level for units A01, A04, and A05 and then a communal entrance and circulation space for the remainder of the units. With the exception of the top floor, this communal circulation space/deck access is majority enclosed, including on the southern and northern facades where large areas of obscure glazing have been incorporated in order to mitigate overlooking to adjacent properties.

7.4.4. Units A12, A22, and A32 are located on floors 1, 2 and 3 respectively. These units are square in form and enclosed on three sides by the previously mentioned internal circulation spaces/access corridors, with the only open aspect being to the south. All three of these units have open plan kitchen/living/dining spaces that have principal outlooks onto the internal circulation corridors. The main kitchen and living space windows would look out onto the access corridor with just 3.2 metres separation from

the flank wall of the adjacent apartment. This would provide a very poor level of outlook from these units not to mention a very poor level of privacy. This is further evidence by the fact that the 'balconies' serving these units also face into the access corridors. These balconies would have no privacy from other residents using the corridor to access their apartments and would provide an extremely poor level of amenity.

7.4.5. I note that units A12 and A22 would have obscure glazed high level linear windows on the southern façade, however this does not overcome my significant concerns regarding the overall quality of these units due to the poor level of outlook, privacy and amenity for future residents. Furthermore, Unit A32 does not benefit from a high level window on the southern façade at all and the high level window on unit A12 would be further impeded due to the large privacy screen installed on the southern façade that would limit outlook even further. In my opinion this warrants refusal of planning permission, and the issues identified cannot be suitably addressed by way of condition.

7.4.6. In terms of Unit A01, this would be located under the significant overhang of the upper levels and separated just 2 metres from the cycle ramp which in my opinion could compromise the quality of the accommodation and the amenity of the private terrace which would feel particularly enclosed.

7.4.7. The concerns outlined above with regards to the quality of the proposed accommodation is a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

7.5. Open Space and Landscaping

7.5.1. It is stated in the grounds of appeal that the previously refused scheme was considered by the Board to have inadequate public open space, and that this remains to be the case on the current proposal. The Appellants argue that public open space is deficient in quantum, that the linear open space along the periphery of the site and at the front of Block A would offer little in the way of amenity, and that there are limited opportunities for meaningful landscaping to soften the bulk and mass of the proposal. It is the view of the Appellants that the development would result in a substandard form of open space and landscaping, with poor opportunity to provide a scale of

landscaping on the southern boundary, a poor allocation of usable open space, and excessive tree loss with insufficient mitigation.

Public Open Space

- 7.5.2. Policy OSR4: Public Open Space, states that it is an objective to promote public open space standards generally in accordance with overarching Government guidance. The policy states that in the event that these standards of public open space provision are not met, an additional contribution in lieu may be attached to any permission, by way of planning condition.
- 7.5.3. Section 12.8.3.1 of the CDP requires that, in the context of new residential developments in existing built up areas, 15% of the site area be reserved for public open space provision. It goes on to acknowledge that in certain instances, for example in the context of high density urban schemes and/or smaller urban infill schemes, it may not be possible to provide this standard of public open space and instead a development contribution will be sought.
- 7.5.4. Policy and Objective 5.1: Public Open Space of the Compact Settlements Guidelines recognises that 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. This can occur in cases where the planning authority considers it unfeasible, due to site constraints or other factors, to locate all of the open space on site. In other cases, the planning authority might consider that the needs of the population would be better served by the provision of a new park in the area or the upgrade or enhancement of an existing public open space or amenity. It is recommended that a provision to this effect is included within the development plan to allow for flexibility. 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.
- 7.5.5. The Applicant is proposing 561sqm of public open space. This would be provided as an open space between Blocks A and B, in addition to a small space at the front of Block A. In my opinion, the provision of public open space on this site is challenging, given the relatively narrow configuration of the site and the lack of public connections through it. I do not consider that the public opens spaces proposed as part of this

development would be legible to the general public nor would they be particularly inviting given their location deep within the site.

7.5.6. Furthermore, the open space provided to the front on the Dublin Road frontage is sandwiched between the front entrance to Block A, the vehicular set down area, the street level cycle parking, and the access to the cycle ramp. It is not a space of sufficient quality to be regarded as public open space. This is also the case for a large section of the proposed public open space to the north of Block B which is in effect incidental space between the Block B and the boundary.

