

**An Bord Pleanála**



**Inspector's Report**

**Development:** Demolish three dwellings and construct 79 dwellings, crèche and café at 1, 1A & 1B Sybil Hill Road, Raheny, Dublin 5.

**Planning Application**

Planning Authority: Dublin City Council  
Planning Authority Reg. Ref. 3383/14  
Applicant: MKN Developments Ltd  
Type of Application: Permission  
Planning Authority Decision: Grant

**Planning Appeal**

Appellant(s): James & Barbara Cahill,  
Sean and Norma Ryan,  
Ronan McCoy, 'The Meadows Residents'  
Type of Appeal: First Party and Third Party  
Observers: Ciaran Close & Collette Barry  
Date of Inspection: 8<sup>th</sup> June 2015.

**Inspector:** Aisling Dineen

## 1.0 SITE LOCATION AND DESCRIPTION

The site, with a stated area of 0.6841ha (1.69 acres), is located on the east side of Sybil Hill Road, just to the south of the junction of that road with Howth Road, in Raheny, Dublin 5. Vehicular access to the site is from Sybil Hill Road only. There is a 2.5m wide footpath along the site frontage and a 3.5m grass verge along most of the site frontage, with some 6 no. semi-mature standard trees. Double yellow lines extend along the site frontage from the signalised junction with Howth Road to roughly half way along the frontage of no. 1A Sybil Hill Road. There is a signalised pedestrian crossing on Sybil Hill Road to the south to the appeal site – to facilitate crossing at the schools and the nursing home in the area. The nursing home is a four/five storey structure located within its own grounds on the opposite side of Sybil Hill Road – to the southwest of the appeal site. St. Brigid's NS is a part single, part two-storey complex located opposite the site on Sybil Hill Road. The principal access to this school is from Howth Road.

The site is flat. It currently comprises the curtilage of 3 no. two-storey houses to the rear of which is a vacant site, formerly occupied by an indoor swimming pool complex associated with the adjoining St. Paul's College secondary school to the south and southeast. The rubble from the demolished swimming pool complex remains on the site. There is one lean-to shed against the northern boundary wall (associated with the swimming pool) which has not been demolished. There is a vehicular access to the swimming pool site from Sybil Hill Road. The remains of a former stand-alone glass house in the southern part of a walled garden (which comprises the most part of the site) are still on site in the form of a pile of rubble. The site is overgrown and derelict. There are a number of semi-mature beech and birch trees and an old apple tree within the southern section of the old walled garden. No 1 Sybil Hill Road is a two-storey Arts & Crafts-style house of some architectural merit. It has painted dash walls with brick detailing and a slate roof. It is of a period and style with the KARE Social Services building to the north of it. There are 2 no. on-site parking spaces associated with this house. The house is currently vacant. No.s 1A & 1B are more modern, two-storey houses of little architectural merit – each of which has 2 no. on-site parking spaces. Both of these houses are occupied. The boundary between the three houses and the former swimming pool site is an old 3m high stone/brick wall which would formerly have formed one of the walls of a walled garden for adjoining Sybil Hill House (now the community residence of the Vincentian Fathers who run St. Paul' College Secondary School). There are two former doorways/gateways within this wall which have been blocked-up. All three houses are built up against the wall.

To the west, the site abuts Sybil Hill Road – the boundary with which is a variety of concrete block walls – plastered and unplastered. To the northwest, the site abuts a two-storey building occupied by KARE Social Services Board – the boundary with which is a concrete post and chainlink fence and 3.0m high clipped Grissellinia hedge. There is parking for one van within the curtilage of the KARE site. To the north and east, the site abuts The Meadows housing estate of detached two-storey houses with fully hipped roofs – the boundary with which

comprises 3.5-4.0m high stone/brick walls (walls of the former walled garden which existed on this site). Part of this wall is ivy-clad. The land on which The Meadows was built once formed part of the curtilage of Sybil Hill House. There are some semi-mature scrub sycamores within The Meadows adjacent to the northern boundary wall of the site. To the south, the site abuts the gardens of Sybil Hill House (a Protected Structure) – the boundary with which is an old plinth wall with granite capping – surmounted by iron railings. There is a damaged pedestrian gate within this boundary. There is a recently-planted single row of Leyland Cypress trees set back approximately 2.5m from the south side of this plinth wall and railings. Further to the south again is a row of recently planted standard deciduous trees. At the southwest corner of the site (adjacent to the entrance to the former swimming pool) the boundary with the grounds of Sybil Hill House comprises a 2.3m high block wall surmounted by a 1.0m high palisade fence. This wall is screened by mature planting on the Sybil Hill House side. There is no defined boundary between the two-storey Sybil Hill House and the associated two-storey school building to the south of it. The school is located at a lower level – some 2m below the level of Sybil Hill House.

The junction of Howth Road and Sybil Hill Road has recently been realigned. Travelling from the city towards Howth, there are now two lanes and a bicycle lane. Traffic can only proceed straight on or turn left into Brookwood Avenue. There is no right turn into Sybil Hill Road. Travelling from Howth in the direction of the city, there are two lanes, one of which is a dedicated right-turning lane into Brookwood Avenue. Traffic can turn left into Sybil Hill Road. There is a new bus lane between the junction and Killester to the west. On Sybil Hill Road there is only one lane of traffic approaching the signalised junction with Howth Road. However, in practice, traffic forms two lanes – the right hand one effectively being a dedicated lane for traffic turning right into Howth Road. The same applies for Brookwood Avenue to the north of the junction – with one lane effectively being used as two lanes – the right hand one of which is a dedicated right-turning lane into Howth Road. The junction is fitted with pedestrian crossings on all four arms.

## **2 THE PROPOSED DEVELOPMENT**

Planning permission is sought to demolish 3 dwellings and their boundary walls and construct 79 dwellings, a crèche/community and a café at No 1, 1A and 1B Sybil Hill Road, Raheny, Dublin 5. The development comprises 3 blocks, Blocks A and B being apartments blocks and block C being a terrace of 8 houses. The proposed blocks would surround a central open space. An underground car park is proposed.

### 3. THE PLANNING AUTHORITY'S DECISION

Following a comprehensive further information request and response the planning authority decided to grant planning permission for the proposed development on the 6<sup>th</sup> March 2015 subject to 28 conditions. The conditions may be summarised as follows:

1. The development shall be carried out in accordance with the plans, particulars and specifications lodged with the applications as amended by the Further Information received on the 9<sup>th</sup> February 2015.
2. Materials colours and textures to be agreed in writing with the planning authority.
3. Proposed screening treatment to the northern end of the decks of Block A and proposed canopy/shelters to basements external accesses/capping treatment to vents and pergola structure over portion of the basement ramps to be agreed prior to commencement of works.
4. The development shall be amended with respect of the following: any rear roof lights to the proposed terrace houses in Block C shall be not less than 1.8 metres above the finished floor level, all landing lights, WCs, and bathrooms in the development to be permanently fitted with opaque glass. No other flat roofed area except for the roof garden on Block A, all designated balconies and terraces shall be used as roof gardens or patios.
5. Standard Condition with respect of prohibition of future development without prior grant of planning permission.
6. No additional development to take place above roof level, unless authorised by a prior grant of permission.
7. Part V – Social Housing/Applicant to enter agreement with Planning Authority in relation to social and affordable housing.
8. The requirements of DCC Conservations Architect to be undertaken/the existing east and north garden wall structures shall be retained and conserved in accordance with best practice. Vibration monitors to be utilised. Details to be submitted to the Planning Authority prior to the commencement of development.
9. The community centre building and crèche to be restricted to Class 8 use and Class 10 use as set out in Part 4, Schedule 2 of the Planning and Development Regulations 2001 (as amended). Café shall be ancillary use and shall not be independently branded. Opening hours of units to be between 0700 hours and 2230 hours only. Applicant to submit details of 'Special Purpose Vehicle' for written agreement of planning authority.
10. Standard Condition- no advertising, banners, canopies etc. without prior grant of planning permission.
11. If required roller shutters to be fitted behind glazing and be of single colour etc.
12. Special Development Contribution under Section 48 (2) (c ) of the Planning and Development Act 2000 as amended. Developer to pay €4000 per residential unit.

