



An
Bord
Pleanála

Inspector's Report ABP319271-24

Development

Demolition of existing building for the construction of 4 apartments, café and offices with all other associated site works.

Location

Hillview House, 15D Gilford Road, Sandymount, Dublin 4.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

4976/23

Applicant(s)

Milvian Limited

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party

Appellant(s)

Milvian Limited

Observer(s)

Deirdre Foley Woods, 15a Merton, Sandymount Green.

Paul and Clare O'Dea, 15 Sandymount Green.

Roberto and Fidelmo Romano, Dunluce, 15b Gilford Road, Sandymount.

Date of Site Inspection

27/28 June 2024

Inspector

Vanessa Langheld

1.0 Site Location and Description

- 1.1 The site is located on Gilford Road, Sandymount, Dublin 4. It is south of the village green approximately 2 minutes' walk (150m) to the commercial centre of the village. The site is made of up of two distinct parcels: the first is that section of the site fronting Gilford Road, which is currently an access road with low rise office buildings on its northern boundary; and the second section of the site is the larger part, located to the rear of the houses on Gilford Road.
- 1.2 The access road is adjoined to the north by a number of historic houses between it and the village green. To the south it is adjoined by a Veterinary Practice.
- 1.3 The larger part of the site (a backland site) is adjoined to the north by the car park of the Enable Ireland site and part of the back garden of the house, No. 15 Gilford Road. To the east the site is bounded by the back gardens of Nos. 15a (Merton) and 15b Gilford Road (Dunluce), formerly the house Indee Ville. To the south the site is bounded by the Veterinary Practice and its associated out-buildings. To the west the site is adjoined by a large vacant site which was formerly part of the Enable Ireland site. (It is noted that planning permission has been granted on the vacant site to the west for an apartment development (3/5 storeys high) for 69 no. apartments. (Reg Ref 3420/22 and ABP Ref PL29S. 314220-22).
- 1.4 The total floor area of the existing buildings is stated in the planning documentation to be 410 sq m on a site of 770 sq m. This is made up of a large 2 storey masonry office building in the backland part of the site. It has no particular architectural merit. It has a flat roof and small windows. There is a second L-shaped, single storey building running along the northern

boundary of the access road to the site and to the eastern section of the backland part of the site / to the rear of 15a and 15b Gilford Road. The existing office buildings would appear to be built in the 1960's and they are serviced by a surface car park with space for c. 6/7 cars to be parked. The existing buildings on the site have been maintained but not modernised and their condition is consistent with their age. The application documentation states that it would require considerable work to upgrade these buildings. In general, the existing buildings and the access / entrance from Gilford Road could be said to be haphazard in nature.

- 1.5 When viewed from Gilford Road the site is flanked on either side by buildings of varying proportions and ages. On the northern boundary of the site the appeal site is adjoined by a number of residential properties of some historical importance. The property to its immediate north, 15a and 15b (Merton and Dunluce) was originally a five bay single storey over raised basement villa type house, now subdivided into two dwellings. A modern addition has been added as an entrance to 15b in the style of the original building and there is a three storey extension to its rear with an exposed gable wall visible from the street. It is not a Protected Structure. The villa house (now two) is set back from the street and has lost much of its original detailing. There is a pitched roof extension to its rear which extends to three storeys and is a modern construction. When the villa house (now subdivided into two) was originally constructed the appeal site was part of its side and back garden.
- 1.6 Nos. 15 and 16 Sandymount Green are two two-storey red brick houses built c. 1860 and are both Protected Structures (RPS Ref 7469 and 7470).
- 1.7 On the other side of the appeal site (i.e. to the south) there is a two storey modern building which is currently a Veterinary Practice. It is set back from the street with a paved area to the front where the public wait to enter the

practice. There are two large buildings in the back of the Veterinary Practice, which are subsidiary to the frontal premises.

1.8 On balance the streetscape of this section of Gilford Road has a variety of architectural styles and street frontages, both commercial and residential. In my opinion, the existing entrance and buildings on the site do not contribute to the distinctive character of the streetscape.

1.9 The appeal site is minutes' walk from the centre of Sandymount Village and its associated retail and commercial uses. Although there is a commercial use on the appeal site and its neighbouring site to the south, I would consider this section of Gilford Road to be more residential in character, as the existing offices use is largely to the back of the site and with very little visibility to the street.

1.10 The appeal site is well serviced by public transport, being near the DART station (five minutes' walk) and to a number of bus routes (1-10 minutes' walk).

2.0 Proposed Development

2.1 The appeal document comprises a new set of drawings with minor amendments to the original proposed development. The amended drawings seek to address some of issues raised in the DCC Planning Officers Report on the application. Overall, the revised proposed development provides for the following:

- Demolition of the two storey office building (Hillview House) and associated outbuildings (412 sq m).
- The construction of a mixed use development comprising 4 no. apartments (286 sq m) a café (40 sq m) and office space (543 sq m).

The gross floor area of the development is 903 sq m over a basement of 353 sq m.

The development is principally provided in two blocks as follows:

- Block A to the front facing Gilford Road is three storeys.
- Block B to the rear of the site is two storeys over basement level.

2.2 The development also provides for the upgrading of the existing laneway, the provision of a car lift to the basement car park, 5 no. car parking spaces, 16 no. bicycle parking spaces, 1 no. cargo bike space, bin storage and other ancillary uses.

2.3 There is external seating to the café on Gilford Road (c. three seats on a bench inside the boundary wall), hard and soft landscaping, access gates, balconies and terraces to the apartments. The two balconies will face onto Gilford Road, while the two terraces are located to the rear of the site.

2.4 The application documentation includes the following:

- A Planning Report, prepared by Thornton O'Connor, Planning.
- An Architectural Impact Assessment prepared by De Blacam and Meagher, Grade 1 Conservation Architects.
- A Civil and Structural Engineering Planning Report, prepared by Fearon O'Neill Rooney, Consulting Engineers.
- A Flood Risk Assessment Report, prepared by Fearon O'Neill, Consulting Engineers.
- An Appropriate Assessment Screening Report prepared by Enviroguide, Consulting.
- An Arboricultural Report prepared by The Tree File, Consulting Arborists.

- An Architectural Design Report prepared by De Blacam and Meagher Architects.
- A Daylight and Sunlight Assessment Report prepared by 3D Design Bureau.

Block A

Block A to the front of the site comprises a narrow ground floor café adjoined by a covered access to Block B to the rear. At first and second floor, over the café and the covered access road, 2 no. two bed apartments are proposed. There is a small café fronting Gilford Road (40 sq m). It is a narrow building with a small outdoor seating area to the street. This block will have a pitched metal roof.

Block B

Block B has two one bedroom apartments at ground floor level, each with an external ground floor terrace. It also comprises offices at ground and first floor level. Block B is set around a courtyard comprising recreational space. A separate spiral staircase fire escape to the first floor offices and visitor parking for bicycles is provided in the courtyard. This block will have pitched green roof. An entrance to the car lift is provided at ground floor level

The basement

The basement level is accessed by a pedestrian lift and stairwell and there is a car lift for vehicular and bicycle access. The basement level will have space for 5 no car parking spaces (one of which is an 'accessible' space for a wheelchair user), 16 no. bicycle spaces, 1 cargo bike space, a plant room and bin storage.

The finish

The finish of the development is brick cladding, with use of timber privacy louvres, a metal roof to Block A, a green roof to Block B, timber framed windows and balconies finished with timber panelling and glass.

Access and egress to the site

The existing access lane to the rear of the site will be reduced in width to 3.6m from the existing 4.2m and there will be a segregated area for pedestrians, reducing the carriageway width for vehicles to 2.8m.

It is proposed to remove the existing gate to Gilford Road and a new gate is proposed further inward on the laneway.

(There appears to be a right of way along the access to two pedestrian gates on the southern boundary wall of the access road. No evidence on file as to the legal extent of the right of way was provided however two entrances to the Veterinary Practice site were seen on the day of the site visit, and I was informed in the Veterinary Practice that they are in daily use. The entrances are shown on the drawings but not notated.)

