



An  
Bord  
Pleanála

## Inspector's Report ABP-319348-24

<b>Development</b>	Demolition of all existing structures on site for the construction of a five-storey apartment block comprising of 10 apartments and 3 townhouses and all associated site works.
<b>Location</b>	The former Builders Suppliers Yard at The Ranch, Liffey Street South, Inchicore, Dublin 10
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	5071/23
<b>Applicant(s)</b>	Tom Corcoran
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Tom Corcoran
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13 <sup>th</sup> December 2024
<b>Inspector</b>	Joe Bonner

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## 1.0 Site Location and Description

- 1.1. The application site lies in the northwestern corner of an area known as the 'Ranch' c750m northwest of Inchicore village, c1km southeast of Chapelizod, c1.3km east of Ballyfermot and c1.5km west of Kilmainham.
- 1.2. The 'Ranch' consists primarily of a mix of single and two storey houses, has a uniform width of c150m and depths of 220m along its western side and 200m along its eastern side. The R833 forms its southern boundary, while the Chapelizod bypass defines its northern boundary, beyond which is the River Liffey. The western boundary consists of a Pitch and Putt Course and Sarsfield House Day Centre, while a public park and Liffey Gaels GAA playing pitches are located adjacent to its eastern boundary.
- 1.3. The site is square shaped, flat and extends to 0.1303ha. It has two available access points onto the R833, c170m to the south and c200m to the southeast. There are no existing or planned developments to the north (Chapelizod bypass) and west (pitch and putt). The site has 32.105m of street frontage along its southern boundary at the corner of Liffey Street South (9m wide) and First Avenue (c13m wide). The side garden and gable of a two storey house, that is set back c3m from the street edge, and a single storey house that is built along the footpath edge, are located directly opposite the sites southern boundary.
- 1.4. The closest house to the site is the immediate east and a 4.6m access lane separates the site from the house. A wide larger solid gate set back from the road by c13m marks the access to the neighbouring rear garden area which is entirely hard surfaced. A communal access lane ran along the rear of the houses facing south onto Liffey Street, meaning that the area immediately behind this house would not be entirely private. The private open space for each of the houses is accessible on the northern side of the lanes. The house to the immediate east has been extended by adding a first floor along the side and rear of the house, while retaining the original single storey roof profile onto Liffey Street South.
- 1.5. The eastern site boundary is c 32.8m in length and is marked by a blank wall that also forms the rear wall of the existing buildings that run the length of the sites eastern boundary and have a height of c 3.5m along the boundary. Three buildings are located immediately along the southern site boundary. The westernmost building

has both vehicular and pedestrian access points on Liffey Street South, while there are two vehicular access points, one of which is in use. The other two buildings present blank facades to Liffey Street. These buildings range in height from 3.5m to 4.335m.

- 1.6. All of the existing buildings on the site are proposed to be demolished.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of:

- Demolition of all existing single storey structures on site.
- Construction of a 4/5-storey apartment block comprising 9 no. two-bedroom and 1 no. three bedroom with associated areas of balcony and roof terrace.
- Construction of 3 no. 3-storey townhouses (2 no. three bed and 1 no. two-bed)
- Off-street car parking, landscaping and new boundary treatments.

- 2.2. The application was accompanied by a detailed schedule of floor areas.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. On the 23<sup>rd</sup> of February 2024, the Planning Authority decided to refuse permission for two reasons, which stated:

1. The surrounding area is zoned under objective 'Z1' which seeks to protect, provide and improve residential amenities under the Dublin City Development Plan 2022-2028 and comprises of single and two storey dwellings. It is considered that the proposed development by reason of its scale, height, layout and design would fail to respect the established character of the area and would seriously injure the residential amenities of adjoining properties by reason of overbearing impact and overlooking. The proposed development would, therefore, be contrary to the City Development Plan 2022-2028 and to the proper planning and sustainable development of the area.
2. Having regard to its design and layout, it is considered that the proposed development would not provide a satisfactory level of residential amenity to

future residents in accordance with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020) and Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and would therefore be contrary to the stated provisions of Dublin City Development Plan 2022-2028 and the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The planning authority refused permission in accordance with the planning officer's recommendation.
- Outlines development plan policies and the sites planning history before summarising the grounds of the single observation received.
- Referring to P.A. Reg. Ref. 4122/17, considered that a previous proposal for 8 no 2 storey houses, effectively an extension of Liffey Street, was acceptable.
- The applicant considers that that they addressed the refusal reasons in P.A.3054/23 by reducing the apartment height from 6 to 5 floors.
- The Compact Settlement Guidelines (3.3.6) - infill sites need to respond to the scale and form of surrounding development to protect their amenities.
- The proposed Plot Ratio and Site Coverage are consistent with the range/limits set out in Table 2 of Appendix 3 to the Development Plan.

#### **Design and Layout**

- The 5 storey apartments have a maximum height of 15.5m before dropping to 12.9m, only 7.4m from the eastern boundary adjacent to a residential property on Liffey Street South (LSS). The block will sit 22m from the LSS boundary which would be defined by a tall brick wall and steel rails with surface parking dominating the ground level, while also including an area of open space.
- The three terraced houses will be perpendicular to LSS, have a height of 11.6m, and gabled fronts facing onto the open space and car parking area.

- Attention must be paid to the prevailing scale and density of development, to protect the existing amenities in this Z1 zoned area.
- Greater densities are promoted a national level on brownfield sites, but does not mean heights above the existing are acceptable. The development plan identifies area suitable for higher densities, but this site is not considered suitable as it is not within walking distance of any local neighbourhood shops and services other than a petrol station shop.
- Section 15.2.3 of the development plan requires immediate adjacent height to be considered. The proposed three and five storey buildings would be an abrupt transition in scale from the existing one and two storey houses, be overbearing and have a significant impact on visual and general amenity. The development would contravene this section.
- The apartment building remains overly bulky despite removing a floor. The design is neither modern/contemporary nor traditional. The red brick finish in unspecified. Windows are of different sizes and distributed in a manner that lacks order or rhythm resulting in a fussy appearance, that fails to blend with neighbouring houses.
- The three townhouses are overly vertical and monolithic and are not considered appropriate in the context of neighbouring houses.
- Does not make a positive contribution to the streetscape/neighbourhood. The metal railings are visually discordant and incongruous, would limit passive surveillance and would not provide an active edge to Liffey Street South.
- There is conflict between the placement of a window on the ground floor gable of the house on the edge of the footpath, affecting privacy. Section 15.13.3 'Infill' explicitly states that side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.
- The development would appear excessive when viewed from the Ranch and adjoining sites, is bulky, has an overbearing appearance and would have a significant detrimental impact on the character of the area.

#### Impact on Residential Amenity

- The upper floor windows in houses 2 and 3 are directed at adjoining houses to the east, while the apartment block has east-facing windows at first to third floors. The 7.4m separation distance to the shared boundary is insufficient.
- Like in the previous application, that was refused, the applicant did not submit a shadow study, which is considered necessary, due to proximity.

#### Quality Residential Standards

- The apartment sizes appear to accord with the requirements of Section 15.9.9 of the development plan.
- The provision of a rooftop communal open space is not acceptable as the only space, and should complement surface level spaces.
- No evidence provided that the communal space is suitable in terms of wind, noise due to proximity to Chapelizod bypass or safety or that it could be used by occupiers of the townhouses.
- The townhouses have a deficiency in storage space.
- The open space for the townhouses at 10sqm-12.5sqm is well below the 30-40sqm requirement in SPPR 2 of the compact settlement guidelines and a high quality compensatory semi-private open space has not been provided as it would be blocked for most of the year by tall boundary treatments and the buildings themselves and are likely to receive inadequate daylight and sunlight.
- The 480sqm open space appears to be residual and is constrained by car and bicycle parking, while the presence of only one window on the ground floor of the apartment block makes for limited engagement with the open space.
- The development does not provide the required 10% (130sqm) of public open space and provides not justification for its absence.
- The proposal is a poor design response to the sites context and the proposed layout does not reflect a quality living environment.