13. Landscape scheme to be submitted and details of a proposed play area to be submitted prior to the first occupancy of any residential unit.
14. All trees shown to be retained shall be adequately protected during the period of construction in accordance with BS 5837. Details of proposed parking bays on Sybil Hill Road to be submitted for written agreement prior to any works on site.
15. Requirements of DCCs Roads and Traffic Planning Division shall be undertaken.
16. Requirement of DCC's Drainage Division shall be undertaken.
17. Standard Archaeological Condition.
18. Standard Drainage Condition.
19. Standard Site Works - timings Condition.
20. Standard – Control of construction debris/roads Condition.
21. A Project Construction & Demolition Waste Management Plan to be submitted and agreed in writing with the planning authority prior to the commencement of works.
22. Waste Management Requirements.
23. Public Lighting Requirements.
24. Naming and numbering of premises/units to be agreed in writing with the planning authority.
25. Standard Noise Control Condition.
26. Areas to be taken in charge and areas to come under control of a management company to be clearly delineated and submitted to planning authority prior to the commencement of development. Management Scheme to include the community facility, meeting room and residents centre and any changes to the community facility to be agreed in writing with the planning authority.
27. Standard Condition with respect of Bond.
28. Development Contribution of € 685, 228.80 to be paid with respect of Section 48 Development Contribution Scheme for Dublin City Council.

The planners report reflects the decision of the planning authority.

#### **4.0 DEPARTMENTAL REPORTS**

Drainage Division, Engineering Department.

No objections subject to conditions.

Road and Traffic Division, Dublin City Council

No objection subject to conditions.

## Conservation Officer Report, Dublin City Council

Following the further information request the Conservation Officer has no objection subject to condition that refers in summary; that the east and north wall shall be retained in situ and that vibration monitoring be carried out throughout the construction period to ensure that the stability of the walls do not deviate from acceptable norms.

The Conservation Officer noted that there would clearly be a significant impact on the setting of Sybil House however considered that development has taken place in the grounds of most gardens in the City. It was further noted that while trees had been planted in order to mitigate the impacts they are unlikely to provide relief from the five storey element indicated in View 3 (referring to photomontage).

### **5.0 PLANNING HISTORY**

An Bord Pleanála Reference 29N 238232 pertains to a previous appeal on the subject site, which pertained to an application to demolish 3 habitable dwellings and the erection of 98 houses and apartments at No 1, 1A and 1 B Sybil Hill Road, Raheny, Dublin 5.

This appeal was REFUSED by the Board for the following reasons and considerations:

1. The subject site is zoned Z15 in the current Dublin City Development Plan (2011 – 2017), the objective of which is 'to provide for institutional, educational, recreational, community, green infrastructure and health uses'. The proposed development would materially contravene the Z15 zoning which does not include residential development within the list of 'permissible' uses, or uses 'open for consideration'. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development by reason of its scale, height, density, and proximity to Sybil Hill Road would be visually obtrusive and out of character with the established pattern of development in the vicinity, would constitute over-development of the site, would not facilitate appropriate landscaping between the proposed buildings and Sybil Hill Road, and would result in overshadowing of adjoining property to the north. Furthermore the Board is not satisfied that the scale and massing of the proposed Block B, in close proximity to the boundary of Sybil Hill House, would not detract from the character and setting of this protected structure. The proposed development would therefore seriously injure the amenities of the area and of property in the vicinity and be contrary to the PP and SDS of the area.

3. It is considered that the proposed development would result in an unsatisfactory level of amenity for future occupants for the following reasons:

- (a) Proximity of units within Block B to the southern boundary, and the potential for a Leyland cypress hedge on the adjoining site to exclude daylight and sunlight to the lower floors of this block;
- (b) Overshadowing of communal open space within the courtyard by blocks A & B;
- (c) Limited passive surveillance of and poor access to the roof garden at Block A;
- (d) Limited lift access to Block A and reliance on deck-access for many of the apartments;
- (e) Poor-quality daylighting, overlooking and overshadowing of bedroom windows within light wells on the eastern side of Block A. The proposed development would, therefore, seriously injure the amenities of future occupants of the apartment units and would be contrary to the proper planning and sustainable development of the area.

## **6. NATIONAL POLICY**

Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DoEHLG, December 2008.

These Guidelines encourage increased densities in appropriate zoned residential land within inner suburban areas of cities, proximate to existing and due to be improved public transport corridors. In relation to historic buildings it recognises that the main issues likely to arise in the context of residential development relate to the potential impacts on either the protected structures (including curtilages) or architectural conservation areas.

Urban Design Manual – A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DoEHLG, December, 2008

This companion design manual add emphasis to previous DoEHLG guidelines and provisions that strive to achieve decent levels of amenity, privacy, security and energy efficiency from new homes and states that “privacy and amenity are extremely basic human needs”. Such matters are particularly important in higher density schemes where good space standards, sound insulation and access to private open space can make the difference between acceptable urban living and a poor living environment”. In relation to useable private outdoor space it indicates that all homes should have access to an area of outside space where the residents can comfortably sit without being directly overlooked, that the area should be adequate size proportionate to the size of the home and ideally these spaces should be located immediately adjacent to the main living area of the home so that they can function as outside living rooms.

## 7. LOCAL POLICY

The appeal site is governed by the policies and provisions contained in the Dublin City Development Plan, 2011-2017. The indicative land use zoning objective for the site under the City Development Plan is 'Z15': *"to protect and provide for institutional and community uses and to ensure that existing amenities are protected"*.

Under the Z15 zoning matrix, residential development does not fall under 'Permissible Uses', however it is listed in the 'Open for Consideration' category of uses.

The plan refers that where there is an existing institutional and/or community use, any proposed development for "open for consideration" uses on part of the landholding, shall be required to demonstrate to the Planning Authority how the proposal is in accordance with and assists in securing the aims of the zoning objective; how it secures the retention of the main institutional and community uses on the lands, including space for any necessary expansion of such uses, how it secures the retention of existing functional open space e.g. school playing fields and the manner in which the nature and scale of the proposal integrates with the surrounding lands zoned Z15.

Section 15.10.14 refers to requirements pertaining to a masterplan with respect of Z15 zoned lands.

Additional relevant excerpts of the Dublin City Plan 2001-2017 are appended to this report.

## 8. GROUNDS OF APPEAL

### Third Party - Sean & Norma Ryan

The grounds of the appeal by this third party may be synthesised as follows:

- It is submitted that the site is zoned Z15 and this zoning has been confirmed by Dublin City Council on a number of occasions over the past few years.
- The Councillors in confirming this zoning were having regard to the wishes of the local community as well as to the proper planning and sustainable development of the area.
- The purpose of the Z15 zoning is "to provide for institutional, educational, recreational, community, green infrastructure and health uses". The grant of planning permission is in no way consistent with Z15 zoning and should be overturned.
- It is understood that in 2013, the definition of Z15 zoning was amended, however the reasons for same are not relevant to this site.

- The site was always used for community use. It contained a swimming pool, an Alzheimer's day care centre and a crèche. These facilities were closed to facilitate the sale of the site by the Vincentian Fathers to a property developer. The swimming pool was demolished in 2008.
- Any proposed development for "open for consideration" lands, which purports to show that an existing plot of land zoned Z15 is not required for existing institutional/community use must be accompanied by a Master Plan, setting out a clear vision for the entire landholding.
- It is submitted that during the previous hearing the Vincentian Fathers submitted a letter stating that the remainder of the N15 lands are to be retained in institutional use in the long term. However, it is stated that the Vincentian Fathers announced that they have signed a contract to sell more of the N15 lands on the 9<sup>th</sup> March (3 days after permission was granted). Therefore it is submitted that further lands currently in use as playing fields, will be subject to further applications. Accordingly, the question of a new Master plan is raised.
- With respect of height the current proposal is similar to that refused by An Bord Pleanála under 3074/10.
- The development plan states that development around the perimeter of a site should not be greater than the prevailing height of the existing residential properties.
- The plan also restricts the height of development in outer city areas to not more than 4 storeys unless it is within 500 metres of a DART or a mainline station.
- An Bord Plenaála previously found the development of 98 houses to be visually obtrusive by reason of scale height and density and found it to be over-development of a restricted site. While the number of units is reduced it is substantially the same as the previous application.
- Block A is proposed to be built even closer to the 'The Meadows' than the previous application.
- The residences in 'The Meadows' are mostly to the east of the proposed development and will be directly overlooked or overshadowed by the proposed buildings.
- As the proposed development is positioned due west of 'The Meadows', the degree of overshadowing will be totally unacceptable. The condition that stipulated that any rear roof lights shall not be positioned less than 1.8 metres above finished floor level is totally inadequate.
- The introduction of vehicular access for over 100 vehicles at this location will present as a traffic hazard and will exacerbate the situation that exists in the area for both motorists and pedestrians.