3.0 Planning Authority Decision

3.1 Decision

Dublin City Council issued a Notification of Decision to Refuse Permission on 16 February 2024 for the following two reasons:

- ‘1. The proposed development is located in an area zoned Z2 with a stated zoning objective ‘to protect and / or improve the amenities of residential conservation areas’ and is located within the Sandymount Village Architectural Conservation Area. The proposed design of Block A in*

particular, would result in a detrimental impact on the character and appearance of the surrounding Architectural Conservation Area, would create an undesirable precedent form similar type development and would therefore be contrary to the policies and objectives, including Policies BHA7 and BHA9, of the Dublin City Development Plan 2022-2028.

2. *The design of the development, in particular the inadequate separation distances and excessive mass and bulk of the development, would result in poor quality communal and private open spaces within the scheme and an unacceptable overbearing impact on adjoining residential properties. The proposal would therefore seriously injure the residential and visual amenities of future residents of the proposal and occupiers of the adjoining residential properties, would create an undesirable precedent for similar type development and would devalue property in the vicinity. The development would therefore be contrary to the proper planning and sustainable development of the area and be contrary to the Dublin City Development Plan 2022-2028'.*

3.2 Planning Authority Reports

3.2.1 Planning Reports

The Planning Officer's Report states that the development, which is designed to be built up to the adjoining site boundaries, will have the appearance of a higher than acceptable site coverage (albeit that the development provides for a central courtyard, which would reduce the site coverage / plot ratio figures).

The proposed 3 storey block A would be located in a prominent location at the entrance on Gilford Road and although there is a mixture of 2 and 3 storey buildings in the vicinity, it is considered that the proposed modern simplistic design is not in keeping with the distinct character or Georgian design of the surrounding properties on the streetscape. Given the sensitive location within

the Sandymount Village Architectural Conservation Area a more sympathetic design of higher quality would be expected.

Block B to the back of this constrained site, although two-storey, is built right up the north, south and western boundaries and this is excessive given the constrained plot size and location and coupled with the 3 storey Block A to the front.

There is concern regarding the proximity of Block B to the rear garden of No. 15 Sandymount Green, and those of Nos. 15a and 15b Gilford Road, which would result in an overbearing and unacceptable impact on these gardens. Although the private open space meets Development Plan minimum standards, concern is raised about the enclosed courtyard nature of the open space for Apartments Nos. 1 and 2.

The adequacy of the communal open space is also questionable as it appears to include circulation space and bike storage. Therefore, the quality and layout of these spaces is questionable and would negatively impact on the residential amenity of the future occupants. It is noted that only 2.8 m of storage is provided for Apartment 4 which falls below the requirement of 6 sq m.

In terms of access the Transport Department has raised concern with the access arrangement and potential conflict with pedestrians, cyclists and vehicles. This may be exacerbated by the car lift rather than ramp. It is also noted that the servicing of the building relies on the public domain.

No details of construction vehicles etc has been provided. Furthermore, the car lift to the basement car parking, accessed via a narrow gated laneway with no waiting area for cars to pass each other etc., raises transportation concerns. It has therefore been recommended by the Transport division that a car free development would be more appropriate for this site. The Planning

Officer's Report states that these considerable parking constraints taken in conjunction with the visual and residential amenity concerns render the current proposal unacceptable. The Planning Officer therefore concludes that the proposed development represents over development of a constrained site.

3.2.2 Other Technical Reports

Drainage Division – no objection subject to recommended conditions.

Transportation Division – Further Information is recommended.

Environmental Health – Recommends that if permission is being granted that such a permission included Conditions regarding the construction and demolition and operational phase in terms of noise and air pollution mitigation measures.

3.3 Prescribed Bodies

Irish Water, Minister for Arts, Heritage and the Gaeltacht, An Taisce, The Heritage Council, An Chomhairle Ealaíon, Fáilte Ireland, Department of Housing, Local Government and Heritage were notified of the proposed development. An observation from the Department of Housing, Local Government and Heritage was received and recommends that a Bat Survey on buildings on the site which are to be demolished is carried out.

3.4 Objections to Dublin City Council regarding proposed development

There were a number of objections to the development from neighbours and from the Sandymount and Merrion Residents Association.

There was also one from the owners of the Veterinary Practice adjoining the appeal site on its southern boundary. Although there was no response to the first party appeal from same, some of the issues raised in their objection are considered relevant, such as their right of way to use to the laneway to access the rear buildings of the Veterinary Practice. They attach photos showing two entrance doors to their buildings and a ESB meter, all located along the

existing access lane. They have stated that the proposed development affects their access and the future development of their own backland area. They have noted also that they have 24 hour access to the laneway which is used for deliveries of, for example, oxygen tanks, pet food and drugs, and for a small lorry to collect bodies and waste from the animal crematorium. This lorry currently accesses the back of their property by reversing from the main road to the gate on the lane for collections. The development overhead and the extent of development in the rear section of site will seriously impact on their use of the laneway.

Other issues raised are largely similar to those raised by owners of the neighbouring properties to the north.

4 Planning History

There were no previous applications for development on the site.

There is a large site to the rear of the current appeal site i.e. on its western boundary (and formerly part of the Enable Ireland site) where planning permission was granted for two large apartment blocks, 3/5 storeys high with 69 no. number apartments (Reg Ref 3420/22 and An Bord Pleanála Ref:314220-22).

5 Policy and Context

5.2 Dublin City Development Plan, 2022-2028

The site is zoned Z2 Residential Neighbourhoods (Conservation Area) in the Dublin City Development Plan, 2022-2028. The zoning is overlain by a green hatching to indicate the site is within an Architectural Conservation Area. That Z2 zone is defined as 'Residential Neighbourhoods (Conservation Areas)

wherein the objective is *‘to protect and / or improve the amenities of residential conservation areas.*

Regarding development within this zone, the 2022-2028 Development Plan states:

‘Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. A Zone Z2 area may also be open space located within or surrounded by an Architectural Conservation Area and/or a group of protected structures. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

Chapters 11: Built Heritage and Archaeology, and Chapter 15: Development Standards, detail the policies and objectives for residential conservation areas and standards, respectively. Volume 4 of this plan contains the Record of Protected Structures. The principal land-use encouraged in residential conservation areas is housing but can include a limited range of other uses. In considering other uses, the guiding principle is to enhance the architectural quality of the streetscape and the area, and to protect the residential character of the area.’

Residential use is *‘Permitted in Principle’*, and office use and café / tearoom are *‘Open for Consideration’* within this zone.

The Planning Authority’s Refusal reasons refers to conflict with Policy BHA7 and BHA9 of the of the current Development Plan, which state:

‘BHA7

Architectural Conservation Areas

(a) To protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within

or affecting an ACA must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area, and its setting, wherever possible. Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA. Please refer to Appendix 6 for a full list of ACAs in Dublin City.

(b) Ensure that all development proposals within an ACA contribute positively to the character and distinctiveness of the area and have full regard to the guidance set out in the Character Appraisals and Framework for each ACA.

(c) Ensure that any new development or alteration of a building within an ACA, or immediately adjoining an ACA, is complementary and/or sympathetic to their context, sensitively designed and appropriate in terms of scale, height, mass, density, building lines and materials, and that it protects and enhances the ACA. Contemporary design which is in harmony with the area will be encouraged.

(d) Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

(e) Promote sensitive hard and soft landscaping works that contribute to the character and quality of the ACA.

(f) Promote best conservation practice and encourage the use of appropriately qualified professional advisors, tradesmen and craftsmen, with recognised conservation expertise, for works to buildings of historic significance within ACAs. All trees which contribute to the character and appearance of an Architectural Conservation Area, in the public realm, will be safeguarded, except where the tree is a threat to public safety, prevents universal access, or requires removal to protect other specimens from disease.

BHA9

Conservation Areas To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and

denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.

2. Re-instatement of missing architectural detail or important features.

3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.

4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.

5. The repair and retention of shop and pub fronts of architectural interest.

6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.

7. The return of buildings to residential use. Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications and will promote compatible uses which ensure future long-term viability.'

(My underlining.)

5.2 Architectural Heritage Protection, Guidelines for Planning Authorities, 2011

As the site is located in the Sandymount Architectural Conservation Area the Architectural Heritage Guidelines, 2011 are considered relevant. The following extract are considered of importance:

‘3.10 Criteria for Assessing Proposals within an Architectural Conservation Area

Proposals for new development

3.10.1 When it is proposed to erect a new building in an ACA, the design of the structure will be of paramount importance. Generally, it is preferable to minimise the visual impact of the proposed structure on its setting. The greater the degree of uniformity in the setting, the greater the presumption in favour of a harmonious design. However, replacement in replica should only be contemplated, if necessary, for example, to restore the character of a unified terrace and should be appropriately detailed. Where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged. The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings. The palette of materials and typical details for façades and other surfaces should generally reinforce the area’s character. In certain circumstances, it may be appropriate to require a written assessment of the impact of the proposed structure on the character of the area.’