#### Transportation

- Restates the transportation planning comments (see 3.2.2 below).

#### Appropriate Assessment



- Screened for AA and no significant effects expected. Stage 2 AA not required.

### 3.2.2. **Other Technical Reports**

- **EHO** – No objection subject to conditions addressing a Construction Management Plan, hours of work, noise and air quality.
- **Drainage Division** – Recommend further information regarding 1) a surface water management plan; 2) Policy SIO23 of the development Plan requires roofs over 100sqm to be blue green roofs; 3) a site specific Flood Risk Assessment, 4) consult with drainage department.
- **Transport Planning Division** – Notes the comments in the third party observation regarding parking pressure and on-site parking provision. Recommended further information regarding 1) the applicants proposal to build a 1.8m wide footpath along the southern site boundary as it requires consent from Transportation Planning and should be within the red lined site boundary; 2) revisions to the parking layout and omission of proposed spaces 1 and 10. Provide design details for EV charging. 3) Revised bicycle parking and storage proposals.

### 3.3. **Prescribed Bodies**

Submissions were invited but not received from 1) Uisce Eireann and 2) Irish Rail.

### 3.4. **Third Party Observations**

3.4.1. One third party observation was received from the occupant of No 18, First Avenue, The Ranch, c.20m south of the site. The grounds of the observation addressed:

- Other than a reduced height, the current proposal has not changed since the previous application which was refused (P.A. Reg. Ref. 4926/23).
- Does this proposal address the refusal reasons on previous applications P.A. Reg. Ref. 3054/23 and 3801/16?
- The four to five story apartment building is disproportionate with the neighboring single storey cottages, while also blocking light to surrounding properties.
- The scale, height, form, mass and design of the development would be out of character with the surrounding area and deprive residents of privacy.

- The application site was a well-known landfill and dumping area. Has a full inspection of the proposed groundworks being carried out to determine suitability and environmental impact.
- The current sewage system in the Ranch is antiquated, has porcelain pipework and is not fit for purpose.
- The neighbouring site is a mechanics with cars regularly parking on the road awaiting service. The proposed parking provision is inadequate there is no space on Liffey Street or First Avenue for further parking.
- There are a lack of amenities in the area, with the nearest shop being an Applegreen garage, which is unsuitable for apartment living.
- The material finishes of the southern elevation is not stated. The use of contemporary materials on structures may not be sympathetic to the surroundings.
- Although stated to be a bridge between the cottages and the 4-5 storey apartment block, the three storey townhouses are not in keeping with the character or proportion of the existing two-storey properties on First Avenue. Two storey houses would be more appropriate.
- Noise emanating from parties in the apartments would cause nuisance for existing residents. This has been the experience with the Sevenoaks apartments on St Margarets Road.

## 4.0 Planning History

### 4.1. Application site

- **P.A. Reg. Ref. 3054/23:** Permission refused on the 13<sup>th</sup> of March 2023 for the demolition of all existing single storey structures on site and the construction of a six-storey apartment block comprising 13 apartments and 3 no. three-storey townhouses associated off-street car parking, landscaping and new boundary treatments.

The two refusal reasons state:

- 1 It is considered that the proposed development by reason of its scale, height, form, mass, and design would visually dominate the streetscape and neighbouring properties at this location and would seriously injure the residential amenities of adjoining properties by reason of overbearing impact

and overlooking. The proposed development would, therefore, be contrary to the City Development Plan 2022-2028 and to the proper planning and sustainable development of the area.

2. Having regard to its design, layout, and the inadequacy of the submitted information to demonstrate compliance with development standards, it is considered that the proposed development would not provide a satisfactory level of residential amenity to future residents in accordance with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020 and would therefore be contrary to the stated provisions of Dublin City Development Plan 2022-2028 and the proper planning and sustainable development of the area.

- **P.A. Reg. Ref. 4122/17:** Permission granted on the 6<sup>th</sup> of February 2018 for demolition of existing single storey commercial garage/sheds and front boundary wall and the construction of 8 no. 2-storey, 2-bed townhouses in a terraced block.
- **P.A. Reg. Ref. 3801/16:** Permission refused on the 21<sup>st</sup> of November 2016 for demolition of existing garage and open sheds and front boundary wall and permission for 5 no. 2 storey 3 bedroom, terraced dwellings and 2no. 3 bedroom, semi-detached, 2 storey dwellings, open space and car parking. The refusal reasons related to a substandard quantum of private open space and substandard road width.

### **Bus Connects**

- **ABP-314056-22:** The Board approved the Liffey Valley to City Centre Core Bus Corridor Scheme on the 19<sup>th</sup> of December 2023 the route of which runs along the R833, c170m to south of site. The nearest bus stops to the site would be c185m (city bound) and 350m (from Dublin City).

## **5.0 Policy Context**

### **5.1. Dublin City Development Plan 2022-2028**

- 5.1.1. The Dublin City Development Plan 2022-2028 came into effect on the 14<sup>th</sup> of December 2022. The site is zoned 'Z1' the objective for which is 'To protect, provide and improve residential amenities' and 'Residential', is a permissible use in this

zone. The rest of the Ranch area is also zoned Z1, while the lands to the north and west of the site are zoned Z9 'Amenity / Open Space Lands / Green Network'.

- 5.1.2. Section 4.5.3 'Urban Density' promotes sustainable density, compact development, and the efficient use of urban land.

Relevant policies/objectives and sections are:

- 5.1.3. **SC10** – Ensure appropriate densities and the creation of sustainable communities in accordance with the principles set out Sustainable Residential Development in Urban Areas Guidelines (2009) ...and any amendment thereof. (Compact Settlement Guidelines).
- 5.1.4. **SC11** – Promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors, while respecting the established character of the area and being supported by a full range of social and community infrastructure such as schools, shops and recreational areas.
- 5.1.5. **SC12** – Promote a variety of housing and apartment types to create a distinctive sense of place.
- 5.1.6. **SC14** and **SC15** of Section 4.5.4 contain policies relating to 'Building Height Strategy', and 'Building Height Use', which should be consistent with SPPR's 1 to 4 of the 'Building Height Guidelines (2018)', while **SC16** 'Building Height Locations' recognising the potential and need for increased height in appropriate locations which are identified in Appendix 3 'Achieving Sustainable Compact Growth Policy for Density and Building Height in the City'.
- 5.1.7. Objective **CSO7** seeks 'To promote the delivery of residential development and compact growth through ...a co-ordinated approach to developing appropriately zoned lands aligned with key public transport infrastructure, ...and underutilised areas'.
- 5.1.8. Policy **QHSN6** 'Urban Consolidation seeks 'To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development,...'
- 5.1.9. Policy **QHSN10** 'Urban Density' seeks '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’.

- 5.1.10. Policies **QHSN36-39** inclusive address and promote apartment developments
- 5.1.11. Section 15 sets out the development standards that apply to developments. Section 15.2.3 is reference in the planning officer’s report and refers to Table 15-1 which sets out of planning thresholds above which planning applications should be supported by the necessary analysis and documentation to demonstrate the proposed design and rational for a scheme. The current proposal is for a development of 13 residential units in building being 3, 4 and 5 storeys in height. Mandatory documents that are required for the proposed development is a surface water management plan, which applies to two or more residential units, while both a Lifecycle Report, and a Daylight and Sunlight assessment are required for all apartment developments.
- 5.1.12. Section **15.8.6** provides that ‘All residential development is required to provide for public open space’ at a rate of 10% of the site area. Section **15.8.7** states that ‘in some instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity...in cases where there are more than 9 units’.
- 5.1.13. Section 15.9.18 refers to Overlooking and Overbearance.
- 5.1.14. Section **15.5.2** ‘Infill Development’ refers to lands between or to the rear of existing buildings capable of being redeveloped i.e., gap sites within existing areas of established urban form. Section **15.13.3** refers to Infill/Side Garden Housing Development. Section **15.9.9** referring to apartments states that ‘roof terraces will not be permitted as the primary form of communal amenity space but may contribute to a combination of courtyard and or linear green space’. All three sections are referred to in the planning officer’s report.
- 5.1.15. Policy SIO23 is referenced in the Drainage Division report and refers to the requirement that all new developments with roof areas in excess of 100 sq. metres to provide for a green blue roof.