7.5.7. In my opinion, the proposed public open spaces would be more appropriate as communal open space, and a financial contribution should therefore be sought towards public open space in the event that the Board grant permission.

Communal Open Space

7.5.8. Section 12.8.3.2 of the CDP sets out the communal open space standard for all new residential development in the County and reflects the requirements of the Apartment Guidelines. The development has a communal open space requirement of 256sqm and the scheme would provide 439sqm of communal amenity space comprising a garden to the rear of the site adjacent to the western boundary and two roof terraces.

7.5.9. In my opinion the amenity value of the roof terraces is compromised by being heavily screened in order to overcome overlooking concerns, this particularly the case on Block A. Additionally, the majority of the at grade communal amenity space would be located next to the western boundary, at a significant distance from Block A. As previously stated, I am of the view that the public open space proposed by the Applicant should be given as communal open space, this would allow the central courtyard to be communal and would help to balance out the challenges posed by the layout and location of many parts of the open space, which are effectively incidental spaces dispersed around the periphery of buildings. On that basis I would consider the quantum and layout of the communal open space to be acceptable.

Trees and Landscaping

7.5.10. Various issues have been raised by the Appellants with regards to the loss of trees on site, noting that the site has a Tree and Woodland Zoning Objective and that the Board previously considered the loss of 21 of the 29 trees to be unacceptable. The Appellants

assert that only the trees on the western boundary would be retained when the Tree and Woodland zoning objective applies to the whole site in order to retain the wooded nature and character. A further concern is raised that there is a lack of clarity relating to the proposed tree removal as the tree survey fails to identify the number of trees being removed.

- 7.5.11. The Applicant considers that it should be noted that BusConnects upgrade works will require a number of existing trees within the south east corner of the site and along the eastern pathway to be removed in order to facilitate upgrade works.
- 7.5.12. The level of tree removal largely remains unchanged from the previous Board refusal, where the level of tree removal was considered unacceptable. The current tree survey identified 30 trees on the site and one Cypress hedge. In addition to the Cypress hedge, 23 of the 30 trees would be removed, including 4 no. Category U, 17 no. Category B, and 2 no. Category C. The majority of the retained trees would be on the western boundary and whilst I note the Applicant's comments regarding tree removal for BusConnects, having regard to the required setback, this would only likely affect the two trees closest to the east boundary, both of which are Category U.
- 7.5.13. I accept that it would be difficult to redevelop the site for housing without the removal of some of the trees, particularly trees 382, 383, 384, 660 and 661. However, the site could reasonably be developed to a different layout and intensity that at least secured the retention of those trees that contribute most significantly to the tree and woodland setting, namely the mature trees towards the front of the site on Dublin Road, nos. 377, 378, 379 and 381.
- 7.5.14. Furthermore, I do not consider the proposed tree removal, which consists mainly of Category B trees, to be suitably balanced against an appropriate scheme of landscaping. This is partly due to the continued proximity of the proposed buildings to the site boundaries (notably Block A) and the location of cycle and vehicle ramps adjacent to the site boundaries thereby preventing the viable planting of screen landscaping, and partly due to insufficient replanting within the remainder of the site with immature species that would not adequately compensate for the removal of canopy cover.

7.6. Residential Amenity

- 7.6.1. The grounds of appeal and observations raise several concerns that the development would have a significant adverse impact on the amenity of neighbouring properties in terms of overlooking, overbearance, and a loss of daylight/sunlight and increased overshadowing. It is argued that the development would lead to significant disturbance during construction and that the basement and associated ramp would have structural impacts on neighbouring property. The Appellants contend that the development would have a severe and permanent impact on visual and residential amenity and that it would fail to comply with Policy PHP35 of the CDP.