(My underlining.)

5.3 Flood Zone

The site is identified as being within the Flood Zone B in the Strategic Flood Risk Assessment prepared as part of the Dublin City Development Plan, 2022-2028.

5.4 Other Relevant Development Plan Policies

The following policies are considered relevant to the consideration of the subject proposal:

Section 4.5.3 – Policy SC11: Compact Growth

‘In alignment with the Metropolitan Area Strategic Plan, to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors, which will:

- enhance the urban form and spatial structure of the city.*
- be appropriate to their context and respect the established character of the area.*
- include due consideration of the protection of surrounding communities and provide for enhanced amenities for existing and future residents.*
- be supported by a full range of social and community infrastructure such as schools, shops and recreational areas.*
- and have regard to the criteria set out in Chapter 15: Development Standards, including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture.’*

Section 5.5.2 – Policy QHSN6: Urban Consolidation

‘To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing

housing stock and use of upper floors, subject to the provision of good quality accommodation.'

Section 5.5.2 – Policy QHSN10: Urban Density

'To promote residential development at sustainable densities throughout the city in accordance with the core strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.'

Section 9.5.3 – Policy SI16: Site-Specific Flood Risk Assessment

'Proposals which may be classed as 'minor development', for example small-scale infill, extensions to houses and small-scale extensions to existing commercial and industrial enterprises in Flood Zone A or B, should be assessed in accordance with the Guidelines for Planning Authorities on the Planning System and Flood Risk Management and Technical Appendices (2009), as revised by Circular PL 2/2014 and any future amendments, with specific reference to Section 5.28 and in relation to the specific requirements of the Strategic Flood Risk Assessment. This will include an assessment of the impact of climate change and appropriate mitigation. The policy shall be not to increase the risk of flooding to the development or to third party lands, and to ensure risk to the development is managed.'

Section 15.5.5 Density

'Dublin City Council will support higher density development in appropriate urban locations in accordance with the NPF, RSES and the Section 28 guidelines which seek to consolidate development within exiting urban areas. Higher density development allows land to be used more efficiently, assists in regeneration and minimises urban expansion. Higher densities maintain the vitality and viability of local services and provide for the critical mass for successful functionality of public transport facilities. New development should

achieve a density that is appropriate to the site conditions and surrounding neighbourhood. The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future amenity.'

Section 15.15.2.1 Architectural Conservation Areas

'Development in these zones must respect the existing character of the area and protect and enhance the setting and appearance of the streetscape and / or protected features. – '

Appendix 3 - Section 3.2 Plot Ratio and Site Coverage

The development plan sets indicative requirements of 1.0-2.5 for plot ratio and 45- 60% for site coverage for Outer Employment and Residential Area but 1.5-2.0 for Conservation Areas 45-50% for site coverage. Higher plot ratio and site coverage may be permitted in certain circumstances such as:

- Adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses is proposed.
- To facilitate comprehensive re-development in areas in need of urban renewal • To maintain existing streetscape profiles.
- Where a site already has the benefit of a higher plot ratio.
- To facilitate the strategic role of institutions such as hospitals.

Appendix 3 - Section 4.0 Density

The general principle is to support increased height and higher density schemes in the city centre, Strategic Development Regeneration Areas, Key Urban Villages, areas close to high frequency public transport and some other areas considered as suitable for increased intensity of development.

Appendix 3 - Section 4.0 Height

There is recognised scope for height intensification and the provision of higher densities and within the catchment areas of major public transport corridors including:

- Bus connects/Core Bus Corridors (CBC's)
- Luas
- Metrolink
- DART

Development proposals will primarily be determined by reference to the proximity of new public transport infrastructure and to the area character. Locations for intensification must have reasonable access to the nearest public transport stop. In line with national guidance, higher densities will be promoted within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station in the plan. Highest densities will be promoted at key public transport interchanges or nodes.

Planning Application Documentation Thresholds

Thresholds for planning application documentation is set out in Table 15.1 of the Development Plan. In addition to the Reports noted in Section 2.4 above, it is considered that a service delivery and access strategy report is required for all backland dwellings and a basement impact assessment report is required for all developments including a basement so would be required for the proposed development.

Appendix 3 - Section 3.1 Bicycle Parking Standards for Various Land Uses

A minimum bicycle parking rate of 1 long term space per bedroom and 1 short stay space per 2 apartments is specified for residential apartment developments.

Section 4 Car Parking Standards

A car parking rate of 1 space per dwelling is specified for houses & apartments/duplexes located within Zone 2 as identified within Map J of the Dublin City Development Plan 2022-2028. 1 space per 200 sq m of Gross Floor Area of Office space is required.

....

A relaxation of maximum car parking standards will be considered in Zone 1 and 2 for any site located within a highly accessible location.

Section 2.4 Service Delivery and Access Strategy

'Urban villages have limited capacity on the streets to accommodate the wide range of activities generated by existing and new developments. Having regard to this limited capacity, service areas shall be provided where possible within the curtilage of the site.

For residential developments details of access for service vehicles shall be considered at an early stage in the design process. Access for emergency vehicles, refuse collection and general servicing needs.'

Section 15.13.4 Backland Housing

'Backland development is generally defined as development of land that lies to the rear of an existing property or building line.

...

Developments with street presence are generally governed by clear set out rules established by the urban order of an existing streetscape. Backland development, however, requires more innovation and reinterpretation to enable comprehensive development of these spaces.'

5.5 Sandymount Village and Environs Architectural Conservation Area Report - Character Appraisal and Policy Framework (2013)

The site is located in Sandymount Village and Environs Architectural Conservation Area. Sandymount Village is described as *having ‘a particularly well-developed sense of place in the heart of Dublin City. It boasts an attractive seaside location, variety of architectural styles, and a renowned ‘village’ character making it a special place to live’.*

Section 9.2 outlines the following guidelines for new development within the ACA:

‘All applications for development within the ACA area will be consistent with the following:

- Development will be sympathetic in design and/or materials to the original building and/or ACA area as a whole.*
- Development will not adversely affect the setting or views to and from the ACA.*
- Development allows for the reinstatement of features where the original and historic features have been lost or replaced.*
- Demolition of historic buildings within ACAs to be avoided as the removal of a historic building either in whole or in part, may seriously detract from the character of the area.’*

....

‘The Aca should not be adversely affected because of additional traffic generation, serving or parking.’

5.6 Housing for All – A New Housing Plan for Ireland to 2030 (2021)

A multi-annual, multi-billion euro plan which will improve Ireland’s housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price.

- built to a high standard and in the right place.
- offering a high quality of life.

5.7 Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (DoEHLG 2009), and the accompanying Urban Design Manual

These guidelines encourage higher densities on residential zoned lands, particularly on inner suburban and infill sites and along public transport corridors, identifying minimum densities of 50/ha in such corridors, subject to appropriate design and amenity standards. In respect of infill residential development, potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill. In the context of institutional lands and ‘windfall’ sites.

5.8 Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022)

These guidelines provide detailed guidance and policy requirements in respect of the design of new apartment developments. Where specific planning policy requirements are stated in the document these are to take precedence over any conflicting policies and objectives of development plans, local area plans and strategic development zone planning schemes. In terms of identifying the types of locations within cities that may be suitable for apartment development the guidelines note the following: Central and/or Accessible Urban Locations - such locations are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including:

- Sites within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, which may include hospitals and third level institutions.
- Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services. These guidelines provide a range of requirements in the context of apartment developments, including the following which are relevant to the subject proposal:

Specific Planning Policy Requirement 3: The following minimum apartment floor areas are specified: - Studio apartment - 37sq.m; 1-bedroom apartment - 45sqm; 2-bedroom apartment (4 persons) - 73sq.m; and 3-bedroom apartment (5 persons) 90sq.m.

• **Specific Planning Policy Requirement 4:** Sets out the minimum number of dual aspect apartments to be provided in any scheme; a minimum of 33% dual aspect units are required in more central and accessible locations, a minimum of 50% in a suburban or intermediate location and on urban infill sites of any size or on sites of up to 0.25ha planning authorities may exercise discretion to allow lower than the 33% minimum.