#### Section 28 Guidelines

- 5.1.16. Having considered the nature and scale of the proposed development, the receiving environment and site context, as well as the documentation on file, I am satisfied that the directly relevant Section 28 Ministerial Guidelines, are:

- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (Apartment Guidelines).
- Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024). (Compact Settlement Guidelines).
- Urban Development and Building Height Guidelines for Planning Authorities 2018.

5.1.17. Where relevant, extracts from the above Guidelines are referenced in the Assessment Section of this report.

## **5.2. Natural Heritage Designations**

5.2.1. The nearest Natura 2000 sites are those in the Dublin Bay area being South Dublin Bay and River Tolka Estuary SPA (Site Code:004024) c6.85km northeast and South Dublin Bay SAC (Site Code:000210 ) c7.8km east.

## **5.3. EIA Screening**

5.3.1. See completed Forms 1 and 2 in Appendix 1.

5.3.2. Having regard to the limited nature and scale of the proposed development in a serviced urban area and the absence of any connectivity to any sensitive location, I have concluded that there is no real likelihood of significant effects on the environment arising from the proposed development having regard to the criteria set out in Schedule 7 to the Planning and Development Regulations 2001 (as amended). The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

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

6.1.1. The applicant submitted an appeal in respect of the refusal of permission and the matters raised therein are set out below:

- The site is brownfield, has always been and remains in non-conforming use.

- Permission was granted in 2017 (P.A. Reg. Ref. 4122/17) for a terrace of 8 no. 2-storey 2-bedroom house, but was deemed uneconomical by potential purchasers and the grant lapsed in 2022.
- This proposal is a revised version of the development refused in March 2023 under P.A. Reg. Ref. 3054/23, which was for 16 units.
- The Ranch is a distinctive area of artisan houses developed at the turn of the 20<sup>th</sup> century on lands belonging to the now demolished Inchicore House.
- The refusal reasons are cut and paste from the previous refusal reasons with some changes reflecting a 20% reduction in units in the current application.
- The planning officer's report provides not objective analysis of the merits of the layout or the measures incorporated to minimise overlooking and over-shadowing, while creating a transition in scale from the existing buildings.
- It would be a waste to put two storey houses on this hill crest site overlooking the Liffey Valley and Phoenix Park, and adjacent to a pitch and putt course.
- It would be time consuming and ultimately pointless to list all the precedent in Dublin where greater contrasts in scale were permitted, as no two sites are the same and it would distract from focusing on the proposed scheme itself.
- The planning officer clearly dislikes the layout and architecture.
- The challenges the site presents are:
  - Infill site in an established residential area with its own distinctive artisan scale and character.
  - Achieve a responsible density without affecting standard of residential accommodation or amenity.
  - Configure the development so that it balances the sites position within the Ranch and enviable position overlooking the Liffey Valley.
- The forecourt was one of the first elements to be chosen, allowing the apartment block to be sited where it has the least negative impact on adjoining properties in terms of mass, over-shadowing or overlooking.

- The forecourt is intended to be an attractive concourse providing a delivery point, bike and car parking, and will also be planted with trees that lead to the shared landscaped garden to the east and along the northern perimeter.
- A low brick and railing wall will define the boundary with Liffey Street South and neither the vehicular nor pedestrian entrances will be gated. The planning officer disparagingly describes the boundary as tall with brick and steel railings with the front area given over to surface level car parking.
- The landscaping on the open western boundary will in time merge with the landscaping on the pitch and putt course.
- The townhouses have been designed to create a transition between the apartment block and the existing adjacent one and two storey houses.
- Two of the three townhouses would meet the 20% Part V requirement.
- The planning officer dismisses the townhouse design and refers to a large blank gable facing onto the public street. While existing houses on First Avenue and Park Street present blank gables, the proposed development is not blank nor gabled and while designed to reflect the corner houses on First Avenue and Park Street, it is not an imitation. The upper floor elevation is absent of windows to avoid overlooking of the side garden of No 20 First Avenue (directly south).
- The eastern boundary wall is being retained to avoid ownership issues.
- Three storey houses have been built in Dublin's suburbs since the 17<sup>th</sup> century and are a preferred solution to two storey houses.
- The planner's assessment that the three storey houses would result in an abrupt transition in scale is the same as saying that the change from the existing one to two storey houses is an abrupt transition.
- The townhouse design is inspired by the Victorian Licenced premises at the corner of the R833 (Sarsfield Road) and traditional gabled houses around Dublin, while the internal layouts are site specific and contemporary.
- The apartment block consisting of a setback penthouse level at the northern and western corners over 4 floors, is clearly different to existing terraces in the



Ranch. The placement of the penthouse makes the building prominent above the Liffey Valley, while reducing the mass closer to the properties to the east.

- The planning officer derogatorily refers to the apartment building as being, neither modern nor contemporary, and criticises the lack of rhythm and fully appearance of the windows. The hierarchy and rhythm of the windows is based on the variation in the room layouts, that avoids repetition between floors. This would have been articulated better by photomontages, but the applicants budget would not allow it, due to fines being imposed by the site being declared a 'Vacant Site' and ongoing charges of commercial rates.
- The apartments are well laid out, provide generous storage, both within the apartment and at ground floor level, with a similar storage arrangement at Rowerstown Lane in Kilmainham proving popular with residents.
- The townhouses have dedicated storage in addition to storage in the individual bedrooms.
- Each apartment has a balcony facing either south or west. By design, the balconies at the east of the building do not overlook the properties to the east. The eastern side of the roof terrace has a deep planter bed to avoid overlooking. The former residential garden to the immediate east, closest to the apartment block has long been in use as a commercial car repair garage and is partially roofed over, while the gardens further to the east are narrow and their boundary walls provide privacy.
- Planting is also proposed along the eastern boundary of the apartment block to soften its appearance and limit potential for overlooking.
- The position of the roof terrace shields it from prevailing westerly winds, while the planted buffer along the Chapelizod Bypass shields much of the noise generated by the road, while the traffic lights to the east of the site tend to reduced speeds and moderate noise levels.
- If a moderate density scheme cannot be developed on this site at which lies in close proximity to the pitch and putt club, the public park at Liffey Gaels GAA club that leads to the Memorial Gardens over a footbridge, then what is the point of the aspirational language in the Compact Settlement Guidelines.

- There is no widespread opposition to this proposal, while single observers concerns have been addressed by the design and layout.
- The development complies with the objectives for the development plan objective for this form of development and the Compact Settlement Guidelines and far from injuring the amenities of adjoining properties, would remove a non-conforming use and make a positive contribution the character of the area.

## **6.2. Planning Authority Response**

6.2.1. Requested that the board uphold its decision to refuse permission, but if permission is granted, the following conditions should be attached:

- A bond, a Section 48 Development Contribution and a Contribution in lieu of the open space requirement not being met (if applicable).
- Social housing, naming and numbering, management company.

## **6.3. Observations**

- None

## **6.4. Further Responses**

- None

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. I consider the main issues to be addressed in this assessment are those raised the grounds of appeal, the refusal reasons and the planning officers report and the assessment of the appeal can be assessed under the following headings.

- Principle of Development
- Residential Amenity - Compliance with Apartment Guidelines

- Layout and Design - Impact on Residential Amenity - Overlooking, Overbearance and Overshadowing
- Private Open Space – Townhouses
- Public Open Space
- Access, Parking and Front Boundary
- Drainage

## 7.2. Principle of Development

The proposed development includes elements of demolition and construction, which are considered separately below.

