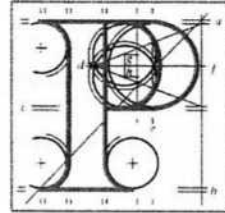


**Our Case Number:** ABP-307800-20

**Planning Authority Reference Number:** D19A/0295



An  
Bord  
Pleanála

Dun Laoghaire Rathdown County Council  
County Hall  
Marine Road  
Dun Laoghaire  
Co. Dublin

DUN LAOGHAIRE RATHDOWN CO. CO.  
SECRETARIAT SECT.

- 7 AUG 2020

RECEIVED  
PLANNING DEPT

**Date:** 06 August 2020

**Re:** Demolition of existing two storey office building and construction of a four storey mixed use development, comprising of retail and residential use.  
28 Dale Road, Stillorgan, Co. Dublin

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

**Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.**

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

- (i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,
- (ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,
- (iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,
- (iv) a copy of the notification of decision given to the applicant,
- (v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,
- (vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

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Facs  
Láithreán Gréasáin  
Ríomhphost

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LoCall 1890 275 175  
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Website www.pleanala.ie  
Email bord@pleanala.ie

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Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902

(vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,

(viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,

(ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,

(x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,

(xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

a) the Manager's Order,

b) the site location, site layout maps, all plans and

c) particulars and all internal reports.

d) details of any extensions of time given in respect of previous decisions.

#### **Copies of I-plan sheets are not adequate.**

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a **period of 4 weeks beginning** on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

#### **Contingency Submission**

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a permission in accordance with section 48 and/or 49 of the 2000 Planning Act (Development / Supplementary Development Contributions) including any special condition which might be appropriate under section 48(2)(c) of the Act. Any such contingency submission, in circumstances which your

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Baile Átha Cliath 1 Dublin 1  
D01 V902 D01 V902

authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

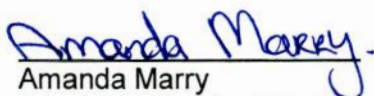
I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-307800-20) the request at 1 on page 1 of this letter has been forwarded.

Signed: \_\_\_\_\_

Print: (\_\_\_\_\_)

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

Yours faithfully,



Amanda Marry  
Administrative Assistant  
Direct Line:

BP07

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# First Party Planning Appeal

## Mixed-Use Development

28 Dale Road, Stillorgan, Co. Dublin

Dún Laoghaire-Rathdown County Council Reg. Ref. D20A/0295

Ceannabo Ltd.

31<sup>st</sup> July 2020

**AN BORD PLEANÁLA**  
LDG- 028800-20  
ABP- \_\_\_\_\_  
**31 JUL 2020** hnd  
Fee: € 1500 Type: CHQ  
Time: 17:12 By: hand



## 1.0 Introduction

This first party appeal has been prepared by Hughes Planning and Development Consultants, 70 Pearse Street, Dublin 2, on behalf of our client, Ceannabo Ltd., Chill Insurance House, Ravenscourt, Office Park, Sandyford, Dublin 18, against the decision of Dún Laoghaire-Rathdown County Council to refuse permission for the following development, under Reg. Ref. D19A/0295:

*'(i) demolition of existing two storey office building (office use permitted under Reg. Ref. 93A/1440); (ii) construction of a four storey mixed-use development, comprising retail and residential use, consisting of: (a) retail unit (77.55sq.m) at ground floor level; (b) 1 no. one-bed apartment at ground floor level; (c) 1 no. one bed apartment at first floor level; (d) 1 no. three bed duplex unit at first and second floor level; and (e) 1 no. three bed duplex unit at second and third floor level. Each unit to be provided with private amenity space, comprising balcony or terrace (5.2sq.m to 19.8 sq.m); (iii) the provision of 2 no. car parking spaces to the rear of the site and the provision of internal bike store (9.3sq.m); and (iv) The development also includes landscaping, SuDS drainage and all ancillary works necessary to facilitate the development.'*

This report sets out the planning rationale and justification for the proposed development, including an assessment of the proposed development having regard to Dún Laoghaire-Rathdown County Development Plan 2016-2022. It is submitted that the development, as lodged with Dún Laoghaire-Rathdown County Council, is fully compliant with the standards and objectives of the Dún Laoghaire-Rathdown Council Development 2016-2022 and Regional and National planning policy. This appeal is accompanied by the statutory appeal fee of €1500.

### 1.1 Decision of Dún Laoghaire-Rathdown County Council

The Council's decision to refuse permission (a copy of which is included at Appendix A) was issued on 8<sup>th</sup> July 2020 and was based on the following reasons:

- 'The proposed development, in providing just two car parking spaces to serve the entire development, would materially contravene Section 8.2.4.5 and Table 8.2.4 of the Dun Laoghaire-Rathdown Development Plan 2016-2022; would result in an over-reliance on the public road to cater for the parking demand generated by the development and would set an undesirable precedent for similar development proposals.'*
- It is considered that the laneway from which all residential access and servicing is proposed, is substandard in both width and alignment and significant conflict would occur between pedestrians and vehicles at this location, endangering public safety by reason of traffic hazard..*
- The proposed development, and in particular Unit 1 fails to comply with the SPPR 5 of the 'Sustainable Urban Housing; Design Standards for New Apartments Guidelines for Planning Authorities, 2018 in relation to the floor-to-ceiling heights of ground floor apartment units.;*
- By virtue of its scale and form, it is considered that the proposed development would result in a visually discordant presence in the streetscape, significantly detracting from the area in terms of visual amenity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.'*

We are of the strong opinion that Dun Laoghaire-Rathdown County Council have not provided a rationale or comprehensible justification in their decision to refuse permission for the proposed development on a site of c. 0.025 hectares which is located on prime serviced Objective 'NC' zoned lands in close proximity to Stillorgan Village, Sandyford and public transport links to the city.

The full grounds for appeal against the refusal of permission are outlined in the subsequent sections of this report. As noted, we consider that the proposal is in accordance with the proper planning and sustainable development of the area. As such, we request that An Bord Pleanála set aside the decision of Dún Laoghaire-Rathdown County Council and **grant** permission for the proposed development.

**AN BORD PLEANÁLA**

**31 JUL 2020**

### 1.2 Alternative Design Options for Consideration by An Bord Pleanála

The applicants are seeking full planning permission for the proposal as submitted to Dun Laoghaire-Rathdown County Council on 21<sup>st</sup> April 2020, and we ask An Bord Pleanála to consider this option in the first instance.

However, in response to Dun Laoghaire-Rathdown's decision to refuse permission on 8<sup>th</sup> July 2020, under Reg. Ref. D20A/0295, the applicant has instructed the design team to prepare two alternative design options for the consideration of the Board. This alternative design options essentially seek to overcome the refusal reason in respect of height, scale and form. This alternative design options are illustrated in Drawing Nos. 17-120-P003A, 17-120-P003B, 17-120-P003C, 17-120-P024, 17-120-P025, 17-120-P026, 17-120-P027 and 17-120-P000, prepared by Ferreira Architects, which are included at Appendix B of this report.

Design Option A provides for an increase in the floor to ceiling height of the ground floor. Design Option B omits the top floor of the proposed development thereby reducing height and perceived bulk. This design option results in the provision of 3 no. residential units comprising 2 no. 3-bed duplex apartments and 1 no. 1-bed unit. The following figures provide extracts of Design Option B.

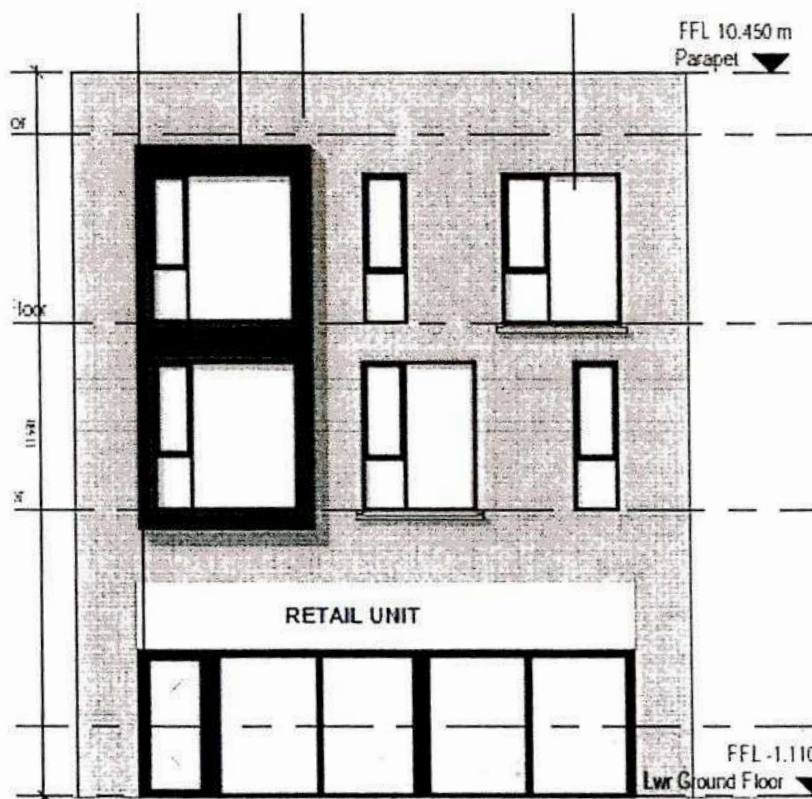


Figure 1.0 Front elevation of proposed development (as per alternative design option B).



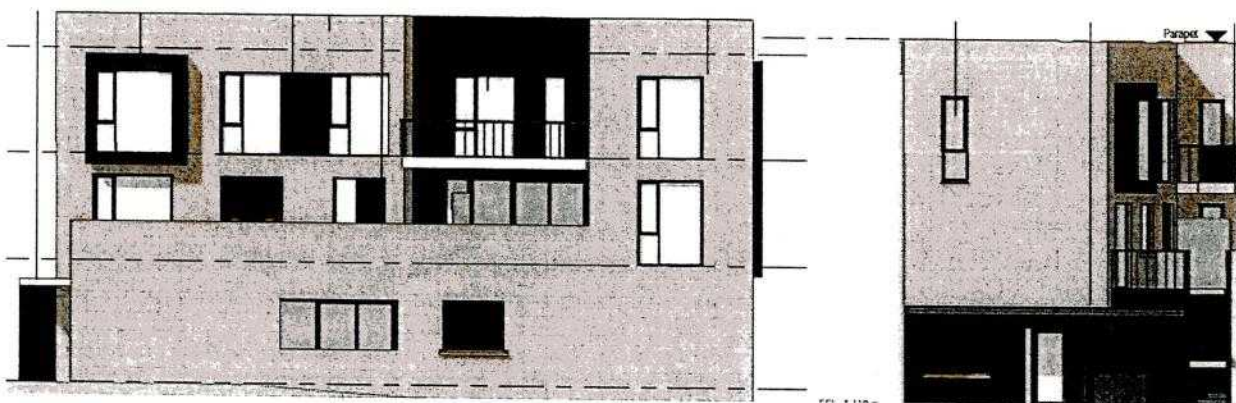


Figure 2.0 East (left) and south (right) elevation of development (as per alternative design option B).