Overlooking

- 7.6.2. It is stated in the appeals that the development would result in direct and perceived overlooking to its neighbours due to proximity of the development to the boundaries, noting that the separation distances are less than 16 metres and as such would be contrary to SPPR1 of the Compact Settlement Guidelines. The Appellants state that the development has had to incorporate a range of mitigation measures to avoid direct overlooking and it is argued that these measures would be ineffective, that there is a lack of privacy screens on some balconies, and that there would also be overlooking from the east and west elevations of Blocks A and B as these elevations contain full windows with no mitigation.
- 7.6.3. The Applicant argues that the development has been designed to mitigate against overlooking impacts, with all primary windows being on an east/west orientation and all glazing facing south or north contain either opaque glazing or translucent wall panels. Furthermore, the Applicant states that balconies are designed to avoid overlooking and incorporate a wraparound translucent L shaped screen which mitigates overlooking but allows light penetration.
- 7.6.4. The Applicant has employed a range of design measures in order to reduce the impact of the development on neighbouring properties in terms of overlooking. This includes directing the majority of windows to the east and west facing facades, the use of high level/linear obscure glazed windows on the north and south facades of both blocks, the use of obscure glazing for circulation spaces and balcony/terrace screening, and the use of angled windows. In my opinion this is mostly successful, particularly with regards to overlooking to the north at Kendor, where there is clearly a benefit from an increased separation distance. In terms of Woodbank, I note that there would be

instances of the separation distance being less than the 16 metres recommended in the Compact Settlement Guidelines, however, the windows would be linear and obscure glazed and opportunities for actual overlooking would be very limited, although I accept that the proximity of the development is such that perceived overlooking could remain an issue.

- 7.6.5. On balance, I would conclude that there would be no significant overlooking. Some oblique views may be possible from the east and west facing facades of both blocks, but I do not consider that these would have significant amenity impacts. However, as set out previously, the design measures employed by the Applicant to overcome overlooking concerns have resulted in a poor standard of accommodation for several of the units. Additionally, the impact of these measures on the facades have served to emphasise the bulk and massing of the proposal.

Overbearance

- 7.6.6. The Appellants note that the dwellings on Woodbank have relatively short gardens and consider that the eaves height of Woodbank should be taken as the guide to a baseline building height that development on the subject site should respond to. Further concerns raised are that the excessive scale and height of the building would be overbearing on its neighbours, and it is considered that the reduction in height and increase in setback from the previous application do not address these concerns.
- 7.6.7. The issue of overbearance has been considered in full in the design section at paragraphs 7.3.1-7.3.15. In summary, I am of the view that the scale and massing of the proposed development in close proximity to the boundaries is such that there would be an overbearing impact on the rear garden at Kendor and on the dwellings and rear garden ground at Woodbank.

Daylight and Sunlight

- 7.6.8. The grounds of appeal raise concerns that there would be overshadowing impacts to neighbouring homes, notably Kendor, which is located to the north of the proposed development, with significant overshadowing of the dwelling and rear garden from 12pm until after 8pm in the summer evenings. It is stated that the overshadowing would also impact on energy generation, energy efficiency and sustainability.

- 7.6.9. The Applicant states that the daylight analysis and overshadowing study submitted as part of the application was undertaken using the methodology set out in the BRE Guide which is an expected standard within the built environment.
- 7.6.10. The Applicant's daylight analysis considers the impact of the development on neighbouring windows facing the appeal site in addition to neighbouring garden ground. The overshadowing analysis provides a comparison between existing and proposed scenarios at 10:00, 12:00, 14:00, and 16:00 on the 21st March, 21st June, 21st September, and 21st December. For the June assessment, a further measurement was taken at 18:00. In my opinion, the overshadowing assessment demonstrates that in summer, there would be some additional overshadowing immediately adjacent to the boundary at 10:00 and to a lesser extent at 12:00, beyond which the shadow tracks back onto the Coltsfoot site for the rest of the day. In terms of winter, the results demonstrate that the rear garden ground of Kendor would see the area achieving at least 2 hours of sunlight on the 21st March reduce from 90.06% of the area to 81.21% of the area. This would still be well above the 50% requirement stated in the BRE.
- 7.6.11. Vertical Sky Component (VSC) has been assessed at the two flank windows of Kendor. This test considers the potential for daylight by calculating the angle of vertical sky at the centre of each of the windows serving the buildings which look towards the site. The target figure for VSC recommended by the BRE is 27% which is considered to be a good level of daylight and the level recommended for habitable rooms. The BRE have determined that the daylight can be reduced to 0.8 times its former value (or 20%) before the loss is noticeable. The two flank elevation windows at Kendor would remain BRE compliant with VSC levels of at least 27%. On balance, I am satisfied that the proposal would not have a significant adverse impact on Kendor as a result of a loss of daylight or increased overshadowing.
- 7.6.12. In terms of the dwellings on Woodbank, the development's position due north is such that there would be very limited impact in terms of overshadowing of garden ground. In terms of daylight to windows, VSC has been assessed with 21 of the 32 windows assessed remaining BRE compliant. 11 windows would fall below the BRE criteria, however, these windows would all retain VSC levels of between 23.63% and 26.73% which I consider to be acceptable and not significantly below the BRE threshold.
- 7.6.13. *Basement Development*