### Demolition

- 7.2.1. The existing site accommodates a number of buildings that were previously used as for storage purposes associated with the use of the site as a builders providers. That use has now ceased.
- 7.2.2. I note that permission has previously been granted by Dublin City Council under P.A. Reg. Ref. 4122/17 for the demolition of the existing garage/shed structures and the planning authority did not raise any concerns in this application, regarding the demolition proposals.
- 7.2.3. The existing sheds are not protected structures and the site is not located in a conservation area, while the development plan does not contain any protected landscapes or views in the vicinity of the site. Policy CA6 of the Development Plan 'Retrofitting and Reuse of Existing Buildings' seeks to promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible, while Section 15.7.1 encourages the reuse and repurposing of buildings for integration within a scheme.
- 7.2.4. I am satisfied that the existing buildings have no features that are worthy of retaining and I am further satisfied that it would not be possible or feasible to incorporate the existing building into the proposed development. I have no objection to the demolition of the existing buildings.

### Zoning

- 7.2.5. The site is zoned 'Z1', the objective for which is 'to protect, provide and improve residential amenities'. 'Residential', is a permissible use in this zone. The rest of the Ranch area is also zoned Z1, while the lands to the north and west of the site are zoned Z9 'Amenity / Open Space Lands / Green Network'.
- 7.2.6. The proposed development seeks to construct three no 3 storey townhouses in one block and 10 apartments in a separate five storey block. The proposal for new residential development on the site would bring added vitality to the Ranch and bring back into use a conforming use on the Z1 zoned site. I have no objection to the principle of the construction a residential development on the site, in place of the existing structures.

#### Policy

- 7.2.7. I will examine specific aspects of the proposed development including height, density, overlooking, parking and residential amenity, against relevant policies, in the following sections of my assessment.

### **7.3. Residential Amenity - Compliance with Apartment Guidelines**

- 7.3.1. This section is relevant as the second refusal reason indicates that the proposed development would not provide a satisfactory level of residential amenity to future occupants. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (hereafter the Guidelines) apply to the proposed block of 10 apartments and is reference in section 15.9 of the Development Plan 'Apartment Standards'. The application includes a schedule of accommodation detailing the unit sizes, as well as the floor area of each room.
- 7.3.2. Paragraph 1.18 of the guidelines states that the Board are required to apply any Specific Planning Policy Requirements (SPPRs) of the guidelines in carrying out their functions and the SPPR's take precedence over any conflicting, policies and objectives of development plans.
- 7.3.3. The Guidelines also allow for a relaxation in standards for urban infill schemes on sites of up to 0.25ha, on a case-by-case basis and subject to the achievement of overall high design quality in other aspect. However, the guidelines refer to both urban and suburban areas and I am satisfied that the site is located in a suburban area rather than an urban area and while the site is less than 0.25ha in area, I am not

satisfied that relaxations may be permissible for urban infill sites apply to the current site. I will address this in more detail as it arises below.

### SPPR 3

- 7.3.4. The minimum floor area for a 2-bedroom 4-person apartment is 73sqm and 90sqm for 3 bedroom apartments. The three bedroom apartment and eight of the nine no. 2-bedroom apartments would exceed of the minimum apartment floor space requirements set out in SPPR3 of the guidelines.
- 7.3.5. Apartment No 1 would have a floor areas of 70.7sqm and would qualify as a 2-bedroom three persons apartment, which is provided for in paragraph 3.6 of the Apartment Guidelines, that states planning authorities may also consider a two-bedroom apartment to accommodate 3 persons, with a minimum floor area of 63 square metres. It states that units of 63sqm are permissible in limited circumstances, and no more than 10% of the total number of units in any private residential development may comprise this category of two-bedroom three-person apartment. I am satisfied that the provision of one no 2-bedroom 3-person apartment unit be acceptable and the proposed development would meet the requirements of SPPR 3.

### Minimum floor area

- 7.3.6. Following from above, paragraph 3.8 states that it is a requirement that the majority of all apartments in any proposed scheme of 10 or more apartments exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%. Paragraph 3.12 provides that it is acceptable to redistribute the minimum 10% additional floorspace requirement throughout the scheme, i.e. to all proposed units, to allow for greater flexibility. A majority in the case of this application means 6 apartments or more.
- 7.3.7. The minimum floor area for the 10 apartments would be 737sqm (1 x 63sqm, 8 x 73sqm + 1 x 90sqm). If an additional 6.3sqm is added to the 63sqm apartment and 7.3sqm is added to 5 of the 73sqm 2-bedroom apartments, 42.8sqm of floor area would be required to be added to the 747sqm to meet the minimum total floor area requirement, which would be 789.8sqm. The total floor area provided is 768.8sqm, which, while above minimum floor area requirement, is below the minimum floor area requirement plus 10% that applies to new build apartment developments.

- 7.3.8. At 105.9sqm, the three bedroom apartment significantly exceeds the minimum floor area requirement, while apartment no 1 at 70.7 sqm also exceeds the 63sqm requirement. However, none of the 8 no 2-bedroom 4-person apartments exceed the minimum floor area requirement by more than 10%
- 7.3.9. Paragraph 3.15 provides that for urban infill schemes on sites of up to 0.25ha, where between 10 to 49 residential units are proposed, the requirement for the majority of apartments to exceed the minimum floor area by 10 will generally apply, but in order to allow for flexibility, may be assessed on a case-by-case basis and if considered appropriate, reduced in part or a whole, subject to overall design quality. I do not consider that this flexibility applies to this site as it is a suburban rather than an urban site.
- 7.3.10. Section 15.9 of the Development Plan follows on from the Apartment Guidelines by stating that the introduction of a 2 bedroom, 3 person unit may be considered within a scheme to satisfy specialist housing for Part V social housing requirement or to facilitate appropriate accommodation for older people and care assistance. The applicant has not indicated that they intend to provide the apartments to any particular such as older people or for social housing, as they have indicated that two of the three townhouses would be offered to meet the Part V obligation.
- 7.3.11. Noting that the proposed development would not meet the minimum floor area requirement plus an additional 10%, which I considered it is required to do, as it is a new build development and not the retrofitting of an existing building with a restricted footprint, I will consider the suitability of the apartment further in the following paragraphs, against the other requirements of the guidelines.

Minimum aggregate bedroom floor areas

- 7.3.12. Appendix 1 to the Guidelines states that a two bedroom (3 person) apartment must have a minimum floor area of 20.1sqm made up of rooms of 13sqm and 7.1sqm. To be considered as a two bedroom (four person) apartment, the bedrooms must have floor areas of 11.4sqm and 13 sqm. A three bedroom apartment must have bedrooms of 7.1sqm, 11.4sqm and 13sqm.
- 7.3.13. The bedrooms in the three bedroom apartment, and apartment No 1 which would by floor area (less than 73sqm) be a 3 person 2 bed apartment exceed the minimum requirement and are compliant with the requirements of Appendix 1.

- 7.3.14. The other eight 2-bedroom apartments meet or exceed the minimum floor area to qualify as four person apartments. However, none of the 8 apartments provide the minimum required bedroom areas to enable them to be deemed to be 2-bedroom 4 person apartments.
- 7.3.15. The apartment guidelines state that no more than 10% of the total number of units in any private residential development may comprise two-bedroom three-person apartments. In this application, while 8 of the 9 no. 2-bed units have sufficient floor area to be deemed 4 person floor apartments none of the 8 meet the minimum bedroom size requirement and meaning that 90% of the proposed apartments would comprise two-bedroom three-person apartments. For that reason, I am not satisfied that the apartments would provide an adequate level of internal amenity for future occupants in what would be a new building, which would enable all required minimum areas to be adhered to through design.

#### Bedroom widths

- 7.3.16. All of the apartment bedrooms meet or exceed the minimum 2.8m width requirement to be classified as double bedrooms.

#### Minimum Aggregate Living/Kitchen/Dining Area

- 7.3.17. Appendix 1 to the guidelines provides that two bedroom (3 person) apartments must have an aggregate floor areas of 28sqm, while two bedroom (4 person) apartments require 30sqm, and three bedroom apartments require an aggregate of 34sqm.
- 7.3.18. I am satisfied that all ten apartments meet or exceed the minimum requirements.