Figure 3.0 Ground (left) and first (right) floor plans proposed development (as per alternative design option B).

**AN BORD PLEANÁLA**  
 31 JUL 2020  
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Figure 4.0 Second (left) and roof (right) floor plans proposed development (as per alternative design option B).

We would ask An Bord Pleanála to consider this alternative design option put forward when considering the refusal reason..

### 1.3 Summary of Grounds of Appeal

The applicant's ground of appeal will be set out in full detail in the body of this appeal submission but can be summarised by the following points:

- The proposal offers a more attractive and useful use for the subject site than the present situation;
- The proposal adheres to local, regional and national level policy that emphasis intensification and consolidation of existing built up areas, including through infill development; and
- The proposal provides a local convenience retail unit within an established neighbourhood centre.

It is submitted that the proposed development is consistent with the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and is in accordance with the proper planning and sustainable development of the area and as such we request that An Bord Pleanála overturn the decision of Dún Laoghaire-Rathdown County Council and grant permission for the proposed development.

**AN BORD PLEANÁLA**

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## 2.0 Site Description and Location

The appeal site is an end-of-terrace building, located on Dale Road which is south of the Lower Kilmacud Road. The subject site is approximately 0.025 hectares (0.06 acres; 249.79sq.m.) in size. The site is currently used as an office, however, the surrounding area contains a variety of land uses, predominantly residential. Buildings typically consist of 2 storeys within the immediate vicinity of the site.

The site is adjoined to the north by a small public open space area, to the east by a large public open space area comprising approximately 1.22 hectares, to the south by a laneway adjoining the rear garden of residential dwellings.

The site is well-served by public transport including a bus stop serving the No. 11 Dublin Bus route approximately 260 metres to the north of the site and a bus stop serving the no. 75/75a Dublin Bus route 290 metres to the south. These provide frequent services to Sandyford, O'Connell Street, Drumcondra, Tallaght and Dún Laoghaire. The site is also located within 300-400metres from two Luas stops which serve the green route, providing access to Dublin City Centre.

The appeal site is considered an opportune location for infill development given its close proximity to schools and community services.



Figure 5.0 Location of subject site.

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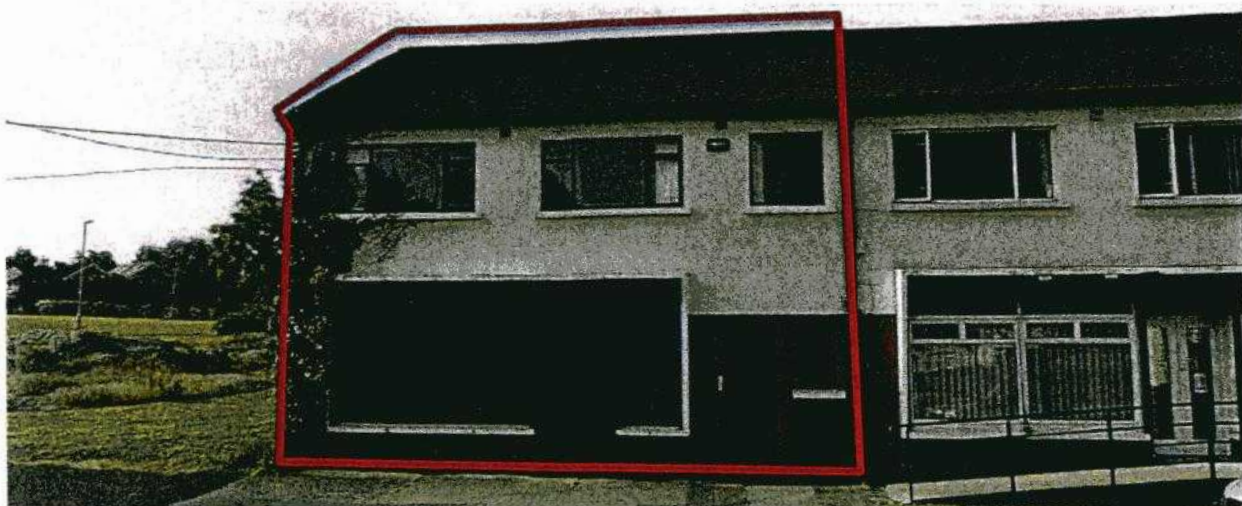


Figure 6.0 Street view image of front elevation of subject site (outlined in red).

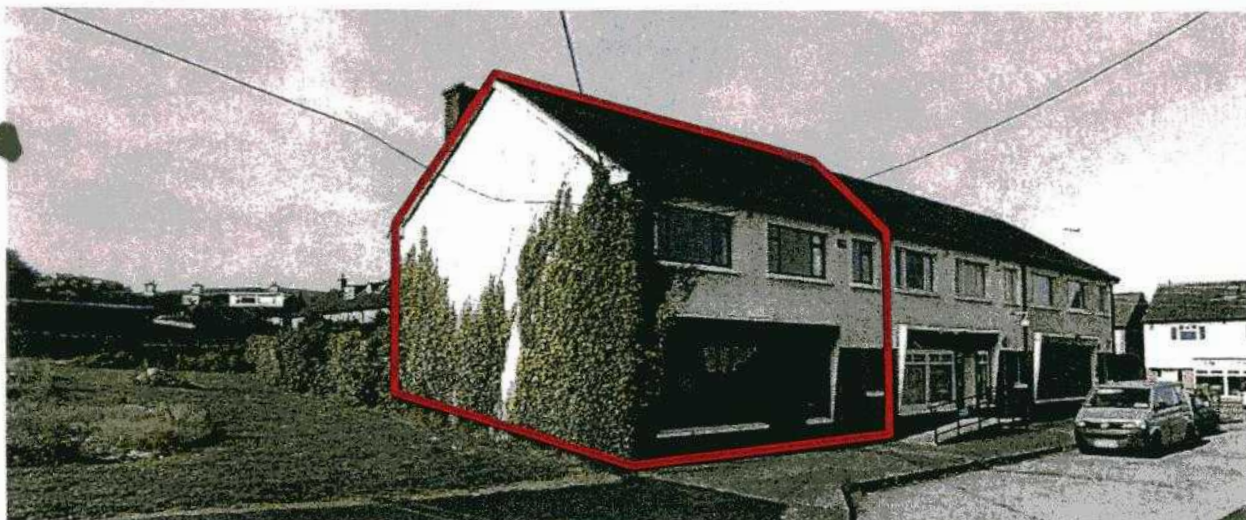


Figure 7.0 Street view image of subject site as viewed from the north east.



Figure 8.0 Rear elevation of subject site. The contemporary building to the west is noted.

**3.0 Planning History**

**3.1 Subject Site**

A review of the Dún Laoghaire-Rathdown County planning register has found the following planning application on the subject site:

**93A/1440** On 1<sup>st</sup> November 1996, Dún Laoghaire-Rathdown County Council granted permission for the retention of change of use from shop to office on ground floor and residence to office on first floor.

**3.2 Surrounding Sites**

*32 Dale Road, Stillorgan, Co. Dublin*

**D02A/0484** Planning permission was granted by Dún Laoghaire-Rathdown County Council on 22<sup>nd</sup> July 2002 for the replacement ground floor rear annex and first and attic floor extension over ground level car parking as separate building at rear of existing offices.

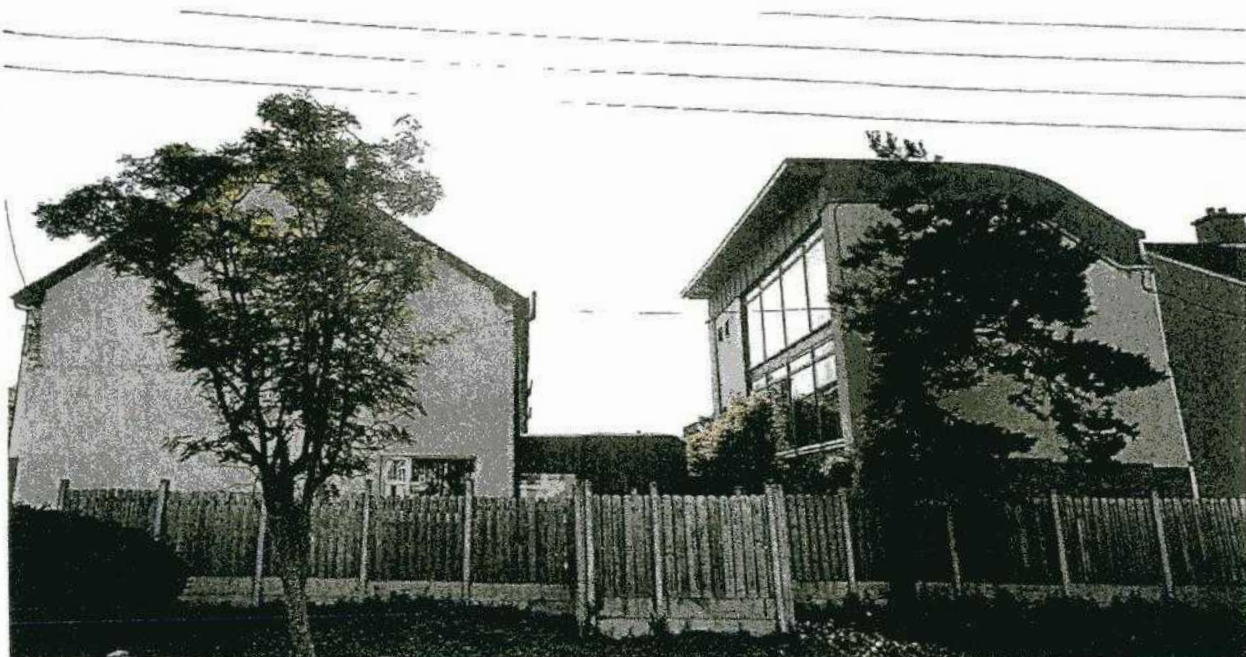


Figure 9.0 Street view image indicating contemporary front and side elevation of development approved under D02A/0484 at No. 32 Dale Road which is located within the same terrace of the subject site.