#### Third Party - The Meadows Residents Association

- The proposed development would contravene the Z15 zoning objective of the current Dublin City development plan. The developer has tried twice to have this land rezoned as Z1 and has been rejected on both occasions.

- The proposed use of a high density residential development is contrary to the will of the people and would be contrary to the proper planning and sustainable development of the area.
- The proposed development is too large and dense for the site and is completely out of character with the area.
- The 5 storey development would be visually obtrusive and should certainly not be built on a Z15 zoned site.
- There are no other 5 storey buildings in the area that directly adjoin the public footpath.
- The height of the buildings will impact greatly on the residents of 'The Meadows'.
- One cannot compare the structure with the nursing home down the road as the nursing home is significantly set back from the road and is further down the hill.
- The proposed housing mix for the site is not in keeping with the residential nature of the area and will lead to a more transient population of residents not rooted in the community.
- Car parking spaces on the site are totally inadequate.
- The crèche and café on the site are superfluous to local needs is already a crèche and a café in the local community centre.
- The car park entrance is proximate to St Brigid's National Boys School entrance, which is used by hundreds of children every day.
- The 4<sup>th</sup> floor roof garden is of serious concern to the residents of 'The Meadows' with respect of noise nuisance and overlooking potential.
- It is submitted that the houses in block C should be built to be the same height as those in 'The Meadows'.

#### Third Party - James and Barbara Cahill

- It is considered that Dublin City Council erred in their decision in that they failed to consider other options for the site before residential and they acted outside the spirit of the meaning of Z15 lands.
- On two occasions Dublin City Council representing the people of Dublin voted against the option for housing on this site.
- No master plan has been provided for the whole of the St Pauls college site.
- The Vincentians have just announced that they have sold a further 15 acres of sports grounds attached to the facilities despite a letter stating that they would not be selling any more ground under the last appeal.
- It is submitted that no discussions have taken place with the Department of Education with respect of future education requirements in the area.
- Under the conditions of Z15 a master plan has to be provided.
- Two other apartment developments in the area have been constructed but are set back from the road and are in keeping with height of surrounding houses.

- If there is a four to five storey structure positioned between the Old Folks Home and 18 to 26 The Meadows those residents will be denied sunlight from early autumn until the middle of spring.
- With respect of condition 14 b, it is submitted that the following premises already use parking bays on Sybil Road, Care Centre, Old Folks Home Visitors, Park and Ride bus customers and visitors to St Anne's Park.
- It is submitted that the proposed development would be detrimental to road safety for children with respect of the traffic at the junction of Howth Road, Brookwood Avenue and Sybil Hill Road as in excess of 1000 children use this junction at school times.
- The proposed houses are to be very close to the appellants' boundary and it is submitted that it will view like a large warehouse and block sunlight from 19 to 27 The Meadows.
- With respect of density it is considered that the site is a bit small for 79 apartments and dwellings.

First Party – MKN Developments Ltd.

- This is a first party appeal against conditions numbers 12 and 28 with respect of Section 48 Development Contributions.
- Condition 12 requires the developer to pay a sum of €4 000 per residential unit to the planning authority as a special contribution under Section 48 (2) (c) of the Planning and Development Act 2000, in respect of public open space.
- Condition 28 requires the developer to pay the sum of € 685 228.80 to the planning authority with respect of a contribution towards expenditure that was/is proposed to be incurred by the planning authority with respect of public infrastructure and facilities benefitting the development as provided for under Section 48 of the Planning and Development Act 2000.
- It is submitted that section 10 of the Dublin City Council Contribution scheme referred to as 'the scheme' does not set out any details on the level of contribution which would be applied in lieu of open space provision.
- Section 11 of the scheme refers to exemptions as follows; 'Development to be used for social, recreational or religious purposes and not be used for profit or gain'.
- It is submitted that the application of Condition 12 that recommends €4000 per residential unit, is based on a report by the parks and landscapes services department, in respect of the application and no rationale for such a figure is set out within the planners report.
- With respect of condition 28 it is submitted that 132.8 square metres of the area of commercial floor space stated as being 230.6 square metres is in fact a community/café facility, which is exempt from contributions with respect of the Dublin City Council Development Contribution Scheme 2013-2015.

- With respect of Condition No 12 it is submitted that the applicant is willing in principle to pay a contribution in lieu of open space however the quantum of contribution applied by Dublin City Council is considered to be excessive. 43% of the site has been centrally located as open space and a community café facility is being provided at the cost of the developer.
- The open space contribution at a cost of €4000 per residential unit in addition to the overall cost of the community/café facility would amount to €7, 164.55 per residential unit which it is submitted, is clearly excessive.
- As a comparison the Fingal Council Development Contribution Scheme is referred to and if such criteria were applied to 25% of the subject site, the contribution would be €1, 595 per each of the 79 units.
- The applicant is willing to pay development contribution in lieu of any shortfall in public open space however €4000 per unit is considered excessive and no justification for this figure has been provided in the reports.

## 9.0 LOCAL AUTHORITY'S RESPONSE TO APPEAL

No response submitted.

## 10.0 OBSERVATION

Ciaran Close & Collette Barry, 21 the Meadows, Howth Road, Raheny, Dublin 5.

The contents of the observation may be summarised as follows:

- The proximity of Block B will seriously impact on the amenity of the observers' home and garden. The three storey element is to be located 4.8 metres from the property boundary and 15.9 metres from the observers' house at No 21 the Meadows.
- The three storey element of Block B is more than 10 metres high relative to the observers' property.
- The three storey element will result in a significant invasion of privacy of No 21 the Meadows, which has been enjoyed for over 30 years.
- Block B is to be located due southwest of the observers' property which it is submitted will have a maximum daylight and overshadowing impact.
- The validity of the ARC daylight/sunlight report and its findings are questioned as the analysis carried out by the observer shows an angle of greater than 32 Degrees between Block B and the observers' living room as opposed to the angle of 25 Degrees as quoted in the ARC report. Accordingly, it is contended that the building will seriously injure the observers' sunlight and daylight amenity and is prejudicial to any further development of the applicant property.

- With respect of additional information submitted the observers would like to see a restriction placed on the planting of trees and foliage close to the boundary wall that may have the potential of loss of sunlight or daylight or interfere with the observers' amenity in any way.
- With respect of Block A roof garden, it is suggested that this area should be restricted to access for maintenance only as it would present noise and nuisance potential and would also present major privacy issues for the development itself as well as The Meadows.
- It is contended that the proposed development is too large for this location and the amount of land available and is not sympathetic with any neighbouring buildings. It would be visually intrusive and would seriously injure the amenities of neighbours to the north and impact negatively on their property prices.
- The photomontage does not reflect what the development would look like from the Meadows. It is submitted that the Aviva Stadium has only 17 rows on its north terrace with respect of its northerly neighbours in the Havelock Square Area. It is therefore submitted that the Meadows residents should be entitled to similar respect.
- It is submitted that the traffic analysis was carried out on the first day of school holidays. It is considered that as the site is positioned between two of the largest boys schools in Dublin, this fact alone should discredit the report.
- The lack of a Traffic Masterplan for this area is a major omission as this is probably one of the busiest junctions and is a major point for congestion. It is submitted that recent announcements by the Vincentians that they have sold a further 20 acres adjacent to this development necessitates a much more thorough review of traffic and parking for this area.
- Parking is a major concern in this area due to the number of people using it for local amenities. This will be further exacerbated by the use of a café and a crèche.
- The possibility of visitors and residents using the street for on street parking as opposed to the underground car parking will impact many residents who use the street to avail of existing amenities. This will be a huge issue at school drop-off and pick up times and will impact on the safety of children.

## **11.0 FIRST PARTYS RESPONSE TO THIRD PARTY APPEALS**

The response of the first party appeals may be summarised as follows:

- The name and address of the appellant is materially different to the name and address of the observation to Dublin City Council on the appeal representing residents of The Meadows, therefore the validity of this appeal is questioned.
- It is submitted that an oral hearing is not required.
- The scheme has been laid out to ensure it respect adjoining residences.
- Despite being located in a well-established area limited population growth has the potential to negatively impact existing schools and community facilities

therefore the proposed development will provide the opportunity to accommodate growing population.

