



An
Bord
Pleanála

Inspector's Report ABP-319090-24

Development	Construction of switch room, alterations to lobby roof and all associated site works
Location	Ardoyne House, Pembroke Park, Dublin 4, D04 F3C3
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4841/23
Applicant(s)	Ardoyne House Management Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Eamon Daly
Observer(s)	None
Date of Site Inspection	06 December 2024
Inspector	Gillian Kane

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1.0 Site Location and Description

- 1.1.1. The subject site comprises an established residential development situated to the rear of Clyde Lane and Pembroke road in Ballsbridge, the south Dublin suburb. It is located immediately adjacent to Herbert Park with vehicular access from Pembroke Park and a smaller, vehicular entrance from Clyde Lane. The irregularly shaped site has a 12-storey apartment development in the centre and single storey flat roofed garages along a section of the northern boundary to Clyde Lane and the southern boundary. A row of eight two-storey mews dwellings (Ardoyne Mews) forms the other section of the Clyde Lane boundary.
- 1.1.2. The area surrounding the apartment block and the entrance is laid out with soft landscaping and car parking. To the northeast and southeast the grounds bound Herbert Park.

2.0 Proposed Development

- 2.1. On the 24th November 2023, permission was sought for a new switch room with ancillary store and a new sprinkler / tank room adjoining the existing entrance lobby, replacement of a balustrade on the lobby roof, new landscaping and surface water drainage infrastructure.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 25th Jan 2024, the Planning Authority issued a notification of their intention to GRANT permission subject to seven standard conditions.

3.2. Planning Authority Reports

- 3.2.1. **Drainage:** No objection subject to conditions.
- 3.2.2. **Planning Report:** Notes applicant statement that development is to comply with fire safety requirements. Lighting plan should be requested by way of condition. Proposed development makes a positive contribution. Recommendation to grant subject to conditions.

3.3. Prescribed Bodies

- 3.3.1. None on file.

3.4. Third Party Observations

- 3.4.1. Submissions on file raise issues of impact on residential amenity, impact on visual amenity, construction impacts.

4.0 Planning History

- **ABP-310478-21**: Permission granted for area of hard standing for 19no. car spaces. Following a Request for Further Information, the total number of new car parking spaces was reduced to 8 No.
- **ABP Ref. 306122-19** DCC Reg. Ref. 0489/19;: An Bord Pleanála determined in April 2020 that the construction of a hard surface area of c.406 sq m of the garden to the side of Ardoyne House for the provision of permitted parking spaces is development and is not exempted development.
- **ABP Ref 300719-18** DCC Reg. Ref. 4095/17: Planning permission refused in August 2018 for the change of use of the two garages to a 2 bed 2 storey townhouse residence at Garage Numbers 1 and 2, Ardoyne House due to an insufficient quantum or quality of private open space, the visual impact and piecemeal design approach.
- **PL29S.119212** DCC Reg. Ref. 0400/00.: Planning permission granted in November 2000 for the demolition of an existing structure comprising one disused apartment and nine garages and the construction of eight apartments. In terms of car parking, the Inspector's Report dated November 2000 states that "*The parking provision of 87 spaces for 57 units is to an acceptable standard*".
- **DCC Reg. Ref. 2471/99**: Planning permission granted in November 2019 for alterations to the rear elevation including glazing in of balcony area and replacement of existing windows to 9th floor apartment.
- **PL29S.118728** DCC Reg. Ref. 4031/99: Planning permission granted in October 2000 for the demolition of an existing structure comprising one disused apartment and nine garages and the construction of seven apartments.
- **PL29S.112838** DCC Reg. Ref. 1842/99;: Planning permission in December 1999 refused for five, two storey town houses with pedestrian access to Clyde Lane.

- **DCC Reg. Ref. 0178/97:** Planning permission granted in April 1997 for the retention of conversion of apartment Nos. 51 and 52 into 1 apartment including infill of balcony to No. 52 and proposed alterations at fifth floor.

5.0 Policy Context

5.1. Dublin City Council Development Plan 2022-2026

5.1.1. The subject site is zoned Z1 Sustainable Residential Neighbourhood, which has the stated objective: “to protect, provide and improve residential amenities”.

5.1.2. **Appendix 18** of the development plan refers to residential extensions. Section 1.1 states that applications for extensions to existing residential units should:

- Not have an adverse impact on the scale and character of the existing dwelling
- Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight
- Achieve a high quality of design
- Make a positive contribution to the streetscape (front extensions)

There is a general presumption against front extensions that significantly break the building line, unless it can be justified in design terms and demonstrated that such a proposal would have no adverse impact on the character of the area or the visual/residential amenities of directly adjoining dwellings.