• The following minimum requirements for storage areas are set out in Appendix 1: - Studio apartment - 3sq.m; 1-bedroom apartment - 3sqm; 2-bedroom apartment (3 persons) - 5sq.m; 2-bedroom apartment (4 persons) - 6sq.m; and 3-bedroom apartment - 9sq.m. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, the storage requirement may be relaxed in part, on a case-by-case basis, subject to overall design quality.

• The following minimum requirements for private amenity space are set out in Appendix 1: - Studio apartment - 4sq.m; 1-bedroom apartment - 5sqm; 2-bedroom apartment (3 persons) - 6sq.m; 2-bedroom apartment (4 persons) -

7sq.m; and 3-bedroom apartment - 9sq.m. Further to this, paragraph 3.37 of the Apartment Guidelines states that balconies should have a minimum depth of 1.5 metres. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.

- The following minimum requirements for communal amenity space are set out in Appendix 1: - Studio apartment - 4sq.m; 1-bedroom apartment - 5sqm; 2- bedroom apartment (3 persons) - 6sq.m; 2-bedroom apartment (4 persons) - 76sq.m; and 3-bedroom apartment - 9sq.m. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.

6.0 Natural Heritage Designations

The appeal site is neither located in nor immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

7.0 EIA Screening

Having regard to the nature and scale of the development proposed, the site's location within an established built-up urban area, which is served by public infrastructure, the nature of the receiving environment and the existing pattern of development in the vicinity, 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.

8.0 The First Party Appeal

8.1 Grounds of Appeal

The First Party Appeal is submitted by De Blacam and Meagher, Grade 1 Conservation Architects on behalf of the Applicant, and is summarised as follows:

8.2 Response to Reason for Refusal No. 1 (Conflict with Z2 Residential Conservation Zoning), in particular Block A and conflict with policies BHA7 and BHA8)

The response is summarised as follows:

- The building is designed as a modern building in a contemporary idiom which will ensure its legibility within its largely Victorian context. This is a valid approach to infill in a sensitive context and is based on well-established conservation practice that is supported by Government policy, such as the Architectural Heritage Protection Guidelines.
- The modest three storey form proposed will sit well within the context of buildings of various heights, materials and styles and respects the existing building line.
- A palette of high quality materials has been chosen, consisting of brick and hardwood and is sympathetic to the surrounding buildings. The modifications proposed in response to the refusal decision by the DCC included changes to the fenestration of the façade to bring a vertical emphasis to the composition, similar to historic properties on the street. The top floor is also set back to reduce the apparent bulk and the height is reduced by c. 1m.
- The design balances the need for open space (balconies) and reasonable levels of daylight with the need to create a building that responds sensitively to its context.
- The treatment of the facades creates a transition between the largely Victorian houses of the ACA and the adjoining Veterinary Practice.

- It is submitted that the amended design is of a sufficient quality to make a positive contribution to the ACA.

8.3 Response to Refusal Reason No. 2 (overdevelopment, relating principally to Block B)

The proposed building (Block B) has been designed to be inward looking, arranged around a courtyard with no overlooking of any surrounding properties.

It is low (6m to 7.6m high / two storeys) with shallow pitched roofs and replaces an existing taller two storey building (7.8m high) which is positioned directly on the north and west boundaries.

Block B is lower than all the buildings separating it from Gilford Road and is not visible from Gilford Road at any point. It therefore has no impact on the Conservation Area and the Architects submit it is appropriate to the scale and character of the Sandymount Area.

The scheme is designed with two courtyard gardens enclosed by new buildings and boundary walls.

The proposed buildings replace existing buildings on the north and west boundaries of the site. Being due north of the Veterinary Practice site and behind existing buildings will not have a detrimental impact on the south, west and northern boundaries.

It is acknowledged that it does have an impact to the rear of house Nos. 15,15a and 15b Gilford Road. The design addressed this by lowering the pitch of the roof towards these properties and setting back from the east and north boundaries in this area. The revised drawings submitted to the Board (A2-A7 Revision 1) show the following:

- Fire escape stairs removed from the east elevation.
- East elevation of the building set back from the boundary.
- Revision to the east elevation to break down its bulk and massing.

- A row of trees added between the east elevation and the rear of the neighbouring properties to significantly soften the visual appearance of the proposed development.
- The proposed development provides the following open space provision, all of which exceed the Sustainable Urban Housing design standards.

Apartment 1 – 19 sq m.

Apartment 2 – 28 sq m.

Apartment 3 – 7 sq m.

Apartment 4 – 7 sq m.

- Communal Open Space – 103 sq m (which excludes that which is directly accessible by car).
- The appeal includes photographs of examples of small courtyard gardens designed by De Blacam and Meagher Architects. The practice has considerable experience in designing courtyard which the living rooms and bedrooms directly open on to. Far from being 'poor quality' the Architects believe they are highly desirable apartments with attractive private gardens.
- If the Board are concerned that the timber louvres to overhead offices provide an unacceptable degree of overlooking, then obscure glazing could be used.
- The small scale mixed use development provides all the apartments with private open space. The communal space of 103 sq m supplements this and is designed as a space away from the main public thoroughfare before you enter your own office or apartment (the way Scandinavians use residential courtyards). In this regard the outdoor space will make a contribution to the indoor space.
- It is anticipated that there will be less than 15 cars coming through this space per day and the rest of the time the space will be a quiet, south facing space for the residents and office occupants to pass through.

- There will be no devaluation of the adjoining properties arising from the construction of the proposed development. The development will result in the removal of existing buildings in varying states of repair and their replacement by a high quality development with tree planting to enhance and soften the building.
- The appeal Page 12 shows a 3d View of the Development and illustrates the impact on the back gardens of the surrounding houses.

8.4 Issues relating to Access and Parking

Whilst not listed as a Reason for Refusal concern was raised by the Transport Department with regard to vehicular access. Further Information was suggested by the Transportation Department. This was not sought by the Planning Authority as the application was refused.

The Applicant has dealt with the Transportation issues in the appeal but also suggests that, if necessary, a Condition requiring agreement with the Transportation Department of the details of this access could be attached to a grant of planning permission by the Board.

It is anticipated that there will be an extremely low generation of traffic (only five car parking spaces provided for). The principle of the use of shared surface is noted as acceptable in the Dublin City Development Plan for mews lanes.

The appeal addresses the five recommendations raised in the Transportation Report as follows:

Consideration of a car free development

This is likely to render the development not commercially viable. It is noted also that the existing site provides for 7 no. parking spaces which will be reduced to 5 no. parking spaces therefore it represents a reduction of car use and parking on the site. It is anticipated that the car movements on a typical day would be 15 which is extremely low.

Safe access and egress in accordance with DMURS

The Architect refers the Board to the Engineering Report by Fearon O'Neill Rooney. This Report details how the entrance is designed in accordance with DMURS and shows how the appropriate visibility spaces are achieved by simply extending the centre line of the road on the existing road. There is no proposed change to the existing public parking spaces.

Construction Management Plan

The applicant would be satisfied that a condition that a construction management plan is agreed with the local authority prior to the commencement of works.

Safe access and egress to the car lift

This is illustrated on Revised Drawing A3 Revision 1 and Figure 22 and Figure 23 of the appeal document (Page 14). The drawings indicate how the safety of pedestrians is addressed and a swept path analysis showing that vehicles can safely enter and exit the development with sufficient space for queuing of vehicles.

Car Lift System

This will be implemented using the following three components.

- Sensor in the ground at the entrance to the development. This will alert cars in the basement to oncoming traffic.

- Traffic lights at the entrance to the lift. This will alert incoming traffic that another car is using the lift. The car entering the lift can wait in the designated space at ground level adjoining the car lift.
- Traffic lights in the basement. This is to alert a driver in the basement of incoming traffic.
- Ev Charging - revisions have been made to show a proposed location for EV charging.

Bicycle Parking

- Secure bike parking is provided in the basement and will be accessed via the car lift. A separate area for visitor bike parking is provided at courtyard level.
- The occupancy of the space is likely to be 75 persons, 10 residents and 65 workers. It is proposed to provide 16 secure spaces for in the basement and a further 4 in the courtyard which is in excess of the Development Plan requirements. A secure space for 1 cargo bike is also proposed in the basement.