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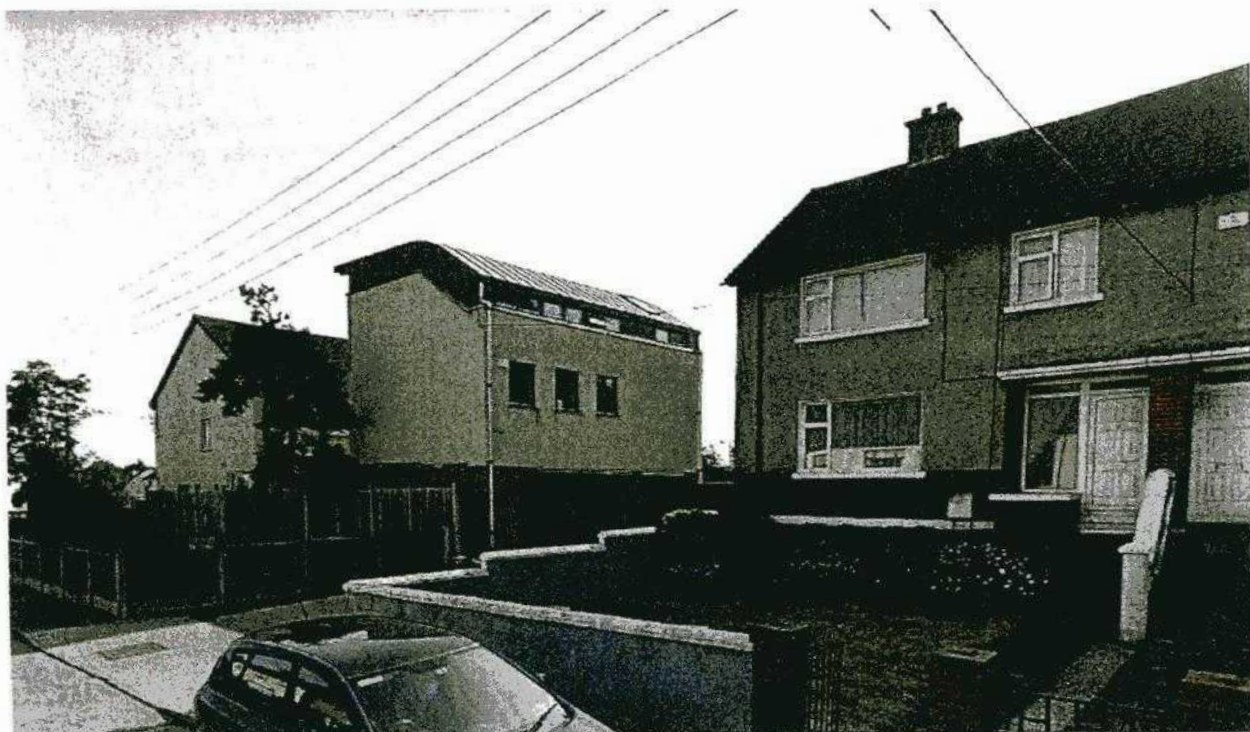


Figure 10.0 Street view image indicating contemporary rear and side elevation of development approved under D02A/0484 at No. 32 Dale Road which is located within the same terrace of the subject site.

54 Dale Road, Stillorgan, C. Dublin

Reg. Ref. D05A/0427 Planning permission granted by Dún Laoghaire-Rathdown County Council on 1<sup>st</sup> June 2005 for the construction of a three bedroom bungalow to the rear of existing house together with new vehicular entrance to the front of the site. All to be carried out to the rear of No. 54.

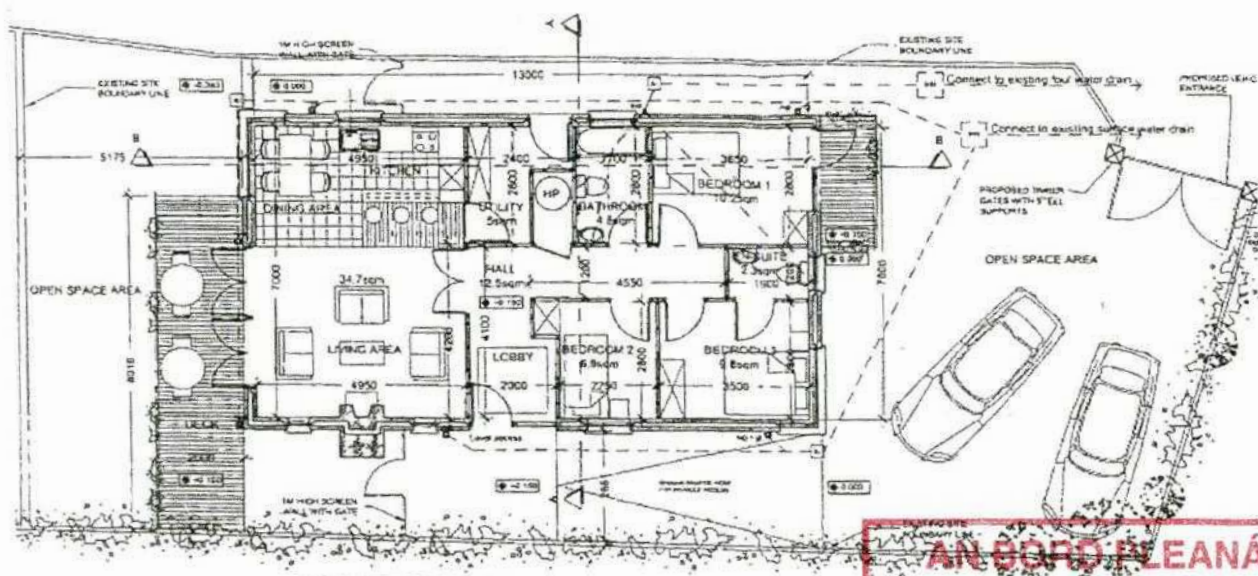


Figure 11.0 Site plan approved under. Reg. Ref. D05A/0427 which is located at the end of the laneway to the rear of the subject site.

AN BORD PLEANÁLA

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### 4.0 Proposed Development

The proposed development, as designed by Ferreira Architects, and as submitted to Dún Laoghaire-Rathdown County Council comprises the demolition of the existing two storey end-of-terrace building, currently in use as an office (approved under Reg. Ref. 93A/1449) and the development of a mixed-use, four storey building. The ground floor of the proposed development comprises a retail unit (54.9sq.metres in size), with associated staff toilet and kitchenette, and 1 no. one bed apartment. The upper floors consist of 1 no. one-bed apartment and 2 no. three-bed duplex units.

Additionally, the development provides 2 no. car parking spaces and a bike store at ground floor level. The car parking provided on site is considered to be suitable due to the neighbourhood centre zoning designation of the subject site, in addition to the proximity to high quality Dublin Bus and LUAS services. The development reduces dependency on cars and provides for more sustainable modes of transport. Figures 2.0-6.0 below and overleaf illustrate the proposed development.

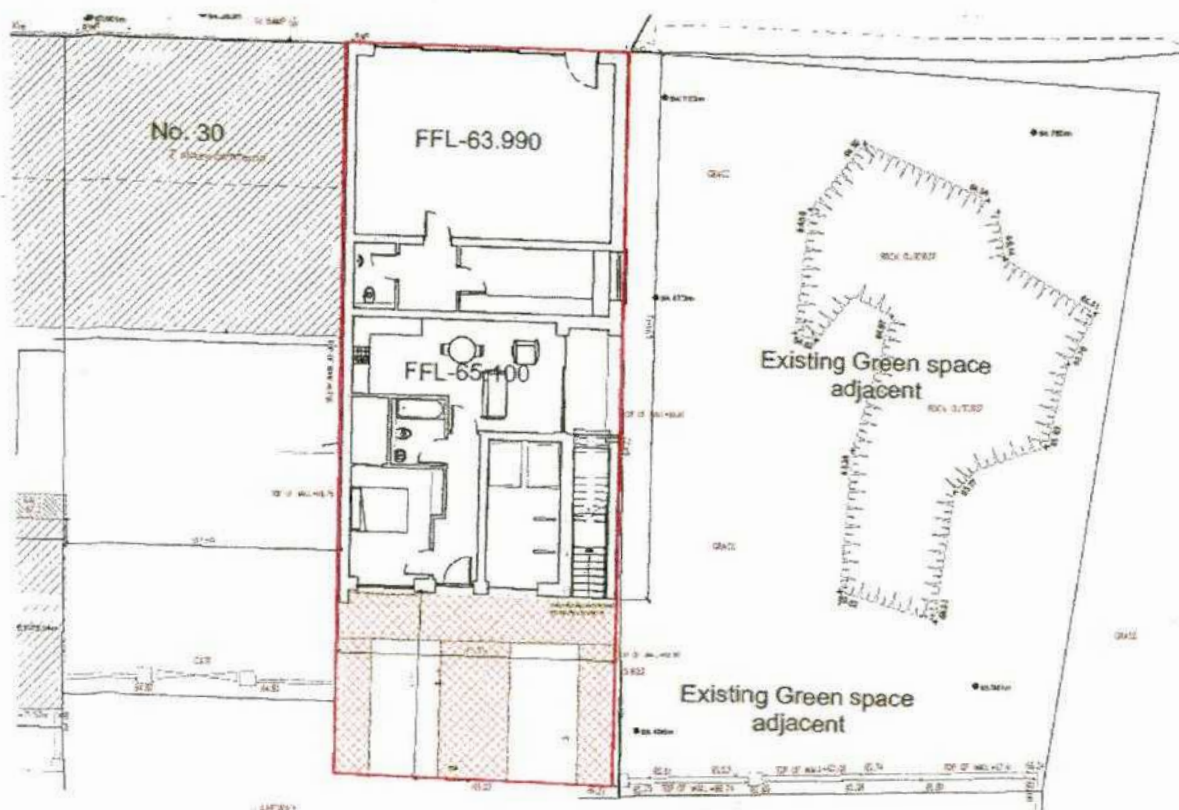
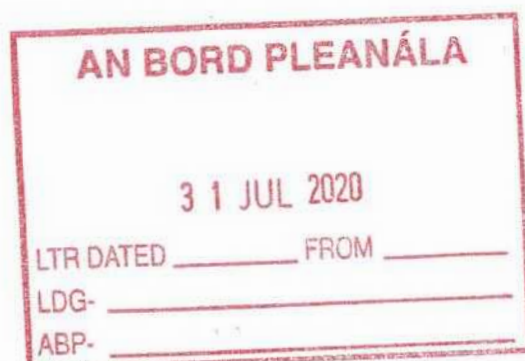


Figure 12.0 Proposed site layout plan.