- The subject application seeks to address the reasons for refusal attached to the previous application through the provision of a much reduced scale of development.
- Dublin City Council fully accepted compliance with zoning objectives.
- The site forms a small part of the Z15 lands and is under different ownership.
- The site was formally the site of a swimming pool which was owned by the Vincentians and was sold in 2006. The proceeds were used for upgrading school facilities.
- The Vincentian Order is fully supportive of the subject application.
- Development Plan requirements with respect of justification of development and the requirement of Masterplan are set out and it is submitted that the plan makes provision for instances where there is no longer a 'need' for the existing and community uses.
- The proposed development will not result in the loss of any institutional/community use and the provision of a crèche facility and associated play space, community/café facility and associated garden on the subject site will provide additional community facilities for the area.
- Consideration should be given to PL 29S234928 and 29N236045.
- The development will not have an adverse impact on open space as there is no such open space on the site.
- The site layout plan demonstrates how the boundary treatments for the proposed development respect the existing boundary. It is not considered appropriate to create links with the adjoining operational school.
- The preparation of a masterplan for the wider Z15 lands would serve no realistic purpose.
- With respect of future development of other Z15 land raised under appeal it is submitted that no such application exists and that if one did exist it would be considered on its own planning merits.
- With respect of building height it is submitted that the 2011-2017 Dublin City Plan refers to increased building heights in identified 'rail hubs' where residential development can be up to 6 storeys. Given the sites proximity to Harmonstown Dart Station, this provision applies.
- In issuing a decision to grant planning permission Dublin City Council has accepted that the site lies within 500 metres of a DART station and therefore the threshold pertaining to the site is 6 storeys.
- The site is also within walkable distance to two DART stations and runs along a QBC.
- The proposal entails a density of 114.5 dwellings per hectare in contrast to the previous scheme. This is within required guidance range.
- Various award winning developments undertaken by the applicants have higher densities.
- The proposed development is a three sided enclosure surrounding central open space. Extensive pre application discussions surrounded the design and layout of the proposed development.

- With respect of the site location, the City Council agreed that the stepping up approach adopted was reasonable.
- Block C has been designed in the context of neighbouring development in the Meadows.
- Access and management arrangements will be controlled and monitored by the management company. Additionally, in order to remove any issue of overlooking the roof garden has been set back by 2.15 metres.
- With respect of The Meadows it is submitted that the eaves of the proposed Block C is 33.30 and the eaves of the adjoining residential development at the Meadows is 31.75.
- It is submitted that while Block A is 3 metres closer to the northern boundary than the previously appealed scheme it should be noted that this element has been reduced by a storey and adequate separation distances are achieved.
- The previous inspectors comments are noted that had no fault with overlooking or overshadowing the Meadows and it is submitted that the currently proposed development is to be set further away from numbers 18-26.
- With respect of Daylight and Sunlight the proposed development has had regard to the relevant standards and guidance and with respect of The Meadows it is held that the development will not have adverse undue impacts.
- The boundary between the Meadows and Block C entails a high wall of 4.01m and 3.65 metres, which causes a lot of the overshadowing of The Meadows gardens.
- With respect of traffic safety, it is submitted that the Roads and Traffic Section of Dublin City Council have no objection to the proposal for 79 houses. Under the previous refusal traffic concerns were not cited for reasons for refusal.
- As set against the roads/junctions context the proposal introduces a relatively minor development into the environment.
- Given the location and accessibility it is submitted that more sustainable modes of transport such as walking, cycling and public transport would favour this location.
- With respect of on-street parking the Roads and Traffic Section of Dublin City Council has no objection.
- It is submitted that all traffic data was sourced in October 2013 and a further count was undertaken in July 2014.
- In order to address the concerns of the appellants it is submitted that a further updated traffic survey was carried out on the 22<sup>nd</sup> April 2015 and the results are attached.
- Overall it is submitted that the proposal will not result in any significant traffic impact, impact on congestion or road safety. The Project Consulting Engineer and the City Council Engineer are satisfied with the scheme.

## **12.0 THIRD PARTYS RESPONE TO FIRST PARTY APPEAL RESPONSE**

### Sean & Norma Ryan

The following is a synopsis of points that have not been previously raised:

- It is submitted that despite previous written assurances, the Vincentian Fathers have now sold 15 acres of playing fields to New Generation Homes for development. New Generation Homes have confirmed that they hope to make a planning application shortly and it is understood that it will be for several hundred residential units.
- It is submitted that despite the assertion in the first party's response to the appeal that 'a masterplan for the wider Z15 zoned lands serves no realistic purpose' it is contended that it is now even more essential that a masterplan be prepared and that no development should be considered until a masterplan is in place.
- The applicant was asked by Dublin City Council to prepare a Masterplan and consult with the Department of Education and Skills over expansion needs. It is stated that the applicant fulfils neither of these requests.
- The site at Sybil Hill is not within 500 metres of Harmonstown and this was clearly established in the previous appeals' inspectors report.
- It is refuted that 'no professional opinion or substantive evidence has been submitted by the appellants regarding overshadowing'. It is submitted that as residents of the Meadows the writers can see the shadows already existing in the area and how much worse they would be with a high density development.
- It is alleged that New Generation Homes propose that all traffic associated with the Z15 lands will exit onto Sybil Hill Road.
- The writers are disappointed that they were not afforded the opportunity of an oral hearing as they don't have the resources to pay for a 'professional opinion' in support of their points.

## **13.0 THIRD PARTYS RESPONE TO FIRST PARTY APPEAL RESPONSE**

### The Meadows Residents Association – Ronan McCoy

- No new issues planning raised.
- With respect of the First Partys question regarding the validity of the appeal under the name Ronan McCoy it is submitted that Ronan McCoy is the democratically elected chairperson of 'The Meadows Residents Association' and Mr Close is the Vice Chair. The submission was supported by all Residents as evidence by the signature sheet attached to the appeal.

## 14.0 THIRD PARTYS RESPONE TO FIRST PARTY APPEAL RESPONSE

James & Barbara Cahill

- No new planning issues raised.

## 15.0 ASSESSMENT

Having inspected the site, considered the file documentation and the prevailing local and national policies, I consider that the key planning issues arising from the proposed development are:-

- Principle of the Development;
  - Zoning Provisions
- Layout and Design Issues;
  - Pattern of Development/Visual Impact.
  - General Design & Layout – density/plot ratio, private and public open space, unit dimensions, block design, overlooking & overshadowing.
  - Access/Traffic – vehicular/pedestrian access, car parking, interconnectivity.
- Other Issues
  - Architectural Heritage
  - Archaeology
  - Social & Affordable Housing
  - Services
  - Validity of Appeal Submission
  - Environmental Impact Assessment
  - Appropriate Assessment
- Development Contributions
  - Condition 12
  - Condition 24

## 15.1 Principle of the Development

### Zoning Provisions

The appeal site has the benefit of Z15 zoning, where it is the objective of the plan to *protect and provide for institutional and community uses and to ensure that existing amenities are protected*". Additionally, residential development is 'Open for consideration' under such zoning. However section 15.10.14 is quite prescriptive with respect of such open for consideration uses whereby it requires the applicant to demonstrate how a proposal is in accordance with and assists in securing the aims of the zoning objectives, inter alia. The applicant for development is therefore required to show the following; *how it secures the retention of the main institutional and community uses on the lands, including space for any necessary expansion of such uses; how it secures the retention of existing functional open space e.g. school playing fields; and the manner in which the nature and scale of the proposal integrates with the surrounding lands zoned Z15. The open space requirement in relation to the lands to be developed will have regard to the provisions of the development plan taking into account the nature of the proposed development. A masterplan may assist in demonstrating how the requirements of this paragraph may be satisfied.*

The development plan also gives further guidance with respect of the necessity of a masterplan in the development of such land. The relevant policy continues as follows: *Where there is no longer an identified need for an existing institutional and community use (such as a school, or hospital) on lands zoned Z15 and where the land is to be redeveloped, in whole or in part, for open for consideration uses (such as residential) and/or other uses including permissible uses, then a masterplan shall be prepared by the proposer and/or owner.*

I would regard the whole question of the required masterplan to be a very significant issue in this appeal given the stated policy of the plan with respect of Z15 zoned lands and with respect of the ultimate aim of achieving the sustainable development of such prime city land. I am of the viewpoint that where there is opportunity for a carefully considered, meticulous and holistic planned approach to the development of such lands, that the plan refers to as *playing an important role in the achievement of a more compact city*'. I also consider that the incremental and piecemeal development of such a prime urban space would lack overall spatial coherence with surrounding lands, in the absence of a master plan. It is apparent from the appeal submissions and the planners report, that a number of attempts to rezone the subject lands to residentially zoned lands failed. Accordingly, to consider this site in isolation from the remaining Z15 zoned lands, would, it could be argued, conflict with the spirit of the policy contained in the plan particularly with respect of paragraph 15.10.14 of the plan and could in effect limit the assessment of such lands to the requirements or considerations of Z1 residentially zoned land, for which it is simply not zoned.