8.5 Conclusion of the First party appeal

- The existing site is occupied by a two storey office block to the rear and a single storey building to the east and front set on a concrete car park and would clearly benefit from redevelopment.
- The front building fills a gap in the current streetscape and makes an entrance to the building behind. The scheme combines residential and office use to make a small, low scale mixed use development.
- The Architects have reviewed the Planning Officers Report and subsequent refusal and made some minor adjustments to the scheme to address the matters raised and believe that the low rise inward looking courtyard scheme will make an attractive development,

respectful of the daylight and privacy of the neighbours and would be in keeping with the Sandymount area. Figure 26 of the appeal document shows an aerial view of the proposed development and shows how the development respects the scale, grain and materiality of the Sandymount Architectural Area.

- It is considered that the Block A is a good quality building which will make a positive contribution to the street designed in modern idiom without mimicking the Victorian Street.

8.6 Planning Authority Response

The Planning Authority responded by letter dated 26.03.24 to the First Party Appeal, asking that the Board uphold their refusal of permission. If permission is however granted they have asked that Conditions be attached and list items they would like to be conditioned.

8.7 Observations

8.7.1 Observation by Deirdre Foley Woods, Merton 15A Sandymount Green, D04EY77

Her concerns are summarised as follows:

- She previously submitted several objections to DCC during the determination of the application stage and reiterates those concerns now.
- 15A is one of the oldest houses on the Green, albeit subdivided, the fabric and layout are true to the original design.
- The proposed development at first floor will exceed the line of the existing properties.
- Merton (formerly Indee Ville) dates back to the 1820's.
- The proposed building, and height facing Sandymount Green is totally out of character with the Conservation Area.

- The current ground level of Merton i.e.15A is lower than Hillcrest.
- The height of the proposed development will have an overwhelming impact on 15, 15A and 15B.
- Open space provided will be inadequate for the offices and residents.
- The external staircase is too close to the boundary to the back of 15A and 15B, the side windows albeit with louvres will allow overlooking, will result in boxing in of 15A. (I note that the external staircase has been relocated to the courtyard in modifications submitted as part of the First party appeal).
- The basement may affect the foundations of the surrounding older properties.
- Too many coffee shops already and another will increase parking and traffic problems.
- Issues relating to surface and foul water drainage are not properly addressed. The drains of all the surrounding properties meet in the middle of the laneway and drain to Gilford Road. There are already problems with blockages.
- The green roof will require considerable maintenance and
- The sunlight reports are not accurate and underestimate a maintenance plan is not included in the documentation.
- There will be a loss of sunlight and daylight to the rear garden of 15B.
- Photographs are attached showing the existing afternoon sunlight to the garden of No. 15B which will be blocked.

8.7.2 Observation by Paul and Claire O'Dea, 15 Sandymount Green, D04DK64

Their concerns are summarised as follows:

- Concern regarding the structural stability of their house a Protected Structure built in 1854. They would like assurance that every measure will be taken to protect their home both structurally arising from the construction of the development and against any possible flooding.

- There are inaccuracies in the Architectural Assessment by the Architects that incorrectly states that there are basements in their house and adjoining houses. There is a street level laneway for these houses, and they share a pedestrian access to this.
- The proposed Block A is too close to the street and is higher than adjoining buildings.
- The office is very dense providing space for 60 staff and for the most part it will be built right up the walls of neighbouring properties.
- There is inadequate open space provision.
- Sandymount has enough restaurants and cafes and the proposed café would extend retail activity possible late at night to a residential section of Sandymount Green.
- There is inadequate provision for parking for the offices which will lead to further pressure on on-street parking. The existing businesses have considerably less than 60 employees and has 5/6 cars parking on site daily.
- There is no provision for office deliveries and office waste collection for example, where will bins be left on collection days etc.
- The proposed Block B is 5.7 m from the back of their house and will be built right up to and run 4 m along their boundary with two louvred windows from the offices looking into their garden, master bedroom and kitchen. The screens will not mitigate this loss of privacy. At the very least these windows should be frosted.
- There will be a loss of sun light to their back garden due to the building being closer than the existing. An independent light survey is required.
- All the drainage of adjoining houses links to a central drain in the laneway of Hillview and there is a record of blockages of this drain. This has not been addressed.

- Photographs are attached showing a previous boundary wall collapsing and the absence of foundations for the boundary walls and existing midday sunshine which will be reduced.

8.7.3 Observation by Roberto and Fidelma Romano, Dunluce, 15b Gilford Road, Sandymount, Dublin 4

Their concerns are summarised as follows:

- The site is located in a Conservation Area and all redevelopments should be sympathetic to the existing buildings and special character of that area. The Conservation Area includes the land behind the houses and every aspect of a development to the rear must be considered.
- Their home is a ground floor over basement building, having a double apex roof with a valley gutter in between. The original house was built in 1830's and was subdivided in the 1950's into Merton (15a) and Dunluce (15b).
- The planning history relating to the extension to Dunluce in the 1990's and to Hillview House generally is set out by way of context and it is argued that the existing buildings at Hillview House are part of the Conservation Area and themselves add to that character.
- The proposed development extends beyond the exiting building line both to the front and to the rear. In addition, the proposed building is higher than the adjoining buildings on Gilford Road.
- The front elevation of the proposed development is entirely out of character with the existing surrounding buildings.
- The proposed development would have an overbearing effect on the streetscape litter and on the immediate adjacent properties on both sides of the road and would greatly diminish the character of the street.

- There are already sufficient cafes in Sandymount Village. A café with outdoor seating and possibly operating 7 days a week would lead to additional noise and disturbance.
- The site coverage at c. 70 percent is too high. Such overdevelopment of the site would effectively block any possible further developments on adjoining sites.
- The proposed development is located in a long established residential area which is also a Conservation Area. It is not a standard infill site, and no comparison can be made between it and the Enable Ireland Site to the rear where high buildings separated by significant green spaces are permitted.
- The louvered windows will directly overlook gardens.
- The fire escape stairs are only 1.1 metres from the existing boundary wall and would possibly lead to direct overlooking of rear gardens.
- The proposed development represents over development of the site and would negatively affect neighbouring properties.
- The green roof will be visible from the back windows of 15a and 15b. Green roofs are a new concept and aesthetically often unsightly. Traditional roof cladding would be more appropriate.
- Sunshine and shadow affect is underestimated by the applicant. The purposed new 3 storey element will extend past 15a to the front (east) and rear (west) and consequently the sunlight to the front windows will be reduced and to the rear, in particular the basement level bedroom windows. A detailed analysis of the effect is included and many photographs of the existing sunlight on the various times of day are included. In conclusion it is stated that there will be a significant effect on sunlight to their house front and back.
- The effect on the existing combined storm water foul drains has not been adequately dealt with. The drawings for the proposed development indicated that the stairwell at the rear of the proposed 3

storey building will be directly over the first inspection manhole and the proposed café will be directly over the second.

- The drainage of 15b is regularly being blocked up and will be most affected by the proposed development.
- The underground car park is inadequate for the development. There is only one space allocated for the 60 plus workers in the office and the purposed disabled space is not easily accessed and egressed. There is also concern regarding noise from the car park lift.
- The visibility / site lines exiting the site onto Gilford are limited. Photographs indicating the problems with the exit are attached. Although this is already being used for vehicular access it will be even more dangerous when there is a café there and visibility further reduced.
- There is no provision for deliveries or rubbish collection and there will be an unacceptable increase in demand for on-street car parking.
- The laneway will be reduced from 4.2 m wide to 3.6 m resulting in views and site lines which are already restricted being made worse.
- The pet hospital has a right of way to an access from the laneway. The proposed gates could hinder access to the pet hospital.
- The height clearance is inadequate and there is no provision for turning of vehicles that do not use the basement car park. Therefore vehicles would be forced to reverse onto Gilford Road which would be very dangerous.
- The proposed amenity space will be overshadowed by the development which will render it more or less useless.
- The design of the bin storage is also problematic if all the car parking spaces are occupied, and bin lorries will not be able to enter the site unless they reverse in, and the waste generated by the 60 plus employees of the offices and the four apartments and café will be considerable.