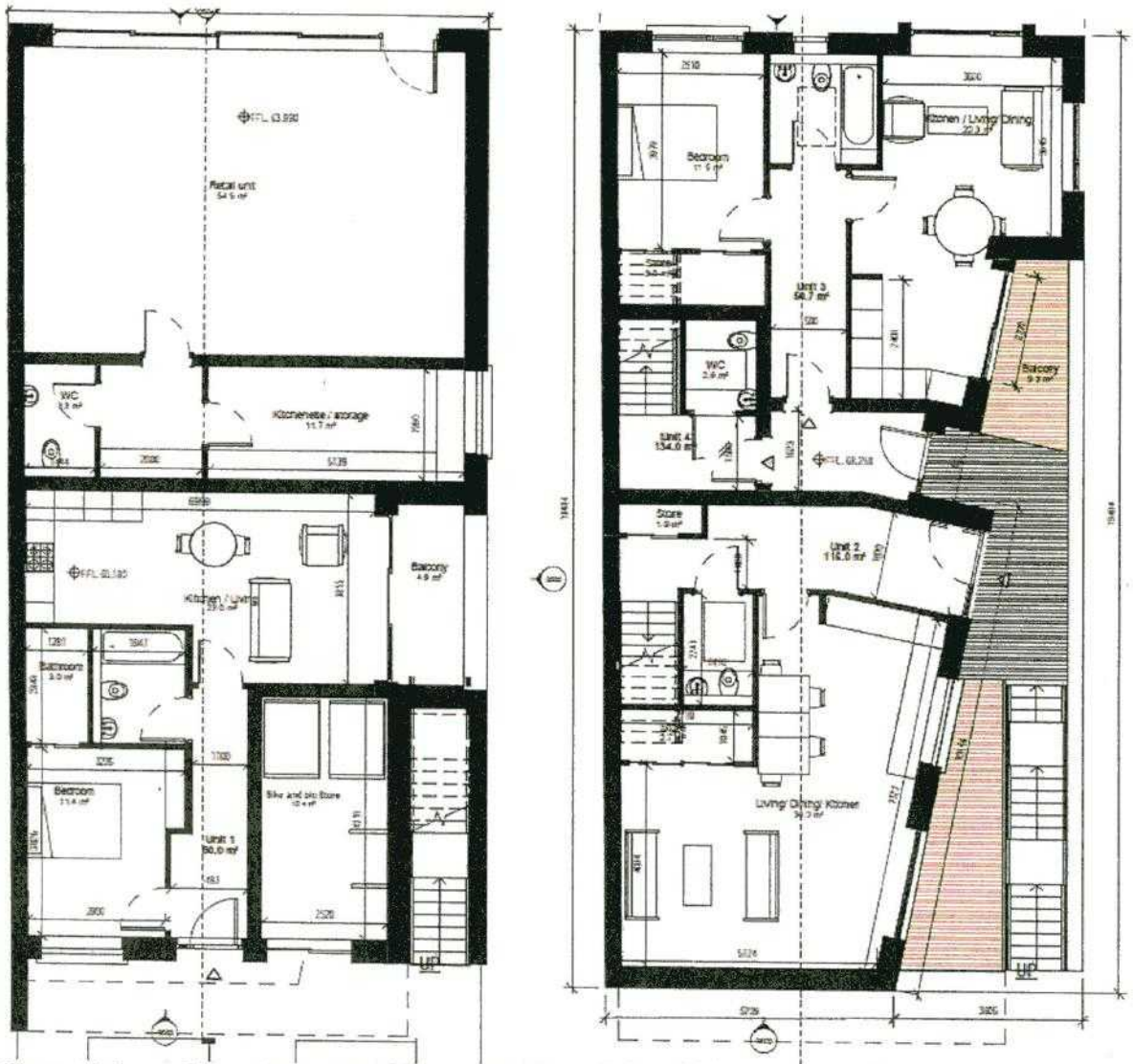


Figure 13.0 Ground floor plan (left) and first floor plan (right) of the proposed development.

**AN BORD PLEANÁLA**

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Figure 14.0 Second floor plan (left) and third floor plan (right) of the proposed development.

**AN BORD PLEANÁLA**

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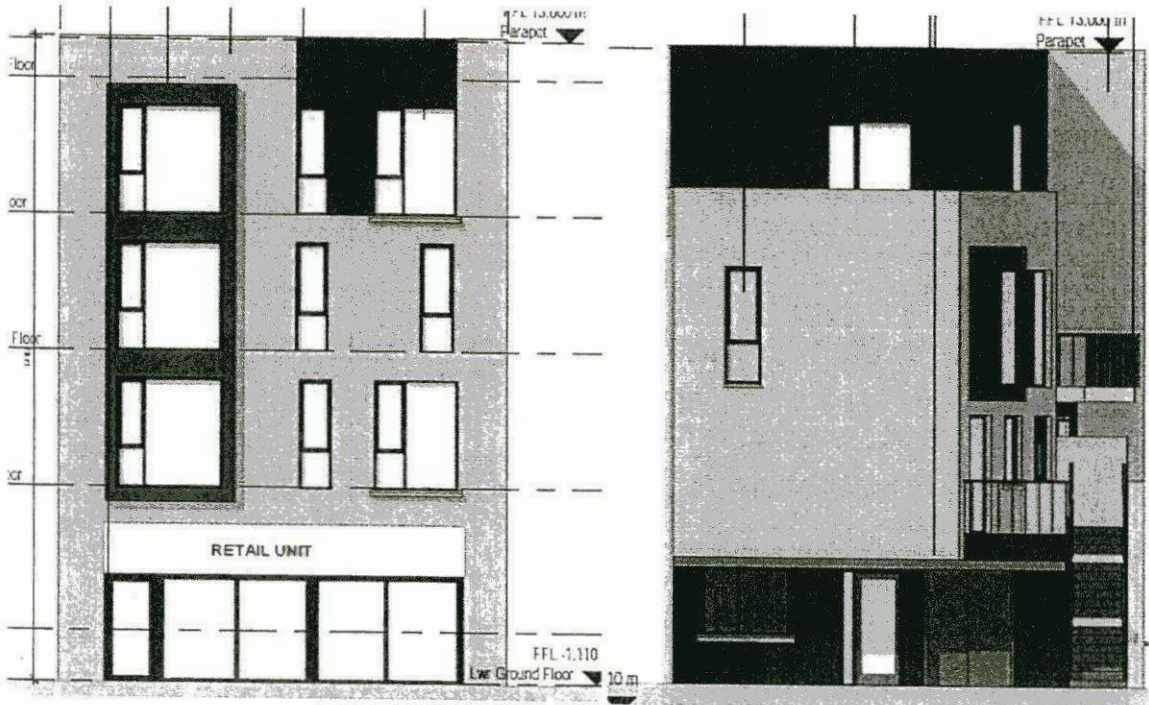


Figure 15.0 Front elevation (left) and rear elevation (right) of proposed development.

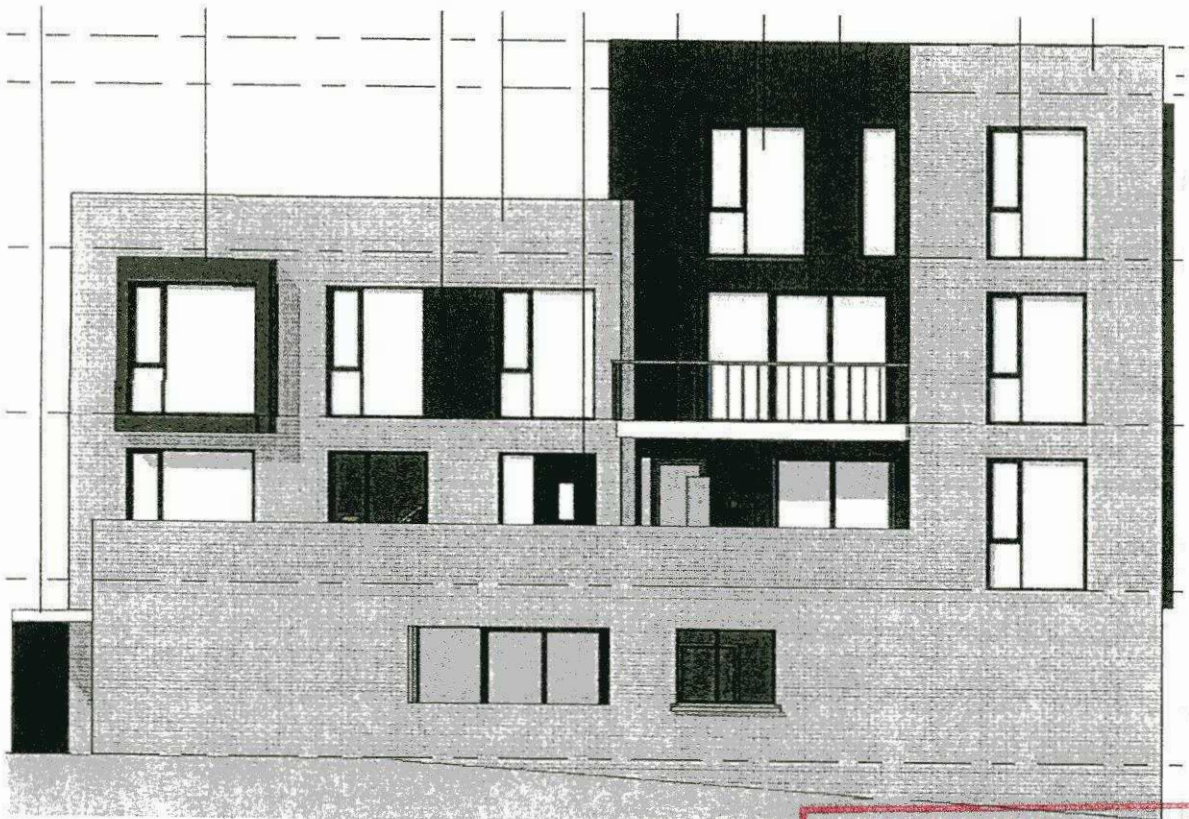


Figure 16.0 Side (east) elevation of the proposed development.

**AN BORD PLEANÁLA**

**3 1 JUL 2020**

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The subject site is considered an underdeveloped and under-utilised site that is located in a well-established residential area. The subject proposal offers additional units to the housing stock of the area, and offers a more practical and visually pleasing use of the subject site. The retail unit will serve the locality.

## 5.0 Planning Policy Context

This section of the report will examine the planning framework, both national and local that informs the use and development of the subject lands. Documents of note are Project Ireland 2040 - National Planning Framework, the National Development Plan 2018—2027, the Regional Spatial and Economic Strategy (2019), Urban Development and Building Heights - Guidelines for Planning Authorities (December 2018), the Dún Laoghaire-Rathdown County Development Plan 2016-2022, Guidelines on Sustainable Residential Development in Urban Areas (2009), and Quality Housing for Sustainable Communities – Guidelines for Planning Authorities (2007).

### 5.1 Project Ireland 2040 - National Planning Framework

The Project Ireland 2040 - National Planning Framework seeks more balanced and concentrated growth, particularly within the five major cities in Ireland. A key element of national growth is the more efficient use of underutilized sites within existing built up areas as per the following commentary from Project Ireland 2040 document:

*'A major new policy emphasis on renewing and developing existing settlements will be required, rather than continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages. The target is for at least 40% of all new housing to be delivered within the existing built up areas of cities, towns and villages on infill and/or brownfield sites. The rest of our homes will continue to be delivered at the edge of settlements and in rural areas'.*

*'The National Planning Framework targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas. This is applicable to all scales of settlement, from the largest city, to the smallest village.'*

The National Planning Framework notes that this vision encourages more people, jobs and activity generally within our existing urban areas, rather than mainly 'greenfield' development. The subject site presents an opportunity to provide additional residential units on a backland site in an existing built-up area. The following is also stated in Section 4.5 of the National Planning Framework:

*'Although sometimes necessary to safeguard against poor quality design, planning standards should be flexibly applied in response to well-designed development proposals that can achieve urban infill and brownfield development objectives in settlements of all sizes'*

It is submitted that the proposed development has been suitably designed and scaled and provides high-quality residential accommodation, while preserving existing residential amenities. The following objectives are considered relevant in this regard:

- National Policy Obj. 3a** Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- National Policy Obj. 3b** Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- National Policy Obj. 35** Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

With respect to the above, we contend that the proposed development adheres to the core policies contained in the National Planning Framework (Project Ireland 2040) and should be supported by the Planning Authority and An Bord Pleanála.