With respect of the remaining Z15 lands at this location the agent for the applicant makes a very reasoned case for why it is his opinion that there is no requirement for a masterplan. The arguments raised by the agent will be considered in detail later in this section. However suffice to refer that the thrust of first party's viewpoint is that '*a master planning approach*' to the development of the subject site, in isolation from the parent Z15 lands, has been adopted.

With respect of submissions to the appeal on behalf of the third parties, the case is made that a masterplan is required in accordance with the development plan requirements. Additionally, the submissions refer that Vincentian Fathers have recently announced the sale of an additional significant parcel of the subject Z15 lands. While the latter submission is not verified or corroborated under the instant appeal, I do note the planners report, that appears to refer and accept an understanding that this was not the intention of the Vincentian Fathers with respect of the remaining Z15 lands at this location, wherein the planner states;

*'The applicant notes that it is the intention of the Vincentian Order to maintain their extensive landholding in use as a school for the medium/long term. They state that the retained lands amount to c29 acres, which it is claimed will provide ample scope for the expansion of existing community and institutional uses.'*

While the property decisions of the religious community in question is a matter for the community, the possibility of the development of a land bank in such environs where there are clearly defined zoning provisions is clearly a matter for the planning authority. I can reasonably deduce that the planner was clearly assessing how the proposed development '*is in accordance with and assists in securing the zoning objectives of the land and how it secures the retention of the main institutional and community uses on the lands*'.

I am of the viewpoint that, wholly apart from the above conjecture regarding the possibility of the further sale of the subject Z15 zoned lands in this space, that the case remains for the necessity of a masterplan for the subject Z15 lands, in order to ensure the proper planning and sustainable development of the area and to ensure compliance with the policy clearly stated within the development plan.

Additionally, I note that the requirement for a masterplan was clearly articulated as being significant with respect of the proposed development, as it was requested under the first point of the further information request with respect of planners report dated 7<sup>th</sup> November 2014 as follows;

1. The applicant is requested to submit a 'Z15' Masterplan for the site and associated parent Z15 lands. The applicant shall consult with the Department of Education and Skills over any expansion needs etc. for St Paul's College.

In responding to this request for further information the agent for the applicant sets out his arguments for why it is considered a Masterplan is not required, which will be discussed below.

The agent for the applicant under the Further Information response dated 7<sup>th</sup> November 2014 refers that the subject site forms only a small area of the overall area of Z15 lands and the agent also considers that it is important to note that the site is under different ownership to that directly adjoining it, which are under the ownership of St Paul's College/The Vincentians. Therefore it is considered to be a distinct entity and landholding from St Paul's College Z15 lands. Furthermore, the agent submitted to the planning authority that the subject site was formerly the site of a swimming pool, which was owned by the Vincentians. The swimming pool site was closed in the early 2000s, the proceeds of which paid for upgrading of sporting facilities in St Paul's School.

The agent for the applicant continues to discuss 'the justification' of the proposed development with respect of the following:

- How the proposal is in accordance with and assists in securing the aims of the zoning objective;
- How it secures the retention of the main institutional and community uses on the lands, including space for any necessary expansion of such uses;
- How it secures the retention of existing functional open space e.g. school playing fields; and
- The manner in which the nature and scale of the proposal integrates with the surrounding lands zoned Z15.

This report will assess the various aspects of the above 'justification' later and will now assess the further information response specifically with respect of the issue of a masterplan.

The primary response to the question of the necessity of a masterplan refers to policy guidance under section 15.10.14 that refers that any such masterplan shall be accompanied by evidence that demonstrates to the planning authority that there is no longer a need for the existing institutional use on the lands zoned Z15. Accordingly, the agent appears to deduce that as there has been no such use on the lands since the swimming pool was demolished that there is no requirement for a master plan.

I have three problems with this response; Firstly, I believe the policy is clearly misinterpreted as it states that the masterplan shall be accompanied by evidence that demonstrates to the planning authority that there is no longer a need for the existing institutional use on the lands zoned Z15'. Nowhere in this excerpt of the relevant policy does it stipulate that a master plan would not be required if there is no longer a need for the institutional use, or if it can be interpreted that an existing institutional use does not exist.

Secondly, the term "Existing Institutional and/or community use" is clearly defined under section 15.10.14 of the plan, lest clarification such as this would be wanting. The plan clearly states;

*“Existing Institutional and/or community use” referred to above shall include the last community/institutional use on the lands”*

Accordingly, it is clear that the last community/institutional use on the subject lands was that of a swimming pool and can be taken as an Existing Institutional and/or Community use, with respect of the development plan.

Thirdly, with respect of ‘need’ for such a use viz a swimming pool, it is apparent from submissions on the file, that the Vincentians closed this use due to a lack of funds forthcoming with respect of the pools upgrade. This issue pertains to the financial circumstances of the then owner as opposed to any demonstrable verification that there is no longer a ‘need’ for this institutional use, in this area or community. However, notwithstanding this latter point, I am of the viewpoint that the case made by the agent for the applicant that argues that there is no requirement for a master plan with respect of the contention that there is no ‘use’ on the site to be a weak one, with respect of clearly cited policy within the plan and also the definition of ‘Existing Institutional and/or Community Use’ as cited above. I respectfully do not accept that the contention that somehow the requirement for a masterplan is negated in some way, or superseded by the additional requirement that such a plan be accompanied by evidence that demonstrates to the planning authority that there is no longer a need for the existing institutional use on the lands zoned Z15.

Additionally, I consider the comments made by the Inspector under the previous appeal on the subject site to be pertinent to this subject. He referred:

*“The site (apart from the three houses) forms part of a clearly identified institutional holding – notwithstanding that part of that landholding has been sold to the applicant company”, and, “When last used it contained a swimming pool attached to St Paul’s College. The demolition of that pool does not at a stroke sever the connection with the institutional use”.*

Finally, the agent for the applicant argues that as the subject site is in separate ownership it is not considered to be ‘*practical or appropriate*’ to provide a masterplan. It is further commented that such a masterplan ‘*would serve no useful purpose*’ as the applicant would ‘*not be in a position to implement the masterplan*’. In this regard, I am of the viewpoint that the development plan is very specific in requiring a masterplan in this instance with respect of Z15 lands. Additionally, I note that the development of a masterplan would require a collaborative or ‘joined up’ approach, which is part of the function of the planning discipline with a common vision of sustainable development of an area. Were the argument with respect of different ownership to be accepted in this instance then precedent would be set for such an approach in many other localities where masterplans or indeed local area plans are merited.

While I accept that the principle of residential development is an ‘*open for consideration*’ use on the subject site and I am also cognizant of the current demand for residential units, I am of the viewpoint that the development plan is quite

prescriptive in its attention to Z15 lands, which differentiates it from Z1 lands in many respects, but in particular with respect of the requirement for a masterplan. Accordingly, in the absence of a masterplan for the subject Z15 lands, I am of the viewpoint that the proposed development would be contrary to the zoning provisions of the area and associated policy and would be contrary to the proper planning and sustainable development of the area.

With respect of the proposals 'justification' with regard to the requirements specifically stated under Policy 15.10.14 of the plan, the first party to the appeal submits that it has satisfied the requirements in this regard. 1. It is considered that with respect of securing the objectives of the development plan that the letter submitted to the City Council from the Vincentian Order confirms that the design team has liaised with the Order to ensure the proposal will not have an adverse impact on the current or future operation of St Paul's College. The first party to the appeal considers that this letter demonstrates that the land sale to the applicant has consolidated the existing community and institutional uses. 2. With regard to the requirement to retain institutional uses on the Z15 land it is submitted that the proposed development will not result in the loss of any existing or institutional use as the site has been disused for 10 years and has always been physically separated from the school by a wall. Additionally, with respect of justification it is argued that the provision of a crèche, a play space, community/café facility will provide additional community facilities in the area. 3. With respect of the requirement to retain existing functional open space it is submitted that the proposal will have no adverse impact on open space as there is no such open space on the site. 4 with respect of integrating the development with surrounding zoned lands, boundary treatment is referred to and it is considered not appropriate to create links with an operating school. 5. Regarding the requirement to submit evidence of the need for existing Institutional and Community Uses, it is indicated that there is no need for such use on the site since the Vincentians closed the site in the early 2000s. At that time the site was surplus to their requirements. School numbers have reduced and it is submitted that there is more than enough capacity for future requirements.