#### Internal Storage

- 7.3.19. Internal apartment storage is addressed in paragraphs 3.30 to 3.34 of the guidelines. Two bedroom (3 person) apartments have a requirement of 5sqm, while two bedroom (4 person) apartments have a requirement of 6sqm and 3 bedroom apartments require 9sqm. Paragraph 3.31 states that storage should be additional to kitchen presses and bedroom furniture, but may be partly provided in these rooms.
- 7.3.20. The applicant has proposed to provide storage space both within the apartments and at ground floor level and in the schedule of accommodation the applicant has set out the quantum of storage space allocated to each apartment.

- 7.3.21. Paragraph 3.32 of Apartment Guidelines states that apartment schemes should provide storage for bulky items outside of individual units including at ground level, but goes on to state that this form or stage should be encourages in addition to minimum apartment storage requirements. I am of the opinion that the provision of ground floor space for bulky items should be provided in addition to the minimum internal requirements and should not be calculated together to make up the minimum aggregate requirement, particularly in the case of a new development such as this site, where there should be no constraints on how an applicant lays out the interior of apartments. I also note that the applicant has not included bedroom wardrobe storage as part of the internal storage provision and I agree with that stance as such storage is not suitable for the storage of household items.
- 7.3.22. Following from my conclusion above, the applicants schedule of areas includes internal and external storage calculations which are set out in Table 1 below sets out the storage proposals for the 10 apartments:

Unit No	No of Bedrooms (persons)	Minimum Storage Required	Provided internally	Provide at ground floor	Combined Shortfall
1	2 (2 p)	5sqm	1.0sqm	3.9sqm	0.1sqm
2	2 (3 p)	6sqm	2.2sqm	5.5sqm	0sqm
3	2 (3 p)	6sqm	1.2sqm	4.3sqm	0.5sqm
4	2 (3 p)	6sqm	0.5sqm	4.3sqm	1.2sqm
5	2 (3 p)	6sqm	2.2sqm	4.4sqm	0.4sqm
6	2 (3 p)	6sqm	1.2sqm	4.3sqm	0.5sqm
7	2 (3 p)	6sqm	0.4sqm	4.3sqm	1.2sqm
8	2 (3 p)	6sqm	2.2sqm	4.4sqm	0.4sqm
9	2 (3 p)	6sqm	1.2sqm	4.3sqm	0.5sqm
10	3 (5 p)	6sqm	2.2sqm	3.9sqm	2.9sqm



7.3.23. Even when the two storage spaces are combined, nine of the ten apartments would have a shortfall of storage, while the storage spaces within the apartments themselves are in my opinion totally inadequate. The apartment guidelines refer to both suburban and urban areas as two separate types of areas and the site is in my opinion a suburban rather than urban area. Therefore, I am satisfied that the relaxation provided for internal storage in paragraph 3.34 of the apartment guidelines, regarding refurbishment or urban infill sites, would not apply to this site, particularly as it is a new build project, where the requirements of the guidelines should be capable of being met through design.

#### SPPR 4 - Dual Aspect Ratios

7.3.24. SPPR 4 states that in suburban or intermediate locations, it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. All 10 apartments would be dual aspect, and I am satisfied that the proposed development would be compliant with SPPR4.

#### Floor to Ceiling Heights

7.3.25. All 10 apartments would have floor to ceiling heights which exceed the minimum floor to ceiling heights of 2.4m. The 9 apartments at second, third and fourth floors would be 2.7m in height, which is recommended in paragraph 3.22 of the guidelines, while the single fifth floor apartment would have a sloping ceiling ranging from 2.4m to 2.9m in height.

#### SPPR 5

7.3.26. SPPR5 refers to ground floor apartments so does not apply to the proposed development, which would not have any ground floor apartments.

#### SPPR 6

7.3.27. SPPR 6 provides that apartment schemes may have a maximum of 12 apartments per floor per core. No floor has more than 3 apartments and I am satisfied that the development would be compliant with SPPR6.

#### Private Open Space

7.3.28. All ten apartments would be provided with in excess of the required quantity of private open space in the form of balconies or terraces compliant with Appendix 1 of the Apartment Guidelines.

7.3.29. With balconies measuring 1.2m deep, apartment No's 4 and 7 would not achieve the minimum required depth of 1.5m, although if the board were minded to grant permission, this could be addressed by way of a condition.

#### Communal Open Space

7.3.30. Using the apartment floor areas as the guidance measure, 8 of two bedroom apartment would be for 4 persons, with one 3 person apartment. As per Appendix 1 the communal open space requirement is 71sqm, based on 6sqm for 2 bed 3-person apartments, 7sqm per 2 bed 4-person apartments and 8sqm for three bedroom apartments. The applicant's schedule of accommodation indicate that it is proposed to provide a total of 535.1sqm of landscaped amenity with 55.1sqm in a roof terrace and 480sqm at surface level.

7.3.31. Section 4.11 of the guidelines stated that roof gardens may be provided but must be accessible to residents and be subject to requirements such as safe access by children. The proposed roof gardens would not have the benefit of passive surveillance. It would have a planted buffer along its eastern side to reduce overlooking of the properties to the east, while it would also be set back from the southern boundary to reduce potential for overlooking to the south. A 1.1m high wall would surround the roof terrace on three sides, with the top floor of the building creating the western boundary.

7.3.32. While the ground level open space is calculated by the applicant as having an area of 480sqm, no plan has been submitted to illustrate the exact areas that make up the communal open space. The two largest areas of communal space on the site are in front of the townhouses which has a functional area measuring 8.2m x 11.6m and has an area of approximately 95sqm, while the area to the north of the townhouse in the north eastern corner of the site measures c8.3m x c15.2m to give an area of 126sqm. The balance of the communal space would in my opinion not be functional. When combined with the rooftop terrace the total quantum of functional communal open space would be 271.1sqm, whereas the requirement for the apartments (minus the requirement for the three townhouses) would be only 71sqm, leaving an excess provision of c200sqm. I am satisfied that the site would provide an adequate level of communal open space for future residents of the apartments .

#### Communal Facilities

- 7.3.33. The apartments access consists of a stair core and a lift, with access provided directly from the southern side of the building and internally from the ground floor parking area. Adequate circulation space would be available on each floor and corridors would have a minimum width of 1.575m.
- 7.3.34. Appendix 7 to the Development Plan provides Guidelines for Waste Storage Facilities and states that provision shall be made for the storage and collection of waste materials in apartment schemes in accordance with the Apartment Guidelines. Sections 4.8 and 4.9 of the Guidelines state that refuse facilities shall be accessible to each apartment stair/lift core and designed with regard to the projected level of waste generation and types and quantities of receptacles required.
- 7.3.35. The proposed bin storage area would have an area of c13.73sqm and would be accessible internally from the ground floor car parking area in the northwestern corner of the building. It would also be accessible via the access gate on the southern side of the building separate from the residential access area. I am satisfied that the proposed bin storage area has been designed in accordance with the criteria of Sections 4.8 and 4.9 of the apartment guidelines and Appendix 7 of the Dublin City Development Plan 2022-2028 and would be capable of providing receptacles with adequate capacity to cater for the needs of the proposed apartments.

#### Conclusion on Apartment Guidelines

- 7.3.36. I am satisfied that the site is located in a suburban and not an urban site and the relaxations in standards that are referred to in the Apartment Guidelines would not apply to the proposed development as it is a new build development. Although the site is a brownfield site, the applicant is not constrained in respect of how the interior of the proposed apartments would be laid out. Three deficiencies are noted being:
- Nine of the ten apartments would have 2-bedrooms and while eight of the nine apartments would meet the minimum floor area requirement to qualify as 2 bedroom (4 person apartments) only three of the eight apartment would have two bedrooms of an adequate size required to be categorised as 2-bedroom (4 person apartments), meaning that the development would be providing nine no. 3-person apartments (90%) whereas the guidelines permit only 10% of apartment to cater for three person.
  - The majority of apartment are required to be at least 10% larger than the minimum floor area, which in this case would be 6 apartments. Only Apartment No 1

which would be a two bedroom (3 person apartment) and the three bedroom apartment would exceed the minimum floor area by 10%. The other 80% do not meet the minimum requirements and the proposed development is not compliant with this metric of the apartment guidelines.