AN BORD PLEANÁLA

31 JUL 2020

### 5.1.2 Project Ireland 2040 National Development Plan 2018-2027

The National Development Plan 2018-2027 sets out the investment priorities that will underpin the successful implementation of the National Planning Framework, including the development of the necessary housing stock set out therein. The National Development Plan demonstrates the Government's commitment to meeting Ireland's infrastructure and investment needs over the next ten years, through a total investment estimated at €116 billion over the period. This includes investment in high quality integrated public and sustainable transport systems.

*'By 2040 the population of Ireland is expected to reach almost 6 million with a need for 550,000 more homes and the creation of 660,000 additional jobs to achieve and maintain full employment. The need to provide in excess of half-a-million more homes over the period of 2040 corresponds to a long-term trend of 25,000 new homes every year.'*

The proposed infill development contributes 4 no. additional accommodation units to the national housing stock, is considered to reflect the type of compact sustainable development which is sought throughout National Policy with regard to the appropriate development of under-utilised sites.

### 5.2 Regional Spatial & Economic Strategy for the Eastern & Midlands Region (2019-2031)

The Regional Spatial & Economic Strategy (2019) is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives. The principal statutory purpose of the RSES is to support the implementation of Project Ireland 2040 and the economic policies and objectives of the Government by providing a long-term strategic planning and economic framework for the development of the Regions.

**RPO 4.3:** *'Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.'*

The proposed development utilises an underutilised sites within an existing built up areas, consistent with the above policy. It is contended that development on the subject site is of a more suitable style development and a better use of land than what currently exists. It is an opportunity to address and elevate the housing shortage that we face currently. The proposed development is in accordance with the Regional Spatial & Economic Strategy as it proposed additional residential accommodation in the built-up area of Dublin City.

### 5.3 Urban Development and Building Heights - Guidelines for Planning Authorities (December 2018)

The Urban Development and Building Heights - Guidelines for Planning Authorities (December 2018) set out national planning policy guidelines on building heights in relation to urban areas, as defined by the census, building from the strategic policy framework set out in Project Ireland 2040 and the National Planning Framework. The policy outlines that there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes, by building up and consolidating the development of our existing urban areas. The rationale for consolidation and densification to meet our accommodation needs applies in relation to locations that development plans and local area plans would regard as city and town centre areas as well as areas in and around existing urban areas and suburban areas.

This policy encourages the facilitation of increased levels of development in our urban centres and significant increases in the building heights and overall density of development through the planning process, particularly at local authority and An Bord Pleanála levels. Increasing prevailing building heights is deemed to have a critical role to play in addressing the delivery of more compact growth in our urban areas, particularly our cities and large towns through enhancing both the scale and density of development. In particular, increased density and height of development within the footprint of developing sustainable mobility corridors and networks where substantial investment in public transport infrastructure has been made as part of Project Ireland 2040. SPPR 1 goes on to outline the following in relation to this: 'In accordance with Government policy to support increased building height in locations with good public transport accessibility, particularly town/ city cores,

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planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.'

It is submitted that the density of the proposed development is an appropriate density and is in accordance with the Urban Development and Building Heights Guidelines. The subject site, which is zoned NC, is located within a suburb of Dublin City and is served by a high quality public transport infrastructure. The proposal ensures the sustainable use of a corner site building.

#### 5.4 Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009)

The aim of the guidelines is to identify the primary principles and criteria which are important to the design of housing and to highlight specific design features, requirements and standards. The document makes reference to both infill and backland development and states that, 'infill developments and urban redevelopment projects should respect the character of the existing neighbourhood'. In relation to the main considerations regarding infill and backland development, the guidelines state the following:

*'It is important to recognise the existing character, street patterns, streetscapes and building lines of an area, particularly in the case of infill sites or where new dwellings will adjoin existing buildings' and that 'the degree to which they will impact on any new development will need to be taken into account in assessing the development potential of any proposed site'.*

Additionally, Section 5.9 (i) of these Guidelines states the following:

*'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 privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The local area plan should set out the planning authority's views with regard to the range of densities acceptable within the area. The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc.'*

In relation to infill residential development, it is noted in Section 5.9.1 that a 'balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill' and the design approach 'should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area'. It is submitted that this proposal will make efficient use of infill land in suburban Dublin, at a scale, density and design that protects existing neighbouring amenities.

#### 5.5 Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)

In respect of the apartment development, the proposal has been designed to comply with the standards set out in *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities*, 2018 (2018 Guidelines which supersedes the provisions of the Dublin City Development Plan 2016-2022 as per the following commentary from subsections 1.20 & 1.21 of said guidelines:

*'These guidelines have been issued by the Minister for Housing, Planning and Local Government under Section 28 of the Planning and Development Act 2000 (as amended). Planning authorities and An Bord Pleanála are required to have regard to the guidelines and are also required to apply any specific planning policy requirements (SPPRs) of the guidelines, within the meaning of Section 28 (1C) of the Planning and Development Act 2000 (as amended) in carrying out their functions. 1.21 Accordingly, where SPPRs are stated in this document, they take precedence over any conflicting policies and objectives of development plans, local area plans and strategic development zone planning schemes. Where such conflicts arise, such plans should be amended by the relevant planning authority to reflect the content of these guidelines and properly inform the public of the relevant SPPR requirements.'*

AN BORD PLEANÁLA

31 JUL 2020

On the basis of the above, it is submitted that the proposed development will comply with the relevant standards as set out within the 2018 Apartment Guidelines.

#### Minimum overall apartment floor areas

The overall apartment floor area sizes required for apartment units outlined in the 2018 Guidelines are as follows:

- Studio apartment (1 person) 37sq.m
- 1-bedroom apartment (1 person) 45sq.m
- 2-bedroom apartment (4 persons) 73sq.m
- 3-bedroom apartment 90sq.m

All apartments in the proposed development comply with and exceed the required minimum standards. The one-bedroom units (nos. 1 and 3) comprise 50sq.m and 50.7sq.m respectively. Whereas units 2 and 4 (three-bedroom) comprise 116sq.m and 134sq.m respectively. The Case Officer notes that some of the internal areas fall marginally below the standards for internal areas however notes that a 5% variation can be applied and the proposal is considered acceptable.

#### Private Amenity Space

Again, we refer to the 2018 guidelines, Sustainable Urban Housing: Design Standards for New Apartments document which reads as follows:

*Private amenity space standards for apartments are set out in Appendix 1. For building refurbishments schemes on sites of an size or urban infill schemes on sites of up to 0.4ha (1 arce), private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.*

Each unit will be afforded an area of private amenity space in the form of private balconies and terraces. The overall floor area of private open space provided in each apartment meets the required standards.

While we note that the proposed development complies with the above standards for the required floor areas for private amenity space, we also acknowledge that the required depths of each private terrace is in line with the guidance provided within the 2018 Apartment Guidelines.

The Case Officer noted the following in the assessment of the development 'overall, given the site area, the small number of apartments proposed and the site's proximity to a large public open space area, it is considered that proper planning and sustainable development could be facilitated at this site without the delivery of the 'normal' open space requirement'. The proposed development is consider to be compliant in this regard.

#### Dual Aspect Ratios

The 2018 Guidelines require the following in relation to dual aspect apartments: In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:

- i. A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate.
- ii. 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.
- iii. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.

The proposal includes 3 no. dual aspect apartments and 1 no. single aspect apartment. Although we note

that the single aspect apartment is afforded a bathroom window with opaque screening on a second elevation. The Case Officer noted that *'the proposed development is considered compliant with the 2018 Apartment Guidelines in relation to aspect ratios'*.

### Floor to Ceiling Height

SPPR 5 of the 2018 Guidelines require a minimum floor to ceiling height of 2.4 metres, or 2.7 metres in the case of ground-floor level apartments. This standard may be relaxed in building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha. Planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality. Unit 1 of the proposal, as lodged to the Council, comprised a floor to ceiling height of approximately 2.45m which was not satisfactory to the Planning Authority and was one of the reasons for refusal. Notwithstanding the above, the alternative design options submitted with this first party appeal have illustrate the floor to ceiling height of the subject unit increased and is now compliant with the above requirements. Please refer to submitted floor plans and other architectural drawings submitted by Ferreira Architects for full scope and clarity.

## **5.6 Urban Design Manual – A Best Practice Guide 2009**

The best practice guide is based around twelve questions that have been drawn up to encapsulate a full range of design considerations for residential development such as that proposed on the subject site. These questions are *'a distillation of current policy and guidance and tried and tested principles of good urban design.'* This report reviews the proposed development in this context in an effort to address the key issues of design, scale, massing and integration with the fabric of the area while respecting the amenity of adjacent properties and established residential areas. One of the aims of DMURS is to re-balance transport modes and place more emphasis on pedestrian and cyclists ahead of the private car when examining the street. The proposed development has taken this into consideration when the design of the access was being considered for this application.

It is our view that the proposed development will not impinge on residential amenity of adjoining residents by reason of overlooking, shadowing or any overbearing affects. This protection has been achieved through careful design, layout and height of the proposed development.

### *(i) Context - How does the development respond to its surroundings?*

The development sits comfortably in its surroundings and provides an appropriate scale and density. The form, architecture and landscaping of the proposed development have been informed, but not determined, by the surrounding area. Additionally, the commercial unit will serve the wider area by providing an additional commercial unit within a neighbourhood centre. The development is to be finished in materials of the highest quality to ensure it reads as distinct scheme with its own character while integrating well with adjacent development.

### *(ii) Connections - How well connected is the new neighbourhood?*

The dwellings would be located in an established neighbourhood centre with close proximity to a wide range of uses. The end of terrace unit would create an attractive corner site within the locality. The structure would also create a more attractive connection for users of the public park to the east of the site.

### *(iii) Inclusivity - How easily can people use and access the development?*

The development will meet the needs of its future occupants with a design in line with development plan policy. Access to the retail unit will be from the north. The retail unit will function as a neighbourhood shop which will serve the locality, particularly pedestrians, nearby residents and users of the park. Due to the nature of the retail unit, it is not considered that the proposal will generate excess vehicular traffic. Access to the residential units will be from the south. The current use of the existing laneway is limited and it is not considered that its use to provide access to the site will cause any disamenity or safety hazards.