With respect of the above justification in conjunction with this reports assessment on the requirement to submit a masterplan elsewhere, I do not consider the above justification to be adequate. The Vincentians claim to have sold the site as they were not in the financial position to carry out its upgrade as referred to elsewhere. This would infer an element of financial reasoning as opposed to the site being surplus to their requirements as such. Additionally, with regard to the assertion that the 'community or institutional' use has not existed on the site, this issue has been addressed elsewhere in this report and it is clearly reasoned that the plan refers to a past or previous use as the existing use, with specific regard to Z15 zoned land. With regard to integration of the proposal with surrounding lands, I do not consider that the thrust of this requirement was directed towards the issue of boundary treatment rather the greater picture of how the Z15 lands as whole integrate with any given application site. I accept the point regarding inappropriateness of creating linkages with an operating school. Lastly, on the issue of 'need' for existing institutional uses I find this justification to be weak at best. The applicant was clearly

requested under point 1 of the Further Information request to liaise with the Dept of Education and Skills regarding future expansion needs. This request was clearly not complied with rather the Vincentians viewpoint that refers to the drop in student numbers and the existing spare capacity at present in the School was referred to. In my view, this does not address the question. One would reasonably deduce that the Department of Education and Skills have clearly the remit for forecasting models of need and future need for educational requirements within the City area. The Dept is the only authority that is equipped to balance the projected collective future educational needs of the city and consequently any given area therein, accounting for demographic profile, catchment areas, commuter patterns etc. I do not consider that the isolated opinion of the Vincentians regarding current capacity to be at all sufficient, notwithstanding that the first party submission, that the Management of the Vincentians consult all the time with the Department.

## **15.2 Layout and Design Issues**

### Pattern of Development/Visual Impact

The proposal entails many of the substantive features of the development previously refused on the appeal site, however the proposed height of various elements have been reduced and the general layout has also been modified. Overall from a layout perspective block A, an apartment block, which addresses Sybil Hill Road retains a similar footprint on the site, albeit moderately closer to Sybill Hill Road and block C, which comprises 8 two storey town houses in the northeast area of the site largely retains a similar footprint also. Block B, which straddles the south boundary of the site, is currently subdivided by way of a landscaped space, that separates the apartment block, Block B from the Community Centre/Café & Crèche building, which is appropriately located to the front of site proximate to Sybil Hill Road.

With respect of visual impact the appellants largely hold that the proposed development is excessive in scale and does not conform to the surrounding pattern of development. I share similar concerns regarding the visual impact of the proposed development from the vantage points of Sybil Hill Road itself, from the Meadows residential estate and also from the perspective of the adjacent Sybil Hill House (Protected Structure) and from within its curtilage notwithstanding the general reductions in height proposed by the current application. I concur with a submission to the appeal that no photomontage has been submitted with respect of vantage points within the Meadows and I submit that the photomontage that are submitted at surrounding locations do not convince me that the proposed development, with respect of its height, mass and bulk will not have an adverse impact on the visual amenity of the area or in the case of the Sybil Hill House, or its character and setting.

With respect of lands zoned Z15, policy cited in paragraph 15.10.14 refers inter alia, that *'Development at the perimeter of the site adjacent to existing residential development shall have regard to the prevailing height of existing residential development'*.

I consider that Block A which addresses Sybil Hill Road forms such a perimeter location that should have regard to the prevailing height of adjacent residential development. I note the previous inspectors remarks referring to Block A whereby he referred that it would 'present an unduly harsh edge to the road'. Notwithstanding modifications implemented in the current proposal with respect of height and boundary line, I yet consider that the proposed monolithic structure of four storeys in height straddling Sybil Hill Road, whereby the prevalent residential building pattern comprises two storey residential dwellings, would have a negative visual impact on this space. I also note the previous inspectors comments elsewhere in his report referring to Section 17.6.2 of the plan regarding building heights, whereby he concludes that 'buildings of four storeys only are envisaged by the plan on sites such as this one'.

I acknowledge the first party's submission that refers to provision in the plan with respect of building heights within 500 metres from existing and proposed DART stations and that refers that maximum height for residential development can be up to 6 storeys. He also refers that the City Council have accepted the proposed building height. I consider that while such building heights may be permissible within certain distances, the site specific context and receiving environment must also be capable of absorbing and integrating such building heights and in the instant appeal, I would have strong reservations about any such development in excess of four storeys.

Regarding the latter, I consider that the possibility of four storey constructs may be possible on the appeal site subject to the satisfaction of other salient planning issues such as overlooking, overshadowing and overbearing factors, however at perimeter locations within the site, I consider that a stepped approach throughout would have been a more appropriate form of development, that would have regard to the existing residential development.

With regard to building height in the site specific context I concur with previous inspectors comments regarding the predominant two-storey pattern of development in the area and the issue of the nursing home, which it had been argued previously, provided a precedent. He referred the following:

*"All buildings within the vicinity are two-storey – the exception being the four/five storey nursing home on the opposite side of Sybil Hill Nursing Home. Whilst the nursing home is a large building it is very much an exception in this area in terms of height. The impact of the height of the nursing home is somewhat alleviated by the set-back from the road (between 15-43 metres), the mature landscaping of the site and the presence of semi-mature trees flanking Sybil Hill Road. At its closest point to the site the nursing home is four storeys. I would not consider that this building has set a precedent for the area".*

It is also my opinion that Block A as a four storey structure presents as a particularly hard and abrupt element on the streetscape of Sybil Hill Road, which does not

conform with the pattern of development in the area and would negatively impact on the visual amenities of the area, notwithstanding the moderate reduction in height from the previous application/appeal on the site.

With respect of block B, I have concerns regarding its proximity to the Meadows and the potential for overbearing impacts thereon. Additionally, I have strong reservations about Block B's overall massing and its potential negative impact on the character and setting of Sybil House (Protected Structure), which is discussed elsewhere in this report.

Additionally, from the perspective of visual impact I would have concerns about house no 8 in block C and its potential to negatively impact the visual amenities of the property at No 27 The Meadows, especially in light of the differential in ground levels. However, I have no concerns about the remainder of Block C as the minimum required distances from Block C rear elevations to rear boundaries are adhered to. I consider condition 4 (a) as imposed by the planning authority under the notification of decision to grant permission to be reasonable, which refers that 'any rear roof lights to the proposed terrace houses in Block C shall be not less than 1.8 metres above finished floor level'. I would consider that in the event of a favorable grant of permission that House No 8 could be conditioned out. I would propose a space for all weather outdoor activity such as basketball and/or soccer area with outdoor seating to replace this unit, albeit a small space, as older children and teenagers are not specifically accommodated on the site. Potential concerns regarding anti-social activity etc. could be surmounted with surveillance and passive overlooking and in any event, I do not consider the potential of such to override the importance of providing usable outdoor space for all ages, insofar as is possible and practical.

### General Design & Layout

The principle of the overall design of three blocks surrounding a central open space area measuring circa 2920 square metres is satisfactory however as discussed above the overall massing with respect of height and visual impact in this area is deemed to be excessive. The construction of a block of two storey dwellings in the northeast section of the site is also satisfactory as it provides an element of integration with the pattern of development on its adjacent boundary in The Meadows. The construction of the underground basement is also satisfactory as this provides additional space at ground floor level for providing the public amenity space as was commented on under the previous appeal. The communal open space on top of block A is also a welcome element of the proposed development utilizing a flat space within the site for amenity purposes that would otherwise have a sterile function. While there is some concern within the appeal submissions regarding this element of the proposed design with respect of potential for overlooking and noise disturbance, I do not consider that there will be a problem with regard to its location on the site and with respect of the set-back area around the perimeter of the roof

space. The crèche, community centre and café are appropriately located within the site and have designated car spaces allocated. The children's play area is a welcome addition to the development also. The overall design with respect of palette of materials such as buff colored brick, timber decking, concrete pavers, fascia/soffit to be powder coated metal RAL 7015, stainless steel tubular hand rails etc. are appropriate and I note the materials and finishes drawing refers to other developments finished to a high standard by the same applicant.