- There is considerable concern regarding the construction phase and the potential for damage to the surrounding historic properties in particular by the construction of the basement. Concern regarding noise, vibration, the effect on the ground water and its removal and dust have not been adequately addressed. This is large scale development on restricted site and the scale of disruption is likely to be significant.
- The Architectural Assessment is inaccurate and misrepresent the age of their property.
- There is no demand for office space in Sandymount and there is already much space unoccupied.
- The planning context referred in the planning report is largely irrelevant, referring to the Enable Ireland site, the Glass bottle factory site of no relevance.
- The proposed development with a site coverage of 70 percent in this sensitive conservation area represents a serious over development of the site.

9.0 Assessment

I have read the documentation attached to this file including the Appeal, the report of the Planning Authority, and the Observations on the First Party Appeal. In addition, I have visited the site.

The appeal relates to the replacement of the existing buildings on the site with two blocks as follows:

Block A – At the front of the site.

- At ground floor level a small narrow coffee shop and a covered access to the rear of the site are proposed.
- At first and second floor over the café and covered access two apartments with roadside balconies overlooking Gilford Road are proposed.

Block B – to the rear in the larger (backland) part of the site.

- This Block will consist of a courtyard development with two one-bed apartments at ground floor level, each with an outdoor terrace.
- Part of the ground floor comprises an entrance to the offices and meeting rooms for the offices on the floor above. The first floor of the courtyard building comprises office accommodation.
- At basement level, this Block comprises a car park (5 spaces), bicycle parking (16 spaces), 1 cargo bike space, a bin storage area and a plant room.

The issues of importance are considered to be those raised by the Planning Authority in the two reasons for refusal and by the Observers to the First Appeal. These are considered under the following headings:

- The principle of the development - the zoning and policy provisions of the Dublin City Development Plan, 2022-2028.
- The suitability of Block A on the streetscape of Gilford Road, on surrounding properties and the Architectural Conservation Area.
- Suitability or otherwise of a café at this location.
- The suitability of Block B on the streetscape of Gilford Road and on surrounding properties.

- Ability of Applicants to carry out the development / concern regarding drainage links on the access road and the shared access with the Veterinary Practice.
- Traffic safety / Access Constraints.

9.1 The principle of the development - the zoning and policy provisions of the Dublin City Development Plan, 2022-2028.

Zoning

The site is zoned Z2 Residential Neighbourhoods (Conservation Area) in the Dublin City Development Plan, 2022-2028. The zoning is overlain by Architectural Conservation Area green hatching because *‘the overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected’*.

The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. The principal land-use encouraged in residential conservation areas is housing but can include a limited range of other uses. In considering other uses, the guiding principle is *‘to enhance the architectural quality of the streetscape and the area, and to protect the residential character of the area.’*

The residential element of the proposed development is ‘acceptable in principle’ within the Z2 zone. Office and café use are ‘open for consideration’. Given the location of the site so close to Sandymount Green, the existing office use on the site and the size of the proposed café (40sq m) in principle these

uses are considered acceptable at this location subject to meeting other site development standards.

Historically the appeal site is the side and back garden of the Villa House, Indee Villa, now 15a and 15b, Merton and Dunluce. In terms of scale, the proposed development is 903 sq m over a basement of 353 sq m i.e. a floor area of 1,256 sq m. It will replace two buildings with an overall size of 412 sq m. Excluding the basement and on a site area of 0.077 ha that would result in site coverage of 54% and a plot ratio of 1.17. The DCC Development Plan standards for a Conservation area are 45-50% site coverage and 1.5-2.0 plot ratio. In principle therefore the development is largely in keeping with the site development standards and given its location so close to the village its concomitant services and transport links the scale of development proposed is considered acceptable.

The Planning Authority's Refusal reasons refers to conflict with Policy BHA7 and BHA9 of the of the current Development Plan. This policy states that development in this area *'must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area, and its setting, wherever possible'*.

There are two distinct parcels of land within the Application site. The first is that of the front section i.e. the access road with frontage onto Gilford Road (Block A). The second is the backland site (which would have been formerly the back garden of the villa style house (now No. 15a and 15b) Gilford Road (Block B). Both are located within the Sandymount ACA and are zoned Z2.

For the purpose of assessing whether or not the principle of the development is appropriate or otherwise, the proposed development is separated into its two distinctive parts.

9.2 The suitability of Block A on the streetscape of Gilford Road, on surrounding properties and the Architectural Conservation Area

Block A is a three storey building, comprising a covered access road to the rear of the site and a café at ground floor level. There are two floors over the café and access road, each comprising a two bedroomed apartment. The surrounding houses to the north of the appeal site and in Sandymount Village generally comprise an eclectic mix of building types, including Victorian houses and gardens and a mix of commercial / retail buildings. The buildings are generally one and two storeys with some three storey original and infill development. The condition of buildings in the Village varies, with some obvious need for upgrading. There was some vacancy noted on the day of the site visit, and there does not appear to be any pressure to extend the retail area.

The directly adjoining buildings on the north side of the appeal site are all houses which remain in residential use. There is an unusual mix of a large villa house (subdivided into two) and a terrace of Victorian red brick two-and three storey houses (all four of which are Protected Structures). On the opposite side of the road the houses are more contemporary in style, comprising two storey semi-detached houses most of which have been extended and upgraded in recent years.

The character of this section of Gilford Road is mainly residential with the exception of a Veterinary Practice which adjoins the appeal site to the south and the appeal site itself with its two office buildings.

9.3 The Design and effect on the streetscape / Architectural Conservation Area

The two apartments have balconies to Gilford Road, a glass balcony at first floor level and a timber finish at second floor level. The fenestration to Gilford has been refined as part of the modifications to the design to bring a vertical emphasis to the new building and to accord with the historical properties on the street. The top floor is set back to reduce the apparent bulk of the building when viewed from Gilford Road. The principal material for the development is brick which will complement the brick finish of the surrounding historical properties. The design is deliberately simple and restrained so as not to draw attention away from the character of the adjoining historical houses. The café at the front is small and linear with a small external space for sunny days and presumably queuing at busy times.

The Architects have stated that the café use is intended to ‘humanise’ the entrance to the development.

On balance, it is considered that this will be a welcome addition at this section of Gilford Road. The location of the site is more or less the start of Sandymount Village with the Veterinary Practice on its boundary to the south.

The Height

As part of the modifications to the design submitted as part of the First Party Appeal, the height of the building was lowered by 1m to 9.583m. The roof has a low pitched metal roof which rises behind the front of the building to a highest point of 10.142m. The proposed building as it presents to the front is only marginally higher than the adjoining back extension of No. 15b Gilford Road. The proposed building is similar in height to No. 17 Sandymount Green which is three stories. The terrace of houses comprising 15a and 15b Gilford Road

and 15 and 16 Sandymount Green will have a three storey building at each end which is considered acceptable.

The southern boundary of Block A which at its highest point will be just over 10m will adjoin the two storey Veterinary Practice and extend along its boundary for 14m. Some of this (c. 7m will extend along the boundary of their outdoor yard to the rear of their property and between the main frontal building and the large building to its rear. At present there is a single storey wall running the boundary of this yard and the proposed development will result in the yard being enclosed behind the 10m boundary wall. Given however that it is a Veterinary Practice with is no significant amenity value in the outdoor yard and that there is additional garden space in the back this is considered acceptable in this case. It is noted also that the Sunlight Daylight Report have indicated that some impacts were unavoidable on this property but given the use of the property as a Veterinary Practices this is not considered to be significantly impactful.

To the back of the appeal site (the west) a three / five storey apartment development of 69 apartment has been granted permission by the Board. (Reg Ref 3420/22 and An Bord Pleanála Ref:314220-22). The appeal building Block A will obscure views of that development from Gilford Road which will have a positive impact on the streetscape.

Accordingly, it is considered that the three storey building (of 9.5 m in height and with a set-back second floor) is acceptable in terms of its height.

The building line to the front and to the back

Block A is consistent with the building line of the adjoining Veterinary Practice to the south, but extends 2m forward of the building line of the main part of the adjoining house, No. 15b Gilford Road. It is noted, however, that the first floor entrance to this property is also forward of the building line by c. 1m.

As regards the building line generally, I note that there is some inconsistency in the line along this section of Gilford Road. The property south of the Veterinary Practice extends right out to the street as does the existing single storey offices on the appeal site albeit that the roof profile of the offices is very low.

Of importance though, it is noted also that the three storey Protected Structure No. 17 Sandymount Green is similarly stepped forward by a similar amount (c.2m) so that the two end properties i.e. the appeal Block A and No. 17 Sandymount Green will frame the houses between with a similar treatment of a three storey building, forward of the building line at either end.