- 7.6.14. The Appellants raise concerns that the basement ramp has increased considerably in length, width and proximity to the northern boundary, and it is stated that it would represent overdevelopment, with a lot of excavated material having to be removed from the site and disposed of. Concerns are expressed that the larger basement ramp would undermine the northern boundary and have potential structural impacts on the neighbouring dwelling to the north. It is stated that the basement and ramp would impact on and threaten the mature hedge on the northern boundary and would prevent mitigating screen planting. Further concerns are raised regarding the ability of the ramp to be constructed without having to trespass on lands to the north and it is suggested that the ramp should be pulled back from the boundary by two metres. The Appellants consider that the use of the basement would generate significant noise, as will the mechanical plant and bin storage.
- 7.6.15. In terms of excavation, in my opinion, the level of excavation is not excessive when balanced against the benefits of bringing forward much needed housing on zoned and serviced land in an accessible location and would not be significantly detrimental to the climate objectives of the CDP. Furthermore, I note that the basement is significantly reduced in size from the previous appeal. Subject to a condition securing a Resource Waste Management Plan in line with the Environmental Protection Agency's best practice guidelines, I am satisfied that the excavation proposed as part of the development would be acceptable.
- 7.6.16. I do not consider that plant noise from the basement or use of the basement itself would result in excessive noise impacts for existing residents. Noise from plant can be suitably mitigated by way of a condition and bin collection is an accepted part of all domestic settings and the noise associated with this would be very short term and infrequent.
- 7.6.17. I do accept that the vehicular ramp increased in size as part of the amendments undertaken at Further Information stage and I acknowledge the Appellant's concern that the proximity of the basement could potentially have an impact on the boundary hedge. In my opinion, a survey of the hedge undertaken prior to development taking place and securing adequate root protection zones would be a suitable way forward and this could be secured by condition. In terms of the structural concerns raised by the Appellant, I do not anticipate that there would be any significant impact subject to detailed construction management plans and method statements being secured by

way of condition. In any event structural issues are civil matters to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

Construction Impacts

7.6.18. Disturbance during construction has been raised as part of the appeal. It is stated that the development would cause a significant amount of disturbance, disruption, noise, dust, and traffic during construction, with dust being a particular concern of the Appellant to the north, due to medical reasons. It is argued that construction impacts would affect the use and enjoyment of the neighbouring gardens.

7.6.19. Disturbance can occur during construction, particularly with regards to noise and dust. However, I am satisfied that these temporary issues could be adequately addressed and managed by way of a detailed Construction Environmental Management Plan which would be secured by way of condition in the event that the Board grant permission. Once operational, I do not consider that the development would be likely to result in excessive noise impacts on surrounding dwellings, and appropriate conditions could be imposed regarding noise from plant if required.

Property Values

7.6.20. It is stated in the grounds of appeal that the development would have a negative impact on property values given the poor quality of the proposal and the negative impact it would have on the residential and visual amenity of neighbours. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.7. Transport

7.7.1. The grounds of appeal state that car parking provision is insufficient and would lead to unauthorised parking in the area. Concerns are also raised regarding a possible discrepancy in the stated number of car parking spaces being provided (32) and the number of car parking spaces shown on plan (27). It is the view of the Appellants that unit numbers should be reduced to provide a more balanced parking ratio.