- Only one of the ten apartments would provide the adequate level of internal storage space, with a significant lack of storage proposed within the apartments themselves.
- In conclusion, I am not satisfied that the internal layouts of the proposed apartments would provide an adequate level of residential amenity for the intended occupants of the proposed apartments and I am further satisfied that the proposed development would not comply with the requirements of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines - December 2022 (2023) or Section 15.9 of the Dublin City Development Plan 2022-2028 'Apartment Standards'.

#### **7.4. Layout and Design - Impact on Residential Amenity - Overlooking, Overbearance and Overshadowing**

- 7.4.1. I note that the grounds of appeal focus mainly on the design and layout of the development and they set out reasons and rationale for the design and height and indicate that if a development of this modest density and scale cannot be achieved on this site, then there is no point in having aspirations for compact growth such as are expressed in the development plan and the Compact Settlement Guidelines.
- 7.4.2. I would agree to a point with the applicant that through the design, efforts have been made to deal with concerns regarding overlooking and overbearance and I do not object to the principle of taller buildings being located on this site subject, but I do not consider that the applicant has adequately addressed the implication of the proposed transition in height, as the development requires compliance with many technical requirements, such as those set out below.
- 7.4.3. The planning officer's report highlighted concerns regarding the proximity of the upper floor windows in houses 2 and 3 to the shared boundary, as they directly overlook the adjoining houses to the east, while the apartment block has east-facing windows at first to third floors. The planning officer states that a 7.4m separation

distance to the shared boundary is insufficient and these concerns contributed to the first refusal reason, which referred to overlooking .

- 7.4.4. Section 1.1 of the Compact Settlement Guidelines state that the board shall apply any specific planning policy requirements (SPPRs) of the Guidelines.
- 7.4.5. SPPR 1 of the Compact Settlement Guidelines provides that 'when considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.
- 7.4.6. In the case of the proposed townhouses, they will have windows located 3.5m from the eastern boundary that would overlook the existing first floor window in the side elevation of the adjacent house to the east. The grounds of appeal stated that they did not provide windows at higher levels on the southern elevation to avoid overlooking, while it also states that the scheme incorporates elements to minimise overlooking and overshadowing. The same principle applies to the house to the immediate east as does to the houses to the south. As proposed the first floor windows would be only 8.1m apart plus the thickness of the shared boundary wall of c300mm, so the development would not be in compliance with SPPR 1 of the Compact Settlement Guidelines.
- 7.4.7. Table 15-1 of Section 15.2.3 requires that a mandatory Daylight and Sunlight assessment is prepared for all apartment developments in accordance with Table 15-1 of Section 15.2.3 of the development plan. In the absence of same, which I also refer to in 7.5 below in the context of the private open space for the proposed townhouses, it is not clear how the applicant can state that overshadowing will be minimised or and it cannot be determined what the impact will be on either the neighbouring or proposed buildings by reason of overshadowing and overbearance.
- 7.4.8. With respect to overbearance, which formed part of the first refusal reason issued by the planning authority, it is defined in Section 15.9.18 of the development plan as the extent to which a development impacts upon the outlook of the main habitable room in a home or the garden, yard or private open space service a home. In the absence

of a sunlight and daylight study, I am not satisfied that the proposed development would not have an overbearing impact on neighbouring houses to the east and south.

- 7.4.9. I do not have any objection to the pattern of fenestration, however in order to achieve a development that I complaint with the floor area requirements of the apartment guidelines, it may be necessary to adopt a more consistent approach to floor plan layouts in any future application.
- 7.4.10. The capacity of the site to accommodate three and five storey buildings is directly related to the impact that those buildings would have on both the neighbouring properties and the future occupants of the buildings. In that respect I am not satisfied that the applicant has demonstrated that the proposed development could be accommodated on the site, without having a significant negative impact on the amenities of both the neighbouring properties and the future occupants of the apartments and houses.

#### **7.5. Private Open Space – Townhouses**

- 7.5.1. The three town houses are proposed to consist of 1 no 2-bedroom house and 2 no 3-bedroom houses. SPPR2 of the Compact Settlement Guidelines which addressed 'Minimum Private Open Space Standards for Houses' states that it is a specific planning policy requirement of these Guidelines that proposals for new 2 bed houses have a minimum private open space of 30sqm while 3 bedroom houses have 40sqm.
- 7.5.2. The 2-bedroom house is proposed to have 10.15sqm of open space, representing only 33.83% of the required minimum while the two no. 3-bedroom houses would have 12.5125sqm or 31.28% of the require amount.
- 7.5.3. The provision of open space proposed for the townhouses falls significantly short of the requirements of SPPR 2 and I am satisfied that the proposed open space would not provide an adequate level of residential amenity for the occupants of the proposed townhouses.
- 7.5.4. SPPR 2 also states that for building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space. I have previously

concluded that this site is suburban rather than an urban infill site, but should the board take a different view, I also note that SPPR2 goes on to state that in all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the board that residents will enjoy a high standard of amenity.

- 7.5.5. Following the above, I would also have concern about the amount of sunlight and daylight that would be achieved in the east facing patio areas, that would be marked by the proposed 3 storey houses to the west and the existing 3.5m high wall along the eastern boundary that the applicant has stated that they are retaining in situ. The planning officer also expressed concern about this and it could have been addressed as part of what is a mandatory a Daylight and Sunlight assessment that is required for all apartment developments in accordance with Table 15-1 of Section 15.2.3 of the development plan.
- 7.5.6. In addition, allowances can be made where high quality semi-private open space exists. No such space is proposed in this application.

## **7.6. Public Open Space**

- 7.6.1. The applicant has not provided any public open space and the planning officer noted that no justification had been provided in the application for its absence. I note that Table 15.4 of the Dublin City Development Plan 2022-2028 provides that a minimum of 10% of public open space must be provided for residential developments in Z1 zoned areas, while section 15.8.7 provides for circumstances such as exists in respect of the current application and states that in some instances, for schemes with more than nine apartments, it may be more appropriate to seek a financial contribution towards the provision of public open space elsewhere in the vicinity, where it would not be feasible, due to site constraints to locate the open space on site. Taking into consideration that the size of the site is 0.1303ha, 10% would equate to 130sqm. While the site provide in excess of the required communal open space, which could be calculated as public open space, Section 15.9.8 of the development plan requires that communal amenity space must be clearly defined and distinguished within a scheme and clearly identified as part of any planning application, which has not been done on the site layout plan. I am satisfied, given the sites location, that it would not be feasible to provide a separate and functional public open space on the site, taking into consideration that there are several large areas of

public open space within a 5–10-minute walk from the site that could serve the public open space needs of the future occupants of the development. East Timor Park (Public Open Space) lies only 300m walk from the site, while the pedestrian footbridge that crosses the Chapelizod Bypass is c560m from the site and provides access to the War Memorial Garden and the Liffeside pedestrian footpath connecting Islandbridge to Chapelizod. If the board is minded to grant permission, I am satisfied that it would be appropriate to attach a condition requiring the payment of a financial contribution in lieu of open space, in the amount of €5,000 per residential unit in accordance with the Dublin City Development Contribution Scheme 2023-2026.

### **7.7. Access, Parking and Front Boundary**

- 7.7.1. I note that the transportation department recommended further information regarding the parking layout and recommended that the two spaces closest to the entrance be removed, which would result in a revised surface layout. I consider this request to be reasonable. I also note that the planning officer expressed concern that the parking layout dominates the open space area. If the board was minded to grant permission I am satisfied that this matter could be addressed by way of a condition requiring a revised parking layout to be proposed.
- 7.7.2. I do not consider that the proposed boundary wall and metal railings would be excessive in height and should the board be minded to grant permission, the specific design and finishes to the wall and could be the subject matter of a condition.