The back of Block A lines up with the back of the existing house No.15b (Dunluce) and is considered acceptable. In fact, there may be some improvement at the rear in respect of this neighbouring property as the corner of the existing building running along its southern and western boundary will be removed and the proposed new building (Block A) will be further away from their boundary.

Accordingly, the building line as proposed in Block A is considered acceptable when viewed from both Gilford Road and when viewed from the back of the houses on Gilford Road. The marginal stepping forward of the building line of Block A will not unduly impact on the adjoining property or the streetscape

generally. In addition, the second floor of Block A is stepped back to reduce any perceived bulk.

9.4 Suitability or otherwise of a café at this location

I have considered whether the café should be permitted at this location and questioned whether it will detract from the residential amenities of the neighbouring houses. It is very small, 40 sq m, and is likely to attract custom principally from passing pedestrians for take-out coffee etc.

The proposal would introduce a new retail element to this section of Sandymount Village with the change of use of the frontal offices to a café. This would somewhat extend the retail / commercial part of the village in a southerly direction. At present the village is quite contained to buildings around the green with an extension of the retail area in a northerly direction. The DCC Zoning Map (Map F) shows that Sandymount Village has two distinct zonings with the northern section of the village being zoned Z3 (neighbourhood centre) and the south being zoned Z1 (Sustainable Residential Neighbourhoods) and Z2 Residential Neighbourhoods (Conservation Areas). This side (the southern part) of the village remains very residential in character.

The café element of the proposed development is essentially a rebuilding of the existing low rise offices / storage area on the northern boundary of the access road. The café will have road frontage and a very small outdoor seating area to the front beside the footpath. Given the very small size of the proposed café, if its hours were somewhat restricted (i.e. not extending late at night) it is considered that given the location of the site so close to the village green and in the context of its current use as an office, I consider that a café would be a suitable use at this location and would not negatively impact on the adjoining houses or the ACA generally.

9.5 Conclusion on the suitability of Block A and the effect on the Architectural Conservation Area

The existing frontal office building and entrance is non-descript. The office building is long and narrow and has a low roof profile and it makes little or no contribution to the streetscape and therefore the Architectural Conservation Area.

Although the proposed Block A is marginally higher than the surrounding buildings, it is located beside Sandymount Village where there is a variety of building heights. Nos. 17 and 18 Sandymount Green are three storey houses located north of the appeal site. Block A will replace existing offices and will fill in a gap in the streetscape which exposes the three storey side elevation of the rear extension to No. 15b.

Given the quality of the design and the minor modifications in the First Party Appeal (reduction in height by 1m, the set back the first floor by 0.5m and the more vertical appearance to the front fenestration) I consider that the Planning Authorities concerns regarding the appropriateness of the design have been addressed.

It is noted that the Development Plan specifically states that '*contemporary design which is in harmony with the area will be encouraged*'. This is a unique site so it is not considered that it would set undesirable precedent. I am satisfied that an appropriate balance has been struck between the general desirability of allowing infill development and the need to protect the Architectural Conservation Area. As such I consider that Block A as proposed would enhance the Architectural Conservation Area at this location. Although it will change the streetscape, it is considered that Block A will in fact improve

the streetscape by enclosing the open access to the lands behind with a high quality infill development, generally tidying up this part of the appeal site and bringing life to this part of the street with the inclusion of the small café.

The car and bicycle parking and the bin storage for Block A is provided in Block B as considered below. I note also that, with the exception of storage facilities for Apartment 4 (where there is shortfall in provision of 3 sq m), the apartments otherwise meet all the Development Plan site development standards. This is considered in more detail in the assessment of Block B below.

9.6 The suitability of Block B on the streetscape of Gilford Road and on surrounding properties

Block B comprises two one bed apartments and 543 sq of offices. Office use is already established on the site and is a use which is '*Open for Consideration*'. Having regard to the size of the site and to the fact that it will replace relatively dated existing office buildings, it is a considered acceptable in land use zoning terms.

Block B has no real bearing on Gilford Road as it cannot be seen from Gilford Road. Notwithstanding this I am satisfied that the contemporary style of development proposed is in accordance with Development Plan policy which is for sensitive design in new development '*using traditional forms that are then expressed in a contemporary manner rather than a replica of the historic building style.*'

The Planning Authority and the Observers have raised concern with the scale of the development, particularly in that Block B being a courtyard design, extends right up the boundaries of most of the site and to the effect of this on the established residential amenity of the adjoining houses on Gilford Road

and Sandymount Green. They are also concerned with the contemporary design of the development. I visited the site and surrounding streets and found that the appeal site / existing offices are largely screened from the adjoining Gilford Road and that the access road and low rise offices / storage space running along its northern boundary have very little streets presence.

Block B will also be visible from the back of Veterinary Clinic site and the site of the permitted 69 no. apartments to the west, but it is not considered that the two storey elevation will negatively impact on these sites.

The backland site is the larger part of the site. It comprises an existing large office building on two floors with a flat roof and windows on all elevations. The proposed Block B is designed to face the interior of the site in a courtyard design, extending to the boundary/ close to the boundary on all sides. Block B is however low for a two storey building, between 6-7m high with shallow pitched roofs and replaces the higher 2 storey office block which is 7m high.

On balance it is considered that the proposal (the modified version submitted as part of the First Party Appeal) is well designed to address the concerns of the adjoining residents. It is basically a scheme of small scale buildings and courtyards and is appropriate in scale given its location beside the village and on a site where there are existing office buildings.

In terms of the surrounding properties, on its western boundary there is a site where planning permission has been granted for 69 apartments. The two storey elevation will not unduly affect this permitted development as there is sufficient distance from the proposed two storey elevation from the side of the nearest block. As regards the southern elevation, the two storey gable wall adjoins the back of the Veterinary Practice where there is a large building used as an animal crematorium and for animal storage. The two storey gable wall

is therefore not considered problematic at this location either. The DCC Planning Officers Report has stated that it is the northern and eastern elevations of the proposed development that are problematic as they adjoin the back gardens of Nos. 15 Sandymount Green, 15a and 15b Gilford Road. The effect on each of these properties in terms of possible over-bearance, / loss of sunlight and daylight is considered below.

Effect on No. 15a (Merton) and No. 15b (Dunluce) Gilford Road

The back garden of the adjoining houses, 15a and 15b will be separated from the side of the new first floor offices to the rear by 2.84m. There will be a line of trees between their boundary walls and the eastern side elevation of the offices. The perceived bulk of the first floor elevation will be broken by the use of a brick and wood finish. There will be no overlooking of their back gardens as there will be no windows on this elevation, with the exception of a large window to the first floor offices which is located over the terrace of Apartment No. 1. This window is 6m from the boundary with the back garden of 15a and the window will be fitted with timber louvres.

In terms of bulk therefore, Block B will be closer to 15b but have no windows and be further from 15a but have one office window with timber louvres. The separation between both properties and the Block B will be interrupted by a line of trees so overall I consider that it has been well designed to mitigate against any possible injury to their existing residential amenity / privacy.

The Architects have purposely designed an inward looking development which will have a very limited impact on the outlook from the back of these houses.

At present the outlook from these houses is of a somewhat dated two storey office building at the back of the site and the roof of the single storey offices

on the boundary of their garden walls. It is considered that the proposed development will generally improve their outlook when viewed from the back windows of their first and second floors.

The design also incorporates a green roof which will further reduce the impact of the development when viewed from their houses and gardens.

Effect on No. 15 Sandymount Village (a Protected Structure)

In terms of outlook, the existing outlook is that of the side and back of the 2 storey office building with windows on both elevations. This will be replaced with a lower two storey building with an L shaped window to the offices at first floor level fitted with timber louvres at a distance of 5 m from the boundary with the back garden of No. 15. There is no other fenestration to the side or rear of Block B that affects this property.

The back of the new building will however be closer (by 4 m) to the back of No. 15 and will run along their back boundary for 4m. Although this is not ideal but given that there is a higher and somewhat dated building with windows on all elevations on the site (albeit further back), I do not consider that the proposal would significantly affect their existing outlook or levels of privacy. There is only one tree separating their boundary from the window to the first floor offices it would make sense to condition the use of obscure glazing on this L shaped first floor timber louvered window. This will remove any possibility of direct overlooking of their back garden and the garden of No. 15a. In terms of outlook the effect of the new building will be reduced by the use of high quality building materials and the grass roof and is considered acceptable.