- 7.7.2. The Applicant asserts that the Dublin Road forms part of a Quality Bus Corridor with a high number and frequency of buses. BusConnects has designated the Bray to Dublin City Centre as a Core Bus Corridor with an operational frequency of 5 minutes during the morning and evening peak periods. There is also a Luas shuttle running in the morning and evening peak to Stillorgan Luas using the same stops as BusConnects/Dublin Bus. The site benefits from existing and planned high frequency public transport and future residents would have the opportunity to use public transport modes as a sustainable alternative to cars.
- 7.7.3. It is argued by the Appellants that the development is 1.2km from Shankhill Dart Station, not 970 metres as stated by the Applicant. In response, the Applicant states that the route through the amenity space on Corbawn Lane takes the distance from the site to Shankhill Dart station to 970 metres and notes that this route is not shown on Google Maps.
- 7.7.4. In terms of traffic generation, the Appellants state that the area suffers from traffic congestion and the development would increase this issue, with additional traffic movement entering and exiting the site resulting in a traffic hazard that would affect neighbouring property.

Car Parking

- 7.7.5. Section 12.4.5.2(i) of the CDP sets out the assessment criteria for deviating from car parking standards. Criteria include (but are not limited to) proximity to public transport (level of service and interchange), walking and cycling accessibility, availability of car sharing, existing availability of car parking, and the range of services available within the area.
- 7.7.6. Subsequent to the adoption of the CDP, the Compact Settlements Guidelines (2024) now support a move away from full parking provision, and state at Section 4.4(i)(d) that the quantum of car parking in new developments should be minimised in order 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. SPPR3 states that 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.

7.7.7. I note that the Guidelines state a maximum level of parking provision as opposed to a minimum, and that the general thrust of the Guidelines is that parking should be reduced at all urban locations, particularly in locations that have good access to public transport and urban services. I have previously addressed the issue of public transport availability at this site, which is varied and high frequency/capacity and I note that Dublin Road is served by cycling infrastructure. Taking into account the context of the Guidelines and the aim to reduce parking, the public transport availability at the site, the provision on site for car sharing facilities, and cycling infrastructure on Dublin Road, I am satisfied that a reduced level of residential car parking is acceptable and that conditions could be applied regarding car sharing schemes, should the Board be minded to grant permission. For clarity, I do not consider that there is a discrepancy in car parking numbers as alluded to by the Appellants, parking was reduced from 32 spaces to 27 spaces as part of the Further Information request and this is shown accurately on the updated plans.

Traffic

7.7.8. The Applicant has submitted a Traffic and Transport Assessment that considers the traffic impact in terms of junction capacity and trip generation (using the TRICS database). Traffic counts were carried out for the morning peak hours of 07:30 - 09:30 and the evening peak hours of 16:30-18:30 at the existing junction of junction of R837 Dublin Road and the Seaview Park which is to the north east of the site. These traffic counts were undertaken on Tuesday 1st June 2021.

7.7.9. Trip generation from the development would result in a relatively low increase. Overall trip generation for the development would result in 12 two way person trips in the morning peak (2 arrivals and 10 departures) and 11 two way person trips in the evening peak (9 arrivals and 2 departures). I therefore consider the overall vehicle trip generation of the site to be modest and that the development would not have a significant traffic impact.

7.7.10. Traffic growth forecasting was undertaken for 2025, 2030 and 2040. This has analysed the impact of the development on junction capacity. The Degree of Saturated Flow (DOS) provides the basis for judging the acceptability of junction design and the capacity of existing junctions. In general, a DOS of 90% or less for signalised and controlled junctions is considered acceptable during the peak periods. A DOS of this

value would indicate that at peak times the junction is at 90% of its operational capacity and therefore has a practical reserve capacity of 10%. This reserve capacity of 10% is considered by traffic engineers to be the level of reserve capacity at a junction required to cater for periods of unusually high traffic flows such as bank holiday weekends, public entertainment, and sporting events etc.