### *(iv) Variety: - How does the development promote a good mix of activities?*

The proposed development will provide residential and commercial uses. The subject site is located within a neighbourhood centre which provides a range of activities. It is considered that the locality will benefit from

the provision of a retail unit.

*(v) Efficiency - How does the development make appropriate use of resources, including land?*

The proposed dwellings are a positive addition to the identity of the locality. The layout makes the most of the opportunities presented by the site while creating a distinctive built form. The commercial unit will increase activity at ground floor level which is consistent with planning policy. Additionally, the residential units will provide much needed accommodation within the build-up area of Dublin City.

*(v) Distinctiveness - How do the proposals create a sense of place?*

The proposed development will be a positive addition to the identity of the locality. The development is an improvement of the existing end-of-terrace structure which will increase passive surveillance to the adjoining open spaces to the east and north.

*(vii) Layout - How does the proposal create people friendly streets and spaces?*

The private open space that will be created within the development will be safe and secure for residents in the area. Passive surveillance of the existing open spaces to the north and east will be improved, thereby increasing safety and security.

*(vii) Public Realm - How safe, secure and enjoyable are the public areas?*

The private open space that will be created within the development will be safe and secure for residents of the development.

*(ix) Adaptability - How will the buildings cope with change?*

The proposed units are energy efficient and equipped for challenges anticipated from a changing climate with a total floor area and outdoor amenity space in compliance with the standards allowing for various family sizes and dwelling types.

*(x) Privacy and Amenity - How does the scheme provide a decent standard of amenity?*

The proposed units are served by private balconies, the provision of which exceeds the minimum requirements of the development plan. The layout of the new dwelling sites including boundary treatment, and also the design of the dwellings, including building setback and fenestration detail, have sought to avoid overlooking from adjoining properties and the public realm. Suitable space and facilities are provided to allow for refuse management and storage. The extra surveillance of the public open space to the east is also considered to improve overall amenity of the space.

*(xi) Parking - How will the parking be secure and attractive?*

The proposal provides for 2 no. car parking spaces to the rear of the site for the residential units. The units are also provided with a large number of bicycle parking units which are securely located within the building and to the rear. The appeal site is located within close proximity to several Dublin Bus routes and LUAS stops. The reduction in car parking spaces is considered acceptable in this instance and is in line with national policy which aims to reduce car dependency and increase more sustainable modes of transport, particularly in urban settings.

*(xii) Detailed Design - How well thought through is the building and landscape design?*

The materials and external design of the proposed development make a positive contribution to the locality. The surface to the rear of the development will be permeable and in accordance with the principles of SuDS.

**AN BORD PLEANÁLA**

31 JUL 2020

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_ 19

### 5.7 Dún Laoghaire-Rathdown Development Plan 2016-2022

The Dún Laoghaire-Rathdown Development Plan 2016-2022 is the relevant statutory plan for the application site.

#### 5.7.1 Core Strategy

The Core Strategy of the Dún Laoghaire-Rathdown Development Plan provides a strategy for spatial development for the Planning Authorities administrative area. The overall vision statement of the 2016-2022 Development Plan is:

*'To develop sustainable and successful communities across the County both through the continuing consolidation and redevelopment of the established built up areas, and the promotion of new compact mixed-use urban villages optimally located in greenfield areas well served by existing or planned public transport networks where residents will be within walking distance of supporting social and community infrastructure including shops, services, employment opportunities, schools and leisure facilities.'*

The development of this site at No. 28 Dale Road, Stillorgan, Co. Dublin is consistent with the Core Strategy for the County. In the Council's assessment of the proposal, the Case Office shared this view and noted in the Planner's Report that *'the principle of a mixed-use development at this site is considered acceptable'*.

#### 5.7.2 Zoning and Development Plan Provisions

The appraisal site is zoned under Objective 'NC' 2016-2022, in the Dún Laoghaire-Rathdown Development Plan 2016-2022, with the following objective to: *'protect, provide for and/or improve mixed-use neighbourhood centre facilities.'*

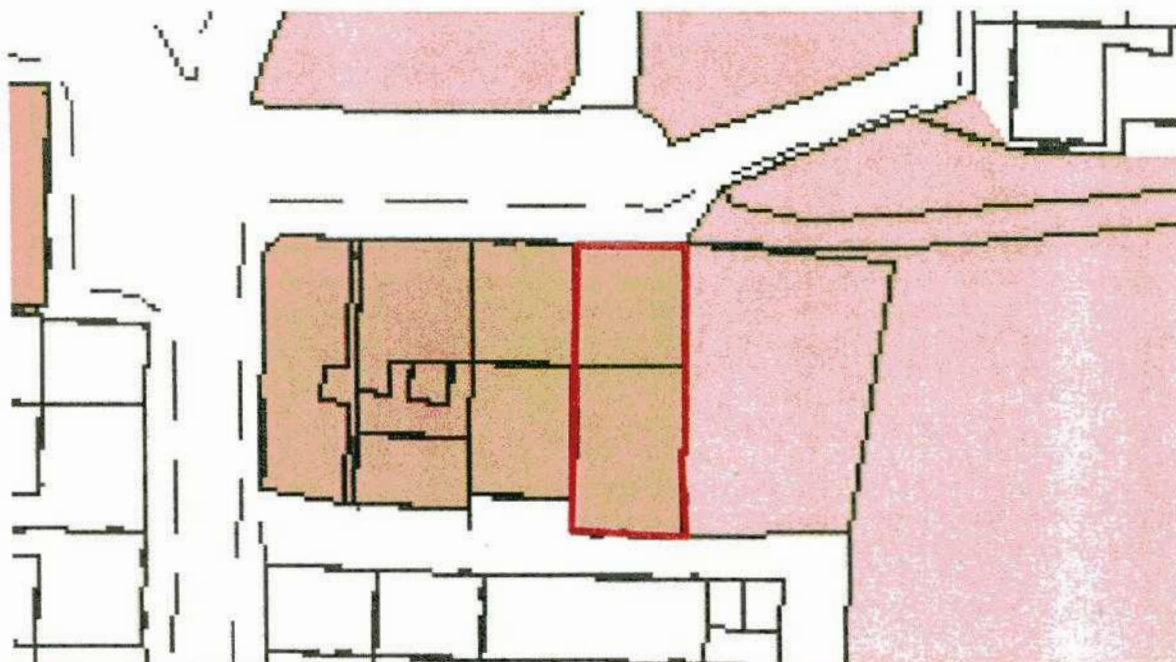


Figure 17.0 Extract of Map 6 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 which shows the subject location, zoned NC.

The zoning matrix included within the Development Plan indicates permissible and open for consideration uses on 'Objective NC' lands. As a general rule, 'permitted in Principle' are usually acceptable subject to the normal planning process and compliance with the relevant policies and objectives, standards and requirements set out in the development plan. These uses include the following:

*Advertisements and Advertising Structures, Assisted Living Accommodation, Betting Office, Carpark,*

*Community Facility, Craft Centre/Craft Shop, Childcare Service, Cultural Use, Doctor/ Dentist etc., Education, Embassy, Enterprise Centre, Funeral Home, Garden Centre/Plant Nursery, Guest House, Health Centre / Healthcare Facility, Offices less than 300 sq.m., Open Space, Petrol Station, Public House, Public Services, Residential, Residential Institution, Restaurant, Service Garage, Shop-Neighbourhood, Sports Facility, Tea Room/Café, Veterinary Surgery.*

'Open for Consideration' uses may be permitted where the Planning Authority is satisfied that the proposed development is compatible with the policies and objective for the respective zone and would not be in conflict with the permitted, existing or adjoining land uses whilst conforming with the proper planning and sustainable development of the area. Open for Consideration uses are as follows:

*Cash and Carry/Wholesale Outlet, Home Based Economic Activities, Hotel/Motel, Household Fuel Depot, Motor Sales Outlet, Nightclub, Off-License, Office Based Industry, Offices less than 600sq.m., Place of Public Worship, Shop-Specialist, Shop District, Travellers Accommodation.*

Both residential and shop- neighbourhood are examples of a use which is permitted in principle and therefore on account of the proposed development, we consider that the proposal should be considered acceptable to Dún- Laoghaire Rathdown County Council.

It is also noted that there are no protected structures on or within the immediate vicinity of the site nor is the application site located in an Architectural Conservation Area (ACA). In addition, we note the commentary of the Dún Laoghaire-Rathdown Development Plan which states that at the growth of future households in Dún Laoghaire-Rathdown will be accommodated using two quite different models, namely:

- Through the continuing promotion of additional infill accommodation in existing town and district centres at public transport nodes, brownfield sites and established residential areas.
- *The creation of new residential/mixed-use sustainable communities at already identified greenfield growth nodes proximate to planned strategic public transport corridors.*

The proposed dwellings on site have been designed, in terms of scale, height, massing and finishing materials, to ensure that there is no detriment caused to the appearance or the amenity of adjoining neighbours or the character of the area. Chapter 8: Principles of Development in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 actively sets out the local authority's primary policies and objectives for residential development. The following criteria will be taken into account when assessing applications:

#### Qualitative Criteria

The quality of the residential environment will be of primary significance in determining the acceptability of planning applications. Layouts, elevations and plan form must be designed to emphasise a 'sense of place' and utilising existing site features, tree coverage and an appropriate landscape structure. The relationship of buildings to one another, including considerations of overlooking, sunlight/daylights standards and the appropriate use of screening are key considerations in the determination of a planning application also. The design of the proposal has been informed by the above factors. The development is considered to be an appropriate scale given its location within a neighbourhood centre. The proposal will not result in the disamenity of adjoining sites due to careful and high-quality design.

#### Quantitative Criteria

All proposals for residential development shall provide for acceptable separation distances between units to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects, and provide sustainable residential amenity conditions and open spaces. The proposed development meets the required qualitative criteria, which is outlined below.

#### 5.7.3 Relevant Planning Policy

Density plays an important part in ensuring that the best use is made of land intended for development. The Development Plan seeks to maximise the use of zoned and serviced residential land and as a general rule the minimum default density for new residential developments in the Dún Laoghaire-Rathdown administrative

**AN BORD PLEANÁLA**

3 1 JUL 2020



area shall be 35 units per hectare.

However, it must be reasonably considered that this density may not be appropriate in all instances - but is sufficient to serve as a general guidance rule. The following development plan policies are considered to be relevant:

**Policy RES 3** *It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:*

- 'Sustainable Residential Development in Urban Areas' (DoEHLG 2009).
- 'Urban Design Manual - A Best Practice Guide' (DoEHLG 2009).
- 'Quality Housing for Sustainable Communities' (DoEHLG 2007).
- 'Irish Design Manual for Urban Roads and Streets' (DTTaS and DoECLG, 2013).
- 'National Climate Change Adaptation Framework - Building Resilience to Climate Change' (DoECLG, 2013).