### Density/Plot Ratio

Section 4.4.3.1 of the Development Plan refers to Urban Density and Section 17.3 refers to Density Standards. The Development Plan does not specifically set out maximum or minimum density standards but rather encourages the development of high quality, sustainable densities and the consolidation of urban form.

Proposed densities are subject to the qualitative safeguards and policies outlined in the development plan, which ensure that proposed schemes will respect the existing character, context and urban form of the area and safeguard existing and future residential amenity. Proximity to public transport and public transport capacity are also determining factors when assessing the appropriateness of proposed densities.

Section 17.4 of Dublin City Development Plan 2011 – 2017 refers to plot ratios. Indicative Plot ratios for Z15 zoned lands are between 0.5 – 2.0. The proposed plot ratio is 1.179. Section 17.5 refers to site coverage. Indicative site coverage for Z15 zoned lands is indicated as being 50%. The proposed site coverage is approximately 35%. Therefore the proposed plot ratio and the site coverage are both under the recommended level as set out in the Development Plan. However I note that the qualitative standards require that residential schemes respect existing character, context and urban form and this point is particularly significant in the subject assessment.

### Unit Dimensions

Regarding the design of the individual dwellings, standards for Residential Accommodation are set out in Section 17.9 of the Development Plan. The standards for residential accommodation are divided into standards relating to the individual dwelling unit, the residential scheme, and the neighbourhood. The individual dwelling unit section contains standards that apply to all residential development (A1). Additional standards for houses are set out in Section (A3). Similarly, the residential scheme section contains standards that apply to all residential development under Section (B1).

The Plan indicates a required target average floor area across a residential scheme. The minimum area for a one bedroom unit is stated to be 55 square metres; a two bedroom unit ranges from 80 to 90 square metres and a three bedroom unit or equivalent is 100 square metres.

The proposed scheme comprises eight two storey terraced houses consisting of two and three bedroom units measuring between 124.3 and 138.3 square metres. There are 12 one bedroom apartments proposed at 55.9 square metres each and there are 55 two bedroom apartments proposed to measure between 75.6 and 98.6 square metres. Additionally, there are 4 three bedroom apartments proposed at 107.4 square metres. Accordingly, all of the proposed dwelling units fall under the required standards as per the Development Plan.

#### Private and public open space

With respect of private open space Sections A2 and A3 of the Development Plan set out the required standards with respect of apartments and houses respectively. The minimum sizes for balconies of one, two and three bedroom apartments are 6, 8 and 10 square metres respectively. In relation to houses a standard of 15 square metres per bed space will normally be applied.

The terraced houses at block C satisfies the above requirements. The apartment's types in Block A and B also satisfy the above minimum requirements and in many instances exceed the minimum required private open space (pos) area. The breakdown of apartment open space allocation is as follows:

Apartment Type 1 (Block A) - 2 Bed - 10 sq. m. pos  
Apartment Type 2 (Block A) - 2 Bed - 9.9 sq.m. pos  
Apartment Type 3 (Block A) - 2 Bed – 9.9 sq.m. pos  
Apartment Type 4 (Block A) - 2 Bed – 10.9 sq.m. pos  
Apartment Type 5 (Block A) - 3 Bed – 9.8 + 7.4 sq.m. pos  
Apartment Type 6 (Block A) - 2 Bed – 14.7 sq.m. pos  
Apartment Type 7 (Block B) - 2 Bed - 15.7 sq. m. pos  
Apartment Type 8 (Block B) - 1 Bed – 12.5 sq.m. pos  
Apartment Type 9 (Block B) - 2 Bed – 10 sq.m. pos

With respect of Public Open Space Section 17.2.3 of the Development Plan sets out the requirements for same. With respect of lands zoned Z15 the requirement is for 25% open space and/or community facilities. I note that the inspector under the previous appeal on this site referred that given the small site it would not be in the interests of proper planning and sustainable development to require 25% of the site for public open space. It was agreed between the applicant and the planning authority to pay a contribution in lieu of public open space. The current application process with respect of pre planning discussions appears to have agreed on the same principle. This agreement is deemed to be reasonable. Additionally the current proposal entails the provision of community facilities with respect of community cafe and crèche.

While I am satisfied in principle with the payment of a contribution in lieu of public open space, I am cognizant that were a master plan created for the entire Z15 zoned lands at this location as required by the current plan, the overall open space

requirements could be addressed in a more structured way in accordance with the spirit of the public open space policy as cited under policy 15.10.14.

I am satisfied with the general public open space arrangement. There is a significant space between blocks A and C much like a courtyard with pedestrian footpaths. A public open space area has also been provided between blocks C and B, which provides a softening of sorts of this space. There is also a landscaped space between block B and the proposed crèche. I note that there are a number of vent grilles interspersed throughout the area of public open space and as with the previous application on the subject site there will not be a provision for planting of larger deciduous/coniferous species owing to the basement car park. Additionally I note that a communal area of open space is to be provided on the roof of Block A. Altogether I am of the viewpoint that the public open space arrangements have been addressed on the site.

### Overlooking & Overshadowing

Of particular concern to some of the parties to the appeal is the issue of overlooking and overshadowing of their properties particularly at the neighboring residential development, The Meadows, situated to the north and northeast of the site. As prescribed in the development plan and other policy documents the design of any scheme should be guided by the best principles of good site planning to provide for access to daylight and sunlight for the proposed units within the scheme as well as neighboring residential properties.

While I have argued elsewhere in this report that the overall massing of the proposed structures of Block A and B are excessive and my preference would be for a more stepped approach to height on the perimeter of the subject site, notwithstanding the restricted site area, which would undoubtedly entail a comprehensive redesign of the entire site in context with its surrounds, I also contend that the issue of direct overlooking of adjacent properties have been somewhat mitigated by certain design changes.

I note the condition of the planning authority under Condition 3 with respect of the Northern end of Block A, that screening treatment to the northern end of the decks of Block A be agreed with the planning authority. I consider that this issue deals with the issue of overlooking of the adjoining spaces proximate to the KARE centre and No 27 The Meadows. I consider this condition to be reasonable.

With respect of overlooking of The Meadows from the eastern-end apartments of Block B, which rise to three storeys, I consider that as the balconies serving such apartments are facing south, it is the land to the south that has capacity for direct overlooking, given the close proximity of this block to the south boundary. With respect of the opes on the front elevation (north) of block B, I consider as with the previous application, the orientation of such opes do not directly overlook 'The Meadows' albeit that there may be some scope for some lateral observation from a point close to the windows in question. House number 1 of Block C, would however

come under the direct line of sight of the second floor units of these apartments at the eastern end of Block B, however the minimum distance from the front elevation of Block B to the south boundary of House No 1, Block C is 22 metres, therefore the standard requirement between 'first floor' opposing windows is broadly satisfied (although in this instance the issue would have related to the potential of overlooking of rear garden space).

Additionally, I do not consider that No 27 The Meadows would be directly overlooked by House 8 of Block B, however as discussed elsewhere in this report the side (north) elevation of said house would appear highly overbearing from the perspective of No 27, given its proximity to the shared boundary and variance in finished ground levels at these locations.

With regard to over-shadowing of the adjacent properties I note the concerns of the parties to the appeal particularly from 'The Meadows' residents. The first party's assertion is that there will be a slight to moderate impact on the adjacent third parties with respect of sunlight. It is also submitted by the first party with respect of communal open space that the minimum requirements as per BRE's recommendation will not be met, which requires that at least half the garden or amenity space should have at least 2 hours sunlight on the 21<sup>st</sup> March. The explanation offered in this regard is that the space is constrained by the site and the need to protect adjoining amenities.

Having comprehensively analyzed the shadow studies submitted it is apparent that the current proposal with respect of daylight/sunlight receptivity has been improved with respect of adjacent dwelling units. I do not consider that the dwellings from 18 to 26 The Meadows will be significantly adversely impacted due to the properties orientation proximate to the proposed structures. It is apparent that the high wall to the rear of said properties already exerts evening shadows and this situation would not be exacerbated by any of the proposed structures. Morning and midday/afternoon would not present any additional adverse impacts on these dwellings either. There is some provision for additional overshadowing of properties to the north of the site, which is cause for some concern. Additionally despite revised design elements including the provision of loggia on the ground floor of block B, I find it difficult to envisage that the high Leylandi trees to the south boundary of the site would not severely impact on the sunlight and daylight receptivity of the ground floor apartments proximate to the south boundary. Therefore I consider that point 5 (A) of the Boards previous Direction to be yet relevant regarding overshadowing as it is with respect of properties to the north of the site.