7.7.11. With the development in place, the junction to the site from the R-837 Dublin Road would have a morning maximum DOS of 23.4% in 2025, 25.1% in 2030, and 25.9% in 2040. In the evening the maximum DOS of 36.9% in 2025, 39.61% in 2030, and 40.8% in 2040. I am satisfied that the local road network would be operating well within capacity with the development in place and I do not consider that the development would have an adverse impact on traffic generation or congestion.

8.0 AA Screening

8.1.1. I have considered the appeal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located on the Dublin Road in Shankhill, County Dublin. The site is approximately 2.7km from the Rockabill to Dalkey Islands SAC (Site Code 003000) which is the nearest European Site. The Ballyman Glen SAC (Site Code 000713) is approximately 4.2km to the south/south-west.

8.1.2. The proposal is for new homes on a serviced and zoned site within a built-up urban area. There are no direct hydrological connections from the site to any European Site and there are no watercourses on site or in the immediate vicinity. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The nature of the proposed development and the location of the site within a serviced urban area.
- The distance of the development from the nearest European Site, the lack of any direct hydrological connections, and the use of the municipal water/sewage system.
- The screening determination of the Planning Authority, who concluded that Appropriate Assessment is not required.

- 8.1.3. I conclude that on the basis of objective information, the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1.1. I recommend that the Board refuse planning permission for the reasons and considerations set out below:

10.0 Reasons and Considerations

1. Having regard to the design and layout of the proposed development, including the siting, height, scale, and massing of the proposed development relative to the plot boundaries, the limited separation distances provided, the proximity and relationship to the adjacent dwellings, and the extent of tree loss required to facilitate the development in the absence of suitable compensatory planting, it is considered that the proposed development would have a negative impact on the residential amenities of the properties to the immediate north and south of the site, by reason of overbearance and would be an incongruous feature in the streetscene. The proposed development would seriously injure the visual amenity of the area and the residential amenity of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the internal layout and configuration of Block A and the layout/positioning of Apartments A12, A22, and A32 where the principal outlook from the apartments and their balcony amenity spaces would be onto a largely internal circulation space that would be overlooked with poor outlook and privacy, it is considered that the development would fail to provide an adequate level of residential amenity for future residents and 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.

Terence McLellan
Senior Planning Inspector

31st January 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-318986-24		
Proposed Development Summary	Construction of 41 apartments in 2 separate apartment blocks and all associated site works.		
Development Address	Coltsfoot, Dublin Road, Shankill, Dublin 18, D18 F8W6		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	<input checked="" type="checkbox"/>
		No	<input type="checkbox"/>
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	<input checked="" type="checkbox"/>	Class 10 – Infrastructure Projects.	Proceed to Q3.
No	<input type="checkbox"/>		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	<input type="checkbox"/>		EIA Mandatory EIAR required
No	<input checked="" type="checkbox"/>		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	Class 10 (b)(i) - threshold >500 dwellings. Proposed development is for 41 apartments.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318986-24
Proposed Development Summary	Construction of 41 apartments in 2 separate apartment blocks and all associated site works.
Development Address	Coltsfoot, Dublin Road, Shankill, Dublin 18, D18 F8W6
<p>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.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development would provide residential development in a built up urban area, but the increased height and scale are not considered to result in significant environmental effects.</p> <p>Demolition works would be small scale, related to the existing dwelling. Construction materials and activities would be typical for an urban residential development of this nature and scale.</p> <p>The use of fuels and materials would be typical for construction sites. Construction impacts would be local and temporary in nature, could be suitably managed through a Construction Environmental Management Plan.</p> <p>In terms of accidents, no significant risk is anticipated having regard to the nature and scale of the development. Any risk arising from demolition and</p>

	<p>construction will be localised and temporary in nature.</p> <p>No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development would conform to the residential nature of the locality. There would be no significant impact on any protected areas, protected views, built or natural heritage or European Sites.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>All development has the potential for some impacts/disturbance during the construction phase such as noise, vibration, dust, air quality and traffic. However, these impacts would be short term and temporary and can be appropriately managed and mitigated by way of conditions and the implementation of a detailed Construction Environmental Management Plan.</p>
Conclusion	

Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)