Daylight and Sunlight Effect of both Block A and Block B

The Daylight and Sunlight Assessment Report shows that the development is in compliance with the standards for daylight and sunlight impact, with the effect on all the windows to the back of the adjoining houses being in compliance with these standards.

In term of daylight and sunlight there will be a minor effect on the mid-day sun to the back of the garden of No. 15 however it does not exceed acceptable effects on daylight and sunlight. There will also be a daylight impact on the Veterinary Practice to the south but given the use of the property this is considered acceptable.

9.7 Ability of Applicants to carry out the development / concern regarding drainage links on the access road and the shared access with the Veterinary Practice

- 9.7.1 The owner the adjoining Veterinary Practice submitted an objection to the Planning Authority during the determination of the planning application. They did not make and Observation on the First Party Appeal. In their objection letter they stated that the Veterinary Practice has a right of way to use the access road which forms the front part of the appeal site. I note from photographs on the file and from the site visit that there are two entrances from the appeal site to the Veterinary Practice both shown on the application drawings but not notated.
- 9.7.2 Based on the above, I consider that this could be problematic for the development of the site, in particular the access to the basement car park and the segregation of the access road for vehicles and pedestrians.
- 9.7.3 The Application documentation omits detail regarding the use of the access by the neighbouring property. The owners of the Veterinary Practice have indicated that the entrance points off the access road are used for daily delivery and collection from their buildings. In addition to blocking the access

for large vehicles by way of enclosing it at first floor level, the entrance furthest west is located behind the proposed entrance gates and very close to the front of the offices which may render it unusable.

I am not convinced that these issues have been appropriately addressed in the application documentation.

9.8 Traffic Safety / Access Constraints

The Planning Authority and Observers have raised particular concern regarding the access arrangements, the basement car park, the likelihood of overflow parking to the surrounding already constrained village and the possibility of destabilising boundary walls of the adjoining historical properties.

Despite the modifications to the development proposed in the First Party Appeal these issues are still considered problematic. The Architects have gone to considerable lengths to address the site constraints and residential amenity concerns of the neighbouring properties, however there are still significant issues relating to the design of the basement.

I viewed the site, and it is presently adequate for cars to access and egress safely. The Engineering Report by Fearon O'Neill Rooney details how the entrance is designed in accordance with DMURS and shows how the appropriate visibility splays are achieved by simply extending the centre line of the road on the existing road. In addition, adequate queuing space for cars internally has been provided for in the modified design.

Notwithstanding the Applicants Engineering Reports, it is still however difficult to envisage how this access would work if it were narrowed from the present 4.2m wide to 3.6m, segregated to provide separate vehicular and pedestrian lanes and then covered.

Space is shown in the amended drawings for a waiting area for cars but there is no information on how deliveries to and from the proposed development and the existing entrances to the Veterinary Practice would occur. The drawings also show that the bicycle parking has been relocated to the basement and it is proposed that cyclists will access the basement via the car lift. In my opinion it would be preferable to have bicycle parking at ground level or more easily accessible than by a car lift.

I note also that although there is a large bin area in the basement it is not shown how the bins would be brought up and down for collection or where the bins would be left on bin collection days? I have considered how the basement would be used and it is not clear how the bikes and bins would be accessed if all the car parking spaces are occupied. Presumably the bins would be brought upstairs for collection using the car lift which would also be used by cars and bikes. I do not consider this acceptable. It is also considered likely that the café and offices would have a considerable amount of waste so that bin storage in the basement may not be the most suitable location.

I note also that the pedestrian lift leads to the offices so that the only way for users of the apartments or cafe to access the basement is via the staircase or the car lift.

I visited Sandymount Village and noted bin storage is a problem for many of the small properties in the village with a number of large bins left on the street during the day. If this were to occur to the front of the appeal site it would undermine the appearance of the proposed development, the appearance of the streetscape of this Architectural Conservation Area and effect the safety of traffic and pedestrians entering and leaving the site.

On balance it is considered that despite the provision of a waiting area for vehicles (provided for in the modified design), there remains a constraint internally regarding the movement of vehicles and general services within the site.

I note also that there is no Basement Impact Assessment Report and no Noise Assessment Report for the car lift which would be used quite regularly given that it is proposed to be in use for cars, bikes and bins and given that it is located behind the relatively small back gardens of Nos. 15a and 15b Gilford Road and proximate to the garden of No. 15 Sandymount Green.

The Observers have also raised concern about the shared drainage links for the adjoining houses which are located under the access road. The Councils Drainage Department have assessed these issues and have no concerns, subject to Conditions attaching to permission. I consider, however, that coupled with the constraints to this access road as considered above, this issue may lead to further pressure on the access road. On balance this is not considered acceptable.

9.9 Conclusion on the suitability or otherwise of the proposed development

On the above basis it is considered that there are a number of problems with the proposed development mainly arising from the design of the basement parking and access constraints and the operational constraints for bicycle parking and bin storage.

Possibility of providing a car free development

I note that the Transportation Department have considered a parking free development. I have given this some consideration. This would address the problems arising with the access constraints. Given the location of the appeal

site so close to the Sandymount Village and its concomitant transport links I consider that a parking free development would be acceptable in terms of Development Plan policy.

However, this still does not address the accessibility of the site for delivery and collection vehicles, including refuse collection and general servicing needs. It would also leave the development as proposed with no bicycle parking, no bin storage and no plant room.

Further Revisions Considered Appropriate

The only solution I can envisage it that the Applicants be asked to submit revised drawings to the Board (under Section 37E(5)(a)(i) of the Planning and Development Act 2000) showing omission of the basement, the car lift and possible omission of the ground floor meeting rooms. The omission of the vehicular lift and ground floor meeting rooms would allow space for modifications of the ground floor layout to relocate the bicycle parking, bin storage and a plant room. An assessment of the noise impact of the plant room at this level and its effect on the surrounding residential properties would also be required.

Taken in conjunction with the removal of the basement level parking, these modification would address the concerns relating to the access arrangements and allow the Applicant to provide information on the access arrangements for the neighbouring Veterinary Practice and their two entrances from the site.

It is considered that a parking free development is acceptable at this location and that otherwise the development is of a sufficiently high quality to enhance the Architectural Conservation Area through a provision of a high quality mixed use development.

The streetscape would be considerably improved, the residential amenity concerns of the adjoining properties have been considered and addressed in

the design, the office use is already established on the site and will be considerably upgraded, and four high quality apartments will be provided. I note also that the shortfall in storage for Apartment No. 4 (in Block A) can be provided in a modified layout of Block B.

Finally, and as regards the courtyard design, I note that the development provides an acceptable plot ratio and site coverage given the location of the site proximate to Sandymount Village and its concomitant amenities, services and transport links.

10.0 Recommendation

As stated in above I recommend that the Board seek modification to the design of the development if considered appropriate as follows:

The Applicant is asked to submit revised drawings showing the removal of the basement car park and the removal of the car lift and meeting rooms at ground floor level. The removal of the latter will allow for a revised design of the ground floor to provide space for bin storage and bicycle parking, the plant room and storage for Apartment No. 4.

The Applicant is also asked to provide information on the servicing of the development including how access is to be provided for service vehicles.

Furthermore, the Applicant is asked to clarify the right of way or otherwise of the adjoining Veterinary Practice to the two entrances on the site access road and how the future accessibility to these entrances will be managed.

The Applicant is also asked to provide a Noise Impact Assessment of the plant room and in particular any measures required to reduce the impact of the noise on the surrounding properties and the proposed apartments.

If the Board do not consider the above appropriate, I recommend a refusal of permission for the reasons set out below.

11.0 Reasons and Considerations

Having regard to the Dublin City Development Plan 2022-2028, the proposed development represents overdevelopment of site by virtue of the basement parking and the constraints associated with it. The narrow carriageway for vehicles and pedestrians, the lack of provision for service vehicles and the conflict between the various users would result in traffic safety concerns for vehicles and pedestrians.

There is inadequate provision for service vehicles and for bin storage and this is in conflict with the Development Plan site development standards and would harm the character of the Architectural Conservation Area.

Accordingly, this proposal would fail to accord 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.

Vanessa Langheld
Planning Inspector

10 July 2024