Somewhat aligned to the issues of overlooking and overshadowing is the overbearing and/or visually incongruous nature of the proposed development on this particular appeal site cognizant of the established pattern and density of development in the area and development plan policy. Having noted the previous Board refusal that refers, inter alia, to density, scale and height, I am inclined to consider that notwithstanding the apparent reduction in overall dimensions, were the density to be significantly reduced the overall mass and bulk of any future

development on the appeal site, without prejudice, would not have the same overshadowing or overbearing implications for the this area and particularly for the neighboring properties. While the current proposal represents a reduction from 98 units to 79 units and is within the recommended density for this area, I have concerns regarding the visually incongruous and overbearing nature of the proposal.

#### Access/Traffic

With respect of traffic safety third parties to the appeal are concerned about the impacts that the proposed development would have on traffic safety in the area. It is submitted that the site is positioned between two of the largest boys schools in Dublin. It is contended that the traffic analysis was carried out on the first day of school holidays and this fact unto itself should discredit the report.

However, the first party in its response to the appeal, submit that the traffic analysis data was collected in October 2013 and July 2014 and in order to address the concerns of the appellant a further updated traffic survey was taken on the 22<sup>nd</sup> April 2015. Additionally, the first party outlines the fact that Traffic was not raised as an area of concern under the previous refusal reasons as set out by the Board which was for a higher number of dwelling units and the current proposal have met with the satisfaction of the Roads and Traffic Section of Dublin City Council.

The traffic appraisal report submitted refers that the proposal is smaller than that previously rejected by the Board and the traffic concerns were not cited in the refusal reasons. It also concludes that estimates of development related traffic generation demonstrate that there will not be any significant impact on the local highway network. It also refers that following the completion of the development that the Sybil Road/Howth Road junction would continue to operate within the acceptable capacity limits of the adjoining road network.

Having regard to the reduced density of the instant appeal set apart from the previously refused permission by An Bord Pleanála whereby traffic safety was not considered an issue and given the details submitted in the Traffic Appraisal Report including the report submitted as a response to the appeal in conjunction with the approval of the Roads and Traffic Division of Dublin City Council for the proposed development, I do not consider that traffic safety would be compromised or that a traffic hazard would result if the proposed development was permitted.

With respect of car parking, I am satisfied that 105 car spaces are sufficient to meet the needs of the development in accordance with the parking requirements of the development plan. Additionally, while I understand the appellants concerns regarding additional requirements for visitor parking and the use of on-street parking for accessing local amenities, I also concur with the applicants submission to the appeal, whereby it is referred generally that the location of the proposed development proximate to two DART stations and a QBC should offset significant further parking demand. Overall, I am satisfied with parking allocation for the proposed development.

With respect of Interconnectivity, on the one hand I accept the point that it would not be appropriate to provide or integrate the proposed development with the adjoining school site, however on the other hand, I also submit that were the entire lands zoned Z15 to be subject to a masterplan, that would provide for traffic and pedestrian requirements, the whole topic of site permeability and interconnectivity could be addressed in a more holistic and planned approach that would undoubtedly enhance the proper planning and sustainable development of the area.

### **15.3 Other Issues**

#### Architectural Heritage

##### Sybil Hill House – Walled Garden

While I note the response to the Further Information request issued by the Planning Authority with respect of item numbers 7 (a) (b) and (c) is a comprehensive one and additionally I appreciate the fully knowledgeable and experienced opinion of the writer of said response, I consider that the situation as described precisely by the inspector under the previous appeal is entirely unchanged. The proposed development essentially still proposes the destruction and removal of a substantial wall, the west wall, of what is part of the walled garden associated with Sybil House (Protected Structure), the destruction of which was previously refused by An Bord Pleanála.

I wish to draw the Boards attention to the comments of the previous inspector regarding the destruction of the said wall; He referred the following:

*{The curtilage of Sybil Hill House (a Protected Structure) is stated by the applicant to be the plinth wall and old iron railings which forms the southern boundary of the appeal site. All of the appeal site once formed part of the Sybil Hill Estate. In particular, the swimming pool was constructed within a walled garden attached to the house. The walls of this garden are still largely intact – ranging in height from 3.5-4.0m and constructed of brick and stone. The new access to the swimming pool from Sybil Hill Road necessitated the breaching of a section of the wall. The southern boundary was, and still is, defined by a plinth wall and iron railings – a not unusual arrangement whereby the maximum amount of sunlight was allowed to penetrate the walled garden. Glasshouses which once lined the northern side of the walled garden have long since been removed. A free-standing glasshouse within the southern portion of the walled garden has also vanished without trace. However, there is a pile of stone and brick rubble on the site which may be from this demolished structure or may be the brick and stone from the breach created in the garden wall to allow access to the new swimming pool from Sybil Hill Road. There appear to be no other remains of the former use as a walled garden. There is a fine old apple tree and some more recently planted semi-mature beech and birch trees within the walled garden – none of which are indicated on drawings submitted. There is no survey of trees submitted with the application. At the oral hearing, the applicant stated that the curtilage of Sybil Hill House did not extend to include the walled garden, but stopped at the plinth wall and railings which forms the southern boundary of the walled garden. I note that there is an overgrown pedestrian gateway within this side of the walled garden linking the walled garden with Sybil Hill House. In addition,*

*there are a number of other bricked-up entrances within the walled garden which would have linked it with the surrounding lands within the Sybil Hill Estate. The simple transfer of title of the walled garden cannot be taken to effect the separation of part of the original curtilage of a Protected Structure. The walled garden remains part of the curtilage of Sybil Hill House – even if it is now in separate ownership. It is proposed to demolish the entire western wall of the walled garden. This is a stone wall – brick lined on the garden side – up to 3.5m in height. It is unacceptable to remove such a substantial portion of the wall defining the walled garden – up to one third of the total. This wall forms an important part of the structure of the walled garden and its loss would be irreplaceable – the necessary skills for construction of such walls being scarce. Permission should be refused for this reason}.*

I concur entirely with the previous inspectors position with respect of the garden wall and having regard to policy FC 30, which aims to protect protected structures, their curtilage and setting and any works that would cause loss or damage to their special character, I am of the viewpoint that permission should be refused with respect of the proposed destruction of this element of built heritage.

Planning and Development Regulations 2001, as amended.

Additionally, as a substantial proportion of the proposed development is within the walled garden of the Protected Structure, it is clearly within the curtilage of said protected structure, therefore I would argue that there was an onus on the applicant to indicate this on notices and the Development Application Form.

The previous inspectors' analysis above clearly refers that the walled garden remains part of the curtilage of Sybil Hill House. If additional clarification is required I refer to the Architectural Heritage Protection Guidelines, which clearly refers under para 13.1.5 that the questions to be asked in determining whether an item is within the curtilage of protected structure are; Is or was there a functional connection between the structures? Was there a historical connection between the main structure and the structure(s) within the curtilage, and Are/Were the structures in the same ownership at the time of construction of one or other of the structures. The answers to the above questions are yes. The walled garden clearly had a functional connection with the House and was in the same ownership and clearly had a historical connection.

Therefore, I am also of the viewpoint that the walled garden is clearly within the curtilage of Sybil Hill House and accordingly that this should have been clearly indicated on the application form, whereby the Planning and Development Regulations 2001 as amended clearly indicates under '*Prescribed Forms, Form 2, Planning Application Form*', that where a development is within the curtilage of a protected structure it should be indicated on the application form. The submitted form actually indicates the proposed development is 'not' within the curtilage of a protected structure.

In the absence of such adherence to the Planning and Development Regulations 2001 as amended, I consider that the proposal should be refused.

### Sybil Hill House – Character and Setting

Notwithstanding the reduction in height from the previously proposed construct at the location of Block B, which straddles the south boundary of the appeal site, I am of the viewpoint that the overall scale and bulk of this block in such close proximity to Sybil Hill House detracts significantly from its character and setting. While the block is graduated in height from east to west at heights from c. 10 to 13 to just over 16 metres, which is a beneficial technique for attempting to reduce the overall mass, I do not consider that this measure sufficiently alleviates the dominance of this block in this area and particularly when viewed from Sybil Hill House. Additionally, the lower finished floor level of Sybil Hill House exacerbates the sense of dominance of the proposed Block B relative to the House. I note the Dublin City Council Conservation