**Policy RES 4** *It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities'.*

**Policy RES 7** *Ensure the provision of a wide variety of housing and apartment types, sizes and tenures.*

Dún Laoghaire-Rathdown County Council supports developments which promote higher residential density in existing areas as this form of development both improves, conserves and consolidates the housing stock within the County. The appeal site is a good example of where appropriate infill development can occur and due to its location and proximity to local amenities, the site is consistent with the policy objectives in achieving sustainable residential development. Furthermore, the vision for development in Dún Laoghaire-Rathdown is one that aims:

*'To ensure that all new development and redevelopment proposals in the County adhere to the principles of good urban design and contribute to the delivery of a 'sense of space', through the promotion of a high-quality built environment utilising considered design and development standards. The orderly and sustainable delivery of new developments, of many diverse types and scales, will be realised through the application of the various standards and objectives embedded in the Development Plan via the Development Management process and adherence to the overarching Land Use Zoning imperatives.'*

The subject site is of sufficient size to allow for a high-quality residential infill development at the end of terrace structure. An infill development can be accommodated due to the variety of dwelling types in the area and the long-established history of infill development surrounding in the immediate area and within the County.

#### 5.7.4 Quantitative Standards for Housing

It is a vision of the Dún Laoghaire-Rathdown Development Plan 2016-2022 to ensure that all new development and residential development proposal in the County adhere to the principles of good urban design and contribute to the delivery of a 'sense of place', through the promotion of a high-quality built environment utilizing considered design and development standards. Furthermore, it is Council policy to promote high quality design and layout in new residential development. The following sections of this planning report outline how this proposal adheres to the principles of good urban design.

#### 5.7.5 Infill Development

The proposed development is representative of infill development as it constitutes the process of developing an under-used parcel of land on a site within an existing urban area that is already largely developed. As per section 8.2.3.4 (vii) 'Infill' of the Development Plan:

<b>AN BORD PLEANÁLA</b>	
31 JUL 2020	
LTR DATED _____	FROM _____

*'New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings'*

The proposed development has been specifically designed to protect residential amenity in the area and to make use of an underutilised site for much needed housing in a sustainable location. It is intended to retain existing boundary features, where possible, to limit the visual impact of the development. It is submitted that No. 28 Dale Road is a suitable site for the development. It is of a considerable size, and as such, is capable of accommodating additional residential units. It is considered that this infill development will allow for the greater surveillance of the immediate public realm by allowing for an increased density of development and more efficient use of undeveloped lands in a well-connected and well serviced area.

**5.7.6 Private Open Space**

The County Development Plan requires that all apartment units shall have direct access to its own minimum area of private open space either in the form of a balcony or a patio area. It is considered that private open space associated with apartments and duplexes is important to ensure a suitable level of amenity for occupiers. Furthermore, the provision and proper maintenance of well-designed communal amenity space is essential in meeting the amenity needs of residents.

<b>Table 8.2.5: Balconies / Winter Gardens: Minimum Private Open Space Standards</b>	
<b>No. of bedrooms</b>	<b>Minimum square metres</b>
One	6 sq.m.
Two	8 sq.m.
Three	10 sq.m.
Four +	12 sq.m.

Figure 18.0 Table extracted from Section 8.2.8.4 'Private Open Space-Quantity' of the Dún Laoghaire-Rathdown Development Plan 2016-2022

It is considered that the proposed development is in accordance with Section 8.2.8.4 of the Dún Laoghaire-Rathdown Development plan 2016-2022 which specifically relates to private open space. The development plan requires that all houses shall have an area of private open space being the front building line.

Each of the residential units proposed as part of this application are afforded sufficient areas of private open space which meet and/or exceeds the minimum requirements as indicated in the Dún Laoghaire-Rathdown Development Plan 2016-2022.

The proposed development provides for private open space by way of balconies and private terraced areas which wholly comply with the standards and requirements of the Development Plan.

**5.7.7 Urban Design**

It is policy of Dún Laoghaire-Rathdown County Council to ensure that development is designed to a high qualitative standard and promotes the creation of good places. The Council will apply the guidance set out in the Urban Design Manual – A Best Practice Guide (2009) and will seek to ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, and detailed design.

This report is accompanied by Architectural drawings prepared by Ferreira Architects which sets out the design rationale and key principles incorporated as part of the proposed scheme.

**AN BORD PLEANÁLA**

31 JUL 2020

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

LDG- \_\_\_\_\_

### 5.7.8 Residential amenity

The evolution of the layout and design of the site has been directly informed by the need to protect the existing level of residential amenity of adjoining properties. Building lines, elevational treatment and fenestration detail has been designed to limit the potential loss of privacy, overshadowing and overbearing impact to both existing and future residential properties situated to the south and north of the site. It is considered that there will not be a significant loss of residential amenity to the neighbouring properties of Dale Road. It is submitted that the proposed development will result in the more efficient use of residentially zoned lands.

### 5.7.9 Car Parking Standards

Car parking standards provide a guide on the number of required off-street parking spaces acceptable for new developments. In essence, the purpose of parking standards is to ensure that a considered and appropriate level of parking is provided to serve new development. Likewise, visitor parking will require to be clearly indicated and measures will be put in place to ensure such spaces are reserved for the use of visitors only. Table 8.2.3 as pertained in the Dún Laoghaire-Rathdown Development Plan 2016-2022 is relevant in this instance:

Land Use	Standards
Apartments	1 space per 1-bed unit 1.5spaces per 2-bed unit 2 spaces per 3-bed unit+ (depending on design and location).

Figure 19.0 Residential land use – Car Parking Standards

It is submitted that the proposed residential development provides for 2 no. car parking spaces. While the provided quantum falls slightly short of the indicative standards as set out within the Dún Laoghaire-Rathdown Development Plan, it is considered adequate given nature of the proposed scheme and its proximity to public transport services (bus and rail). The subject site is located less than 300 metres from serviced Dublin Bus stops, which provide frequent and direct links to the city centre.

### 5.7.9 Urban Density

Section 4.5.3: Making a more Compact Sustainable Community provides commentary relating to urban density. In this regard, the Development Plan states that it will:

*'Continue to physically consolidate the city and to optimise the efficient use of urban land. This will minimise wastage of scarce urban land, reduce urban sprawl and provide for a compact city with attractive mixed-use neighbourhoods, a variety of housing types and tenure, and adaptable housing, where people of all ages will choose to live as a matter of choice'.*

Moreover, the availability and frequency of nearby public transport (Bus & LUAS) needs to be considered whilst determining that the proposed density is appropriate for the site. The application site is considered to be a location within inner suburban Dublin that is proximate to existing public transport corridors and has capacity for increased use of existing and social infrastructure as indicated in Section 5.5: 'Appropriate location for increased densities (d) Inner suburban / infill locations' of the Guidelines on Sustainable Residential Development in Urban Areas (2009). It is also noted that the density restrictions of Development Plans are superseded by the Urban Development and Building Heights - Guidelines for Planning Authorities (December 2018), which will be discussed below.

### 5.7.10 Building Height

Section 4.8 of the development plan Height Strategy specifies the following standard for building heights on land outside of LAP or other designated land:

*'Apartment or town-house type developments or commercial developments in the established commercial core of these areas to a maximum of 3-4 storeys may be permitted in appropriate locations - for example on prominent corner sites, on large redevelopment sites or adjacent to key public transport*

*nodes - providing they have no detrimental effect on existing character and residential amenity.'*

The development proposal provides for a four storey development in an established neighbourhood centre.

Furthermore, the subject site is located at the end of terrace and adjoins large public open spaces to the north and east. A four-storey development is considered appropriate at the subject site.

## 6.0 Grounds of Appeal

This section of the report will provide further discussion on the grounds of appeal, more specifically for the benefit of An Bord Pleanála, will comprise a response to the reasons for refusal. The decision to refuse the development proposal was made by Dún Laoghaire-Rathdown County Council with the Notification of Decision to Refuse issued on 8<sup>th</sup> July 2020, and included the following 4 no. reasons:

1. *The proposed development, in providing just two car parking spaces to serve the entire development, would materially contravene Section 8.2.4.5 and Table 8.2.4 of the Dun Laoghaire-Rathdown Development Plan 2016-2022; would result in an over-reliance on the public road to cater for the parking demand generated by the development and would set an undesirable precedent for similar development proposals.'*
2. *It is considered that the laneway from which all residential access and servicing is proposed, is substandard in both width and alignment and significant conflict would occur between pedestrians and vehicles at this location, endangering public safety by reason of traffic hazard..*
3. *The proposed development, and in particular Unit 1 fails to comply with the SPPR 5 of the 'Sustainable Urban Housing; Design Standards for New Apartments Guidelines for Planning Authorities, 2018 in relation to the floor-to-ceiling heights of ground floor apartment units.;*
4. *By virtue of its scale and form, it is considered that the proposed development would result in a visually discordant presence in the streetscape, significantly detracting from the area in terms of visual amenity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.'*

It is contended that a number of the refusal reasons could have been easily overcome by way of design amendments at Further Information stage, however, the proposal was refused outright.

### 6.1 Response to Refusal Reason 1

In response to refusal reason no. 1, it is submitted that the provision of 2 no. car parking spaces is sufficient to serve the proposed development. As stated from the outset, the subject site is located within a built up area of Dublin, within close proximity to Sandymount and Stillorgan villages. The site is served by an excellent standard of public transportation and is within walking distance to a number of bus stops which serve 'Dublin Bus' route nos. 11, 47, 75, 75a which connect the site to several destinations within Dublin City and suburbs including Drumcondra, Dorset Street, O'Connell Street, Ranelagh, Kilmacud, Sandymount, Stillorgan, Pearse Street, Dún Laoghaire, Rathfarnham and Tallaght. The bus routes run regularly throughout the day including during the 'rush hour'. In addition the site is also located within close proximity to the Kilmacud Luas stop which serves the green line and connects Broomridge to Bride's Glen. It is also noted that the expansion of the green line to Finglas is currently under consideration.

While the proposed number of car parking spaces proposed as part of this application falls below the indicative standards, it is considered adequate given the infill nature of the proposed scheme and its proximity to public transport services. The rate of .5 car parking spaces per dwelling is considered consistent with emerging trends within Dún Laoghaire-Rathdown and the wider Dublin area.

### 6.2 Response to Refusal Reason 2

In response to the second refusal laneway, it is submitted that the proposed access laneway to the rear is sufficient to serve the proposed 4 no. dwellings. The laneway is a cul-de-sac which is already used to provide vehicular access to several buildings including No. 28 Dale Road and the dwellings within the terrace of buildings.

A planning application for a bungalow located at the end of the cul de sac, approved under Reg. Ref. D05A/0427, permitted the use of the laneway to provide access to the dwelling, for both vehicular and occupants/visitors of the dwelling. It is noted that the roads department of Dún Laoghaire-Rathdown County Council did not have any objections on the use of the laneway, which at the time was in a slightly lower quality.