5.2. Natural Heritage Designations

5.2.1. The South Dublin Bay SAC site code 000210 and South Dublin Bay and River Tolka SPA site code 004024, are the nearest Natura sites, located c 1.6km away.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the development in an established urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An agent for a third-party has appealed the decision of the Planning Authority to grant permission. The grounds of the appeal can be summarised as follows:

- Appellants daughter lives in apartment no. 1, ground floor.
- One of the structures would be constructed directly in front of her apartment.
- Conditions attached by Dublin City Council are housekeeping only and do not protect the residential amenity of the applicants apartment.
- The lighting plan conditioned by the Planning Authority must be queried with regard to potential glare in front of appellant living space window.
- The site is zoned Z1, abuts numerous Z2 residential conservation properties and Z9 Hervert Park. Any development must have regard to the sensitivity of the receiving environment.
- The reason for refusing a change of use of two garages (ABP-300719-18) have been repeated in the current scheme.
- The requirement to upgrade fire safety is understood but the location of the development is misguided.
- The assertion that the scheme would enhance safety and passive surveillance is rejected due to the proposed solid barriers.
- Appendix 16 of the development plan stresses that access to daylight is vital for human health and must be prioritised.
- The darkness and loss of open aspect will cut off views of the grounds and trees.
- The proposed development can be considered infill development and as such is contrary to section 15.5 of the development plan which requires development to complement the receiving environment.
- The intended structure placed directly in front of a living room window will cut off sunlight, seriously contravening policies of the development plan. The material loss of outlook and aspect and unacceptable darkening and overshadowing represent a loss of residential amenity.

- The internal space blocked is a domestic living area and must be measured against the Z1 zoning.
- The Board is invited to consider that the Planning Authority misunderstood and did not give due weight to the nature of the receiving environment.
- The proposed blocks appear awkward, contrived and off-putting, greatly detracting from the primary feature of the building – the entrance.
- The proposed 13sq.m. building of 3.8m x 3.5m would cut off sunlight / daylight to the appellants home, creating a substantial loss of residential amenity and being a material contravention of the Z1 zoning objective.
- The proposed elevation drawings are misleading and inadequate. PL-07 does not include a rear elevation of the rear elevation in front of apartment no. 1. Artists impression submitted that shows the devastating views from the appellants apartment. The westerly aspect would result in a complete loss of afternoon daylight / sunlight.
- The occupants of Ardoyne House were not properly consulted.
- The dark and concealed space created in front of apartment 1 could facilitate criminal activity.
- The current fire exit just outside the door of apartment no. 1. Residents will be funnelled into an external corridor outside the appellants window. This bottle neck must raise concerns.
- The proposed development is contrary to development plan policy which requires a positive contribution to the local area. Two fine birch trees will be removed.
- The proposed development will introduce noise nuisance very close to bedrooms, low tones creating disturbance at night and when windows are open. This is contrary to the Z1 zoning.
- The proposed development will devalue property.
- In conclusion the Board is requested to refuse permission for four reasons relating to the Z1 zoning, visual impact, loss of trees and insufficient title to carry out the development.

6.2. Applicant Response

6.2.1. An agent for the applicant has responded to the third-party appeal. The response to the grounds of the appeal that have been withdrawn are not addressed in this section. The response to the appeal of Eamon Daly can be summarised as follows:

- Proposed development was accepted by the City Council and should be upheld by An Bord Pleanála.
- Proposed development modest is modest in scale, the location of which has been carefully chosen following consideration of alternatives. It follows expert technical advice to optimise the infrastructure by being close to the load, requires less cabling to reach apartments and reduces management costs.
- Proposed development is urgently needed to comply with fire safety requirements under Fire Services Act 1981 and 2003. Proposed development will significantly enhance the fire safety of the building.
- Proposed development adjoins the lobby area and stairwell core and does not encroach on residential amenity.
- No significant impact on daylight or sunlight, as shown in Daylight / Sunlight assessment which concludes that no impact on direct sunlight to apartment 1. Two windows will retain 80% of their current sunlight hours both annually and over the winter months. No unduly adverse effect on appellants apartment.
- Proposed development does not contravene zoning objective and does not impact residential amenity. Proposed development will enhance the entrance in keeping with the existing façade.
- Trees to be removed are not of significant value, proposed development will enhance landscaping. Tree Survey report submitted. Arboricultural impact will be low magnitude, with minor loss of two trees. Proposed soft landscaping will mitigate the loss.
- Dublin City Council condition will ensure no significant noise impact during construction or operation.

- The development does not present a fire hazard, improves access and egress by way of three clear paved exit points and access ramps. No bottle neck will arise.
- Proposed development will protect property values as a fire safety cert is required to sell.
- All drawings are in compliance with regulations. Appellants images are not to scale and are not an accurate representation.
- The applicant is the legal owner of the building and communal areas and does not require consent of individual owners.
- Proposed development was communicated to owners and tenants.
- In conclusion, the Board is requested to grant permission.

6.3. **Planning Authority Response**

- 6.3.1. Requests the Board to uphold decision and attach a section 48 development contribution.

6.4. **Observations**

- 6.4.1. None on file.