### **7.8. Drainage**

A number of issues were raised in the drainage division report which sought further information regarding 1) a surface water management plan; 2) Policy SIO23 of the development Plan requires roofs over 100sqm to be blue green roofs; 3) a site specific Flood Risk Assessment. I note that a surface water management plan is a mandatory requirement of Table 15-1, in section 15.2.3 of the development plan. While the absence of the above information did not result in a reason for refusal, I consider that these matters need to be addressed by the applicant, as the absence of adequate information in respect of drainage means that it is not possible to rule



out potential impacts on European sites, regardless of how unlikely they may. I have addressed this further under AA Screening and in Appendix 2 to this report.

## **8.0 AA Screening**

- 8.1. In accordance with Section 177U(3) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the application contains insufficient information to enable the board to undertake a fully informed assessment and to reach a definitive determination as to whether or not the proposed development is likely to have a significant effect on the Qualifying interests of European Site(s) located in Dublin Bay ‘alone’ or in combination with other projects in respect of effects associated with surface water and groundwater pollution.
- 8.2. If the board is minded to grant permission and does not agree with my recommendation to refuse permission for the proposed development, then it may consider it appropriate to seek further information for the applicant to address the absence of information on file regarding drainage and potential impacts on European sites. If the board accepts the recommendation to refuse permission then it may be appropriate to advise the applicant of the deficiencies that have been identified in the application, to assist them should they decide to submit another application in the future.

## **9.0 Recommendation**

- 9.1. I recommend that permission is refused for the reasons set out below.

## **10.0 Reasons and Considerations**

- 1 The proposed development, by reason of the configuration and layout of the proposed apartments, fails to comply with the following minimum requirements of the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2023):
  - minimum bedroom floor areas that would result in the provision of eight no. two-bedroom (three persons) apartment, where the maximum permitted number would be one (10% of apartment units).

- Only 2 of the 10 apartments would exceed the minimum floor area requirement by 10%, whereas a minimum of six units are required to exceed the minimum floor area requirement by 10%.
- The inadequate provision of internal storage space with the apartment and at ground floor level.
- The depth of a number of balconies are less than the required 1.5m in depth.

Consequently, the proposed development would seriously injure the amenities of the future occupants of the proposed apartment block, contrary to the requirements the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2023) and to Section 15.9 of the Dublin City Development Plan 2022-2028 by failing to provide an adequate level of internal accommodation. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

- 2 The quantum of private open space proposed for each of the three townhouses is significantly below the minimum areas required by SPPR 2 of the Compact Settlement guidelines. To permit the proposed development would thereby constitute a substandard form of development which would seriously injure the amenities of the future occupants of the houses and would be contrary to the proper planning and sustainable development of the area.
- 3 First and second floor bedroom windows on proposed townhouses 1 and 2 would overlook the first floor habitable room of the house to the immediate east at a distance of c8.4m site, contrary to SPPR 1 of the Compact Settlement Guidelines which requires that a minimum separation distance of at least 16m must be maintained between opposition windows. To permit the proposed development would seriously injure the amenities of and depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.
- 4 Having regard to the height and scale of development proposed relative to the height and scale of existing residential developments in the area, it is considered that in the absence of a sunlight and daylight assessment, the board cannot be satisfied that the proposed development would not seriously injure the residential amenities and depreciate the value of adjoining properties by reason of visual

obtrusion, overbearance and overshadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

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Joe Bonner  
Senior Planning Inspector

17<sup>th</sup> January 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP-319348-24		
<b>Proposed Development Summary</b>	Demolition of all existing structures on site for the construction of a five-storey apartment block comprising of 10 apartments, 3 townhouses and all associated site works.		
<b>Development Address</b>	The former Builders Suppliers Yard at The Ranch, Liffey Street South, Inchicore, Dublin 10		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)</b>			
<b>Yes</b>	✓	<u>Class 10(b)(i) of Part 2: Threshold</u> 500 dwelling units. <u>Class 10(b)(iv) of Part 2: Threshold</u> Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.) <u>Class 14 of Part 2 (demolition) (no threshold)</u>	Proceed to Q3
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			
<b>No</b>	✓		Proceed to Q.4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	✓	<u>Class 10(b)(i) of Part 2: Threshold</u> 500 dwelling units v proposal for 13 residential units.	Proceed to Q.4

		<p><u>Class 10(b)(iv) of Part 2: Threshold Urban</u> development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. The site is 0.1303ha and is located in 'other parts of a built-up area'</p> <p><u>Class 14 of Part 2 (no threshold)</u> refers to 'Works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7. (see Form No 2)</p>	
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5. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

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

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

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-319348-24
<b>Proposed Development Summary</b>	Demolition of all existing structures on site for the construction of a five-storey apartment block comprising of 10 apartments, 3 townhouses and all associated site works
<b>Development Address</b>	The former Builders Suppliers Yard at The Ranch, Liffey Street South, Inchicore, Dublin 10
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The development will consist of the demolition of a number of structures that were formerly in use as part of a builders providers premises. The buildings have a stated combined floor area of 359sqm on a site of 0.1303ha (1303sqm).</p> <p>It is proposed to replace the existing buildings with two separate structures, one with 10 apartments over 5 floors and the other with three no 3 storey townhouses in a terrace. The prevailing house types in the immediate area are one and two storey in height, with taller residential buildings between 5 and 8-storeys located at Sevenoaks, c250m to the southeast, on the southern side of the R833.</p> <p>The proposed development would generate waste as a result of demolition, construction and operation. Given the moderate size of the proposed buildings, I do not consider that the level of waste that would be generated would be significant in the local, regional or national context and would not require the use of substantial resources. No significant waste, emissions or pollutants would arise during the demolition, construction or operational phases. Due to the nature of the proposed use, I am satisfied that the development, does not pose a risk of major</p>

	<p>accident and/or disaster, and due to its location would not be vulnerable to climate change. It would not present a risk to human health.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The application site is a brownfield site that was formerly uses as a builders providers and is not located in or immediately adjacent to any European site or any other environmentally sensitive site. The closest sites are South Dublin Bay and River Tolka Estuary SPA (Site Code:004024) c6.85km northeast and South Dublin Bay SAC (Site Code:000210 ) c7.8km to the east.</p> <p>The immediate area consist of low profile housing to the south and east with the remaining surrounding area consisting of public open spaces, the Chapelizod bypass and the undeveloped Liffey Valley corridor.</p> <p>There are no protected landscapes, or sites of historic, cultural or archaeological significance in the vicinity of the site.</p> <p>The proposed development would connect to public water and wastewater services provided by Uisce Eireann, upon which its effects would be marginal.</p> <p>The only significant project being carried out in the area at present is a SHD development on a site c650m to the west, where 839 apartments were granted permission on the 16<sup>th</sup> of November 2022 under ABP-313320-22. 670 (c80%) of the apartments are under construction as of January 2025 with development at an advanced stage of completion in respect of the superstructures that will house of those apartments.</p> <p>On the 19<sup>th</sup> of December 2023, the board approved the 'Liffey Valley to City Centre Core Bus Connects Scheme' ABP-316828. The corridor runs along the R833, c170m to the south of the site and is one of 12 Bus connects projects that are planned to be built in the Dublin city area, in a staggered manner to avoid significant traffic, noise and impacts.</p> <p>If the proposed development and the local bus connects project were to proceed together, they could give rise to cumulative impacts, but taking into account the scale of the proposed development</p>

	relative to the nearby SHD project that is an advanced stage of development and that the Bus connects will be planned to avoid significant impacts, I do not consider that those impacts would have significant cumulative effects on the environment.	
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature and scale of the proposed development, the size of the site and its location removed from sensitive habitats/features, the likely limited magnitude and spatial extent of effects, and the absence of significant cumulative effects, I am satisfied that there is no potential for significant effects on the environmental factors set out in Section 171A of the Planning and Development Act 2000 (as amended) having regard to the criteria set out in Schedule 7 to the Planning and Development Regulations 2001 (as amended).	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

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

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

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)



## Appendix 2 – Appropriate Assessment Screening Determination

### Screening for Appropriate Assessment

#### Stage 1 - Screening Determination

##### Step 1: Description of the project

I have considered the proposed development of 13 residential units in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

There are no European sites in the immediate vicinity of the proposed development site. The nearest to European sites are South Dublin Bay and River Tolka Estuary SPA (Site Code:004024) located c6.85km northeast and the South Dublin Bay SAC (Site Code:000210 ) c7.8km east of the subject site.