Additionally, permission was granted, under Reg. Ref. D02A/0484, for the replacement ground floor rear annex and first and attic floor extension over ground level car parking as separate building at rear of existing offices. This provided for the use of the laneway for vehicular parking within the structure.

It is submitted that there is a precedence for the use of the laneway to provide for pedestrian and vehicular entrances. Furthermore, vehicular access to the site at the moment is provided through the subject laneway, albeit not currently used. It is not considered that the proposal, which provides 2 no. car parking spaces and pedestrian access to 4 no. apartments, would result in the over-use of the laneway.



Figure 20.0 Street view image of laneway which is to be used to provide residential access.

### 6.3 Response to Refusal Reason 3

In response to the third refusal reason, we refer to Specific Planning Policy Requirement 5 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018) which reads as follows:

*'Ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality.'*

The proposed ground floor apartment unit fell slightly below the minimum required space, which was not acceptable to the Planning Authority. In response to this, the proposal has been redesigned to provide for an increase in the floor to ceiling height. Please refer to the drawings prepared by Ferreira Architects submitted

AN BORD PLEANÁLA

3 1 JUL 2020

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_ 26

LDG-

with the first party appeal for further details. It is also submitted that this refusal reason could have been addressed at further information stage, however, the development was refused outright.

#### 6.4 Response to Refusal Reason 4

It is submitted from the outset that the proposed development will not result in a visually discordant presence in the streetscape. The subject site is an end of terrace unit, adjacent to a large public open space to the east, and a smaller public open space to the north. The site is located within a built-up area of Dublin City. It is considered that the contemporary design would be an improvement of the streetscape in its current form.

It is considered that the replacement structure will replace a blank wall, which currently faces the public open space area to the east, with a more attractive elevation which also provides a good level of passive surveillance, which will improve the overall amenity of the open space.



Figure 21.0 Contextual elevation of the proposed development, as submitted to Dún Laoghaire-Rathdown County Council. The end of terrace structure is considered to improve the overall streetscape.



Figure 22.0 Contextual elevation of the proposed development (Alternative Design Option B), prepared for consideration of An Bord Pleanála. The omission of the top floor significantly reduces and perceived dominance and discordance of the streetscape.

**AN BORD PLEANÁLA**

31 JUL 2020

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_ 27

## 7.0 Conclusion

This first party appeal is prepared following a decision made by Dún Laoghaire-Rathdown County Council to refuse permission, under Reg. Ref. D20A/0295, for a proposed residential development which comprises of construction of a mixed used development consisting of a retail unit and 4 no. apartments.

It is contended that the proposal is acceptable and compliant with the zoning objectives, policies and objectives as set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 as well as Regional and National planning policies, including the Sustainable Residential Development in the Urban Areas - Guidelines for Planning Authorities (2009).

As stated from the outset, the development will provide a high level of residential amenity for its future residents while preserving adjacent residential amenities, improving upon the site's existing form and function. The proposed development will not cause any harm in terms of overlooking of neighbouring properties, will not have an effect on the residential amenity of future occupants in terms of living accommodation, and is in keeping with the residential character of the area. The proposed development is in accordance with the proper planning and sustainable development of the area.

In light the arguments presented above, we respectfully request that planning permission be **granted** in this instance.

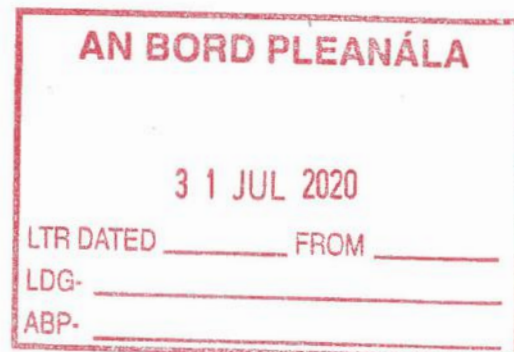


Kevin Hughes MIPI MRTPI  
Director  
for HPDC Ltd.

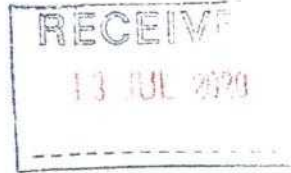


## Appendix A

Copy of decision to refuse planning permission issued by Dún Laoghaire-Rathdown County Council on 8<sup>th</sup> July 2020 under Reg. Ref. D20A/0295







Hughes Planning and Development Consultants  
70, Pearse Street  
Dublin 2

10-Jul-2020

**NOTIFICATION OF DECISION TO REFUSE PERMISSION**  
**Planning & Development Act 2000, as amended**

<b>Order Number</b> P/1101/20	<b>Date of Order</b> 08-Jul-2020
<b>Register Reference</b> D20A/0295	<b>Date Received</b> 21-Apr-2020

**Applicant:**  
**Development**

Ceannabo Ltd.

Permission. The development will consist of (i) demolition of existing two storey office building (office use permitted under Reg. Ref. 93A/1440; (ii) construction of a four storey mixed-use development, comprising retail and residential use consisting of: (a) retail unit (77.55sq.m) at ground floor level; (b) 1 no. one-bed apartment at ground floor level; (b) 1 no. one bed apartment at first floor level; (c) 1 no. three bed duplex unit at first and second floor level; and (d) 1 no. three bed duplex unit at second and third floor level. Each unit to be provided with private amenity space, comprising balcony or terrace (5.2sq.m to 19.8 sq.m); (iii) the provision of 2 no. car parking spaces to the rear of the site and the provision of internal bike store (9.3sq.m); and (iv) The development also includes landscaping, SuDS drainage and all ancillary works necessary to facilitate the development.

**Location:**

28 Dale Road, Stillorgan, Co. Dublin A94 WBY6

**Floor Area:**

**Time Extension up to and including:**  
**Additional Information**  
**Requested/Received:**

Dear Sir / Madam



In pursuance of its functions under the above mentioned Act, Dún Laoghaire-Rathdown County Council, being the Planning Authority, did by Order dated as above make a decision to **REFUSE PERMISSION** in respect of the above proposal.

For the avoidance of doubt the reasons and recommendations set out in the planners report were generally adopted as set out in the Executive Order, this can be viewed at the Council Offices or the Council website.

For the **4** reason(s) on the attached numbered pages.

Please note that, in accordance with Section 251 of the Planning and Development Act 2000, as amended, "where calculating any appropriate period or other time limit referred to in this Act or in any regulations made under this Act, **the period between the 24<sup>th</sup> Day of December and the first day of January, both days inclusive, shall be disregarded**".

Signed on behalf of Dún Laoghaire-Rathdown County Council.

  
for Senior Executive Officer

## FIRST SCHEDULE

### Reasons and Considerations

1. The proposed development, in providing just two car parking spaces to serve the entire development, would materially contravene Section 8.2.4.5 and Table 8.2.4 of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022; would result in an over-reliance on the public road to cater for the parking demand generated by the development and would set an undesirable precedent for similar development proposals.
2. It is considered that the laneway from which all residential access and servicing is proposed, is substandard in both width and alignment and significant conflict would occur between pedestrians and vehicles at this location, endangering public safety by reason of traffic hazard.
3. The proposed development, and in particular Unit 1 fails to comply with the SPPR 5 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', 2018 in relation to the floor-to-ceiling heights of ground floor apartment units.
4. By virtue of its scale and form, it is considered that the proposed development would result in a visually discordant presence in the streetscape, significantly detracting from the area in terms of visual amenity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

## SUBMISSIONS/OBSERVATIONS

**AN BORD PLEANÁLA**

31 JUL 2020

97-DEC1refuse

UTR DATED

FROM



**NOTE (1):** In deciding this planning application, the planning authority, in accordance with Section 34 (3) of the Planning & Development Act, 2000, as amended, has had regard to any submissions or observations received in accordance with the Planning and Development Regulations 2001 - 2010, pertaining to this application.

#### REMOVAL OF SITE NOTICE

**NOTE (2):** The applicant is reminded that in accordance with Article 20 of the Planning and Development Regulations 2001 - 2012, any site notice erected or fixed pertaining to this application shall be removed (if not already done so) following receipt of this notification.

**AN BORD PLEANÁLA**

31 JUL 2020

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

LDG- \_\_\_\_\_

ABP- \_\_\_\_\_



## **FURTHER NOTES**

### **APPEALS**

This decision of the Planning Authority does not authorise works to commence and may be appealed to An Bord Pleanála by an Applicant or any person who made submissions or observations in writing in relation to this application to the Planning Authority.

A person who has an interest in adjoining lands in respect of which permission has been granted and who did not make a submission or observation under Section 37(6)(a) of the Planning and Development Act, 2000, as amended, may apply to the Board for leave to appeal the decision of the Planning Authority. Appeals should be sent to:

**The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1.**

**Tel: 01-8588100**

Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start.

The Board must receive an appeal within four weeks, beginning on the date of the decision set out above. A Third Party appeal will be invalid unless accompanied by the prescribed fee and a copy of the receipt from the Planning Authority in respect of a submission/observation.

### **GRANT OF PERMISSION**

In the case of a notification of a decision to Grant Permission, where no appeal is received by An Bord Pleanála against the decision, a PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the making of an appeal.

### **REFUND OF FEES – REPEAT PLANNING APPLICATION**

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of 8 weeks beginning on the date of Planning Authority's decision on the second application. Please consult the Planning & Development Regulations, 2001-2010, for full details of fees, refunds and exemptions.

**AN BORD PLEANÁLA**

**31 JUL 2020**

LTR DATED \_\_\_\_\_ 97-DEC1refuse

LDG- \_\_\_\_\_

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## Appendix B

Drawings prepared by Ferreira Architects illustrating Amended Design Options



SCHEDULE OF UNITS OPTION A DALE ROAD					
	Level	1 bed	2 bed	3 bed	Total
	ground	1	0	0	
	1st	1	0	1	
	2nd	0	0	1	
	3rd	0	0	0	
Total OPTION A		2	0	2	4
RETAIL UNIT = 77.5sqm (Ground Floor)					
UNIT 1 -1BEDROOM apartment 50sqm (Ground Floor)					
UNIT 2 -3 BEDROOM DUPLEX UNIT 116sqm (First and second floor)					
UNIT 3- 1 BEDROOM APARTMENT 50sqm (First floor)					
UNIT 4 - 3 BEDROOM DUPLEX UNIT 134sqm (Second and Third Floor)					
Site area = 249sqm					
SCHEDULE OF UNITS OPTION B DALE ROAD					
	ground	1	0	0	
	1st	0	0	2	
	2nd	0	0	0	
Total OPTIONB		1	0	2	3
RETAIL UNIT = 77.5sqm (Ground Floor)					
UNIT 1 -1BEDROOM apartment 50sqm (Ground Floor)					
UNIT 2 -3 BEDROOM DUPLEX UNIT 116sqm (First and Second Floor)					
UNIT 3 -3 BEDROOM DUPLEX UNIT 133sqm (First and Second Floor)					
Site area = 249sqm					