7.0 **Assessment**

- 7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development. I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of Proposed development
- Impact on Residential Amenity
- Impact on Visual amenity
- Other

7.2. Principle of proposed development

- 7.2.1. The subject site is located in an area zoned to protect and / or improve residential amenity. The principle of the proposed development is acceptable, subject to other planning considerations.

7.3. Impact on Residential Amenity

- 7.3.1. The appellant submits that the proposed switch room will block a living space in their apartment, will block sun light and daylight and therefore reduce residential amenity.
- 7.3.2. I note drawing no. PL-04 which shows the proposed switch room, extending 2.8m from the stairwell, in front of a communal corridor and a corridor into apartment 1. Approx. 0.5m of the proposed switch room crosses over the tripartite window in the corridor of apartment 1. The window the room illuminates is unlabelled but appears to be in use as a hall / entry way for the apartment.
- 7.3.3. The sunlight and daylight analysis submitted by the applicant at appeal stage shows that the vertical sky component for the two windows at the front of apartment 1 meet the BRE guidance, retaining in excess of 80% of their current values. The annual probable sunlight hours guidance of 80% with of their existing values both annually and over the winter is met for both of the windows. The report concludes that there will be no adverse impact on apartment no. 1 from the proposed development.
- 7.3.4. While the windows will meet the VSC and APSH, I accept the submission of the appellant that the insertion of a 3.5m high blank wall 1.4m from the window will be an unwelcome vista. The level of light and open view from the appellants apartment, being at grounds level is less than all the other apartments and so the loss of this amenity will be more keenly felt. I concur with the appellant that the 1.4m wide corridor created outside their apartment will impact their residential amenity and therefore is contrary to the zoning objective which seeks to protect residential amenity.

7.4. Impact on Visual Amenity

- 7.4.1. The proposed removal of the trees at the front entrance is regrettable but will be mitigated by increased and enhanced soft landscaping.

- 7.4.2. The proposed extensions at the front entrance comprise flat roofed boxes with a protruding wall at the front elevation. It is proposed to finish the spaces in red brick, matching that of the ground floor apartments.
- 7.4.3. There is significant architectural merit in the elevation of the building, a symmetry and openness that speaks to the time of construction. The building is not straight, but bows slightly at the northern and southern ends. The front lobby is glass walled with an open balcony over and a columned porch with an inverted triangular canopy. There is a strong horizontal emphasis in windows, balconies, a brick string course on each floor and the canopy of the front entrance. This repetition creates a strong visual feature in the original design of the building. The use of red brick is confined to the outer sections of the two ground floor apartments.
- 7.4.4. The proposed red-brick box-extensions remove both the symmetry and the openness, obscuring the visual amenity of the front elevation. It is considered that the insertions are unsympathetic, disrupt the architectural record and original design of the building in an inharmonious way and overall negatively affect the visual amenity of the building. The wide-open siting of the overall development is such that the entry to the building is prominent from all points. I consider the proposed blank box extensions significantly detract from the existing front façade of the subject building.
- 7.4.5. I see no evidence on file of an assessment of alternative locations for the proposed extensions. The issue of proximity for fire safety may be an issue but the other two rooms are an eircom switch room and an ancillary store. The placing of infrastructural plant in such a prominent position adjoining a front lobby is not common in residential developments. I see no reason, on file, why these rooms must occupy such a prominent position, blocking the front elevation of the building.
- 7.5. **Other**
- 7.5.1. The proposed development does not remove or impede the three existing means of egress from the existing building.
- 7.5.2. Noise emission from the proposed switch room can be addressed by way of condition.

- 7.5.3. I note the submission of the Applicant with regard to the title of the building and consultation with all residents. I consider this response sufficient.

8.0 AA Screening

- 8.1.1. Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

9.0 Recommendation

- 9.1. I recommend permission be REFUSED for the following reasons and considerations with the proper planning and sustainable development of the area.

- 1 The proposed insertion of two red-brick, flat roofed, blank façade structures on either side of the existing front elevation of an established apartment block which has a strong elevational treatment of openness and horizontal elements, is considered to significantly and negatively disrupt the original design of the existing building. The proposed extensions at the front entrance, the prominent location for which no justification has been demonstrated, are considered unsympathetic, inappropriate and inharmonious to the original design of the existing apartment development, which is worthy of retention. It is considered that the proposed development has a significantly adverse impact on the character and the visual amenity of the development. The proposed development is not in keeping with 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.

Gillian Kane
Senior Planning Inspector

16 December 2024

Form 1 EIA Pre-Screening

An Bord Pleanála	ABP-319090-24		
Case Reference			
Proposed Development Summary	Construction of switch room, alterations to lobby roof and all associated site works		
Development Address	Ardoyne House, Pembroke Park, Dublin 4, D04 F3C3		
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	Tick if relevant and proceed to Q2.
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
No	X		Tick if relevant. No further action required

Inspector: _____

Date: _____