The proposed development comprises the demolition of all existing structures on site and the construction of a five-storey apartment block comprising of 10 apartments as well as 3 townhouses and all associated site works. The site is 0.1303ha in area, is relatively flat and lies to the immediate south of the Chapelizod bypass, c115m south of the River Liffey. The site is a brownfield site that previously operated as a builders providers, is entirely developed or has hard surfaces and has limited value in terms of biodiversity. Trees about the northern and western boundaries of the site but will not be affected by the proposed development.

There are no water bodies within the site and the nearest surface water feature is the River Liffey to the north that flows eastwards before discharging into Dublin Bay c9.5km east of the site.

The application was not accompanied by an AA Screening Report.

The planning officer's report stated that the project has been screened for AA and found that significant effects are not likely to arise either alone or in combination with other plans or projects. The referred to an AA screening exercise did not form part of the appeal file.

##### Step 2: Potential impact mechanisms from the project

###### European Sites within the Potential Zone of Impact

Only those sites which have a possible ecological connection, or impact pathway, have been included. They are:

- South Dublin Bay SAC [Site Code: 000210]
- North Dublin Bay SAC [Site Code: 000206]
- South Dublin Bay and River Tolka Estuary SPA [Site Code: 004024]

- North Bull Island SPA [Site Code: 004006]
- North West Irish Sea SPA [Site Code: 004063]

#### Potential for Direct Impacts on European Sites

The site is not located within or adjoining any European Sites, and there are no direct pathways between the site and the European 2000 network, while the site is separated from the river Liffey by the Chapelizod bypass, which is a wide dual carriageway with three lanes running in each direction. As an entirely built upon brownfield site, there are no Annex I habitats onsite and the site does not contain suitable supporting habitat for Annex II species or SCI bird species of South Dublin Bay and River Tolka Estuary SPA [004024], North Bull Island SPA [004006] or the North West Irish Sea SPA [Site Code: 004063].

I note that the drainage division recommended further information regarding a surface water management plan. In this respect the only information provided by the applicant regarding drainage is a note on the 'Block Plan' stating that there will be a new connection into the existing 225mm diameter combined sewer under First Avenue. The Drainage division also recommended that a Flood Risk Assessment be submitted and that detailed proposal for a green blue roof were required in accordance with SIO23 of the Development Plan, as the development would have roof areas in excess of 100sqm. In the absence of the information requested by the drainage division it cannot be concluded that there is no potential for direct effects on any Qualifying Interests in South Dublin Bay SAC [Site Code: 000210] or North Dublin Bay SAC [Site Code: 000206], particularly given the proximity of the development to the River Liffey and its elevated position above the river. I note that the existence of these potential pathways, that may or may not exist, does not necessarily mean that potential significant effects would arise.

#### Potential for Indirect Impacts on European Sites

Even though the applicants layout drawing indicated that surface water and sewage would be sent to the public combined sewer, they have not supported that with any engineering calculations and have not demonstrated that the public surface water system is capable of accommodating all of the surface water or sewage produced on site and have not indicated that any form of surface water attenuation would be provided. As a result, and applying the source-pathway-receptor model in determining possible indirect impacts and effects of the proposed development, sources of potential impact are considered to include:

- Release of hydrocarbons, solvents, cementitious materials during demolition construction to surface water and groundwater.
- Direct runoff of surface water from the site to local surface water drains or groundwater in a northwards direction towards the River Liffey
- Overloading of the public surface water system
- Lack of capacity in local sewage network

Where an ecological pathway exists, indirect impacts could negatively alter the quality of the existing environment, negatively affecting qualifying interest species

and habitats that are dependent on high water quality, that require maintenance of natural vegetation composition and for mobile species, unimpeded access.

In the absence of adequate information regarding the treatment of surface water and piped services from the development it is not possible to determine whether or not there will be any indirect impacts on European sites.

### **Step 3: European Sites at risk**

In the absence of adequate details regarding the proposed treatment of surface water on and off the site and the potential for flooding on the site, and in light of the recommended further information sought by the drainage division of Dublin City Council, it cannot be determined that there would not be a risk to European sites in Dublin Bay via of hydrological pathways to water dependent Qualifying Interests (QIs) by way of a deterioration of surface water and groundwater quality, resulting from pollution during the demolition, construction and operational phases of the development and from the release of excess surface water.

Although South Dublin Bay SAC (Site Code: 00021), North Dublin Bay SAC (Site Code: 000206), are located between 9.5 and 11km hydrologically east from the site, it has not been demonstrated by the applicant that a potential pathway or pathways for indirect effects on the aquatic Qualifying Interests within these European Site would not exist.

The applicant's proposed to connect the development to the existing combined sewer pipe in front of the site. Therefore, there would be an indirect pathway from the site to the European sites located in Dublin Bay via the Ringsend Waste Water Treatment Plant (WWTP). Therefore, there is a potential indirect connections to the European sites within Dublin Bay via the drainage network and Ringsend WWTP. While existence of a potential pathway does not mean that potential significant effects would arise, the applicant has not provided adequate information to confirm that significant effects would not arise on any European site/s.

### **Step 4: Likely significant effects on the European site(s) 'alone'**

The applicant has proposed that both surface water and foul water would discharge to the combined sewer which would in turn be treated at the Ringsend WWTP. While the drainage division of Dublin City Council has recommended that further information be sought regarding surface water and flooding, it did not request information regarding the sewage connection. I do not consider that the wastewater loading that would be generated by the proposed development would generate any significant additional demands on the existing public sewer network or on the Ringsend wastewater treatment plant (WWTP). Whilst there would be a marginal increase in loadings to the sewer network and the WWTP, upgrade works to the Ringsend WWTP extension have commenced and the facility is currently operating under an EPA licencing regime that is subject to separate AA Screening. I also

note that no negative effects to European sites have been identified from the existing Ringsend WWTP.

Due to the scale of the project, it is unlikely that the project alone would undermine the conservation objectives of European sites, but this cannot be ruled out in the absence of details on the application regarding the proposed treatment of surface water and flood risk, as identified by the drainage Division of the Dublin City Council, and I note that the applicant did not address these matters in the grounds of the appeal, even though they were highlighted in the planning officer's report.

Therefore, until demonstrated otherwise by the applicant, potential significant impacts could arise from 1) surface water runoff from roofs and hard surfaces areas; and 2) Hydrocarbons, solvents, cementitious materials to surface water and groundwater;

I conclude that in the absence of adequate information regarding the disposal of surface water from the site and the potential for flooding to occur as a result of the development, and the proximity of the site to the river Liffey that is directly connected to a number of European sites, that it cannot be determined whether or not the proposed development would have a likely significant effect 'alone' on the conservation objectives of European sites.

In light of the above conclusion, I consider that further assessment in-combination with other plans and projects is not required at this time.

### **Overall Conclusion- Screening Determination**

In accordance with Section 177U(3) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the application contains insufficient information to enable the board to undertake a fully informed assessment and to reach a definitive determination as to whether or not the proposed development is likely to have a significant effect on the Qualifying interests of European Site(s) located in Dublin Bay 'alone' or in combination with other projects in respect of effects associated with surface water and groundwater pollution.

If the board is minded to grant permission and does not agree with my recommendation to refuse permission for the proposed development, then it may consider it appropriate to seek further information for the applicant to address the absence of information on file regarding drainage and potential impacts on European sites. If the board accepts the recommendation to refuse permission then it may be appropriate to advise the applicant of the deficiencies that have been identified in the application, to assist them should they decide to submit another application in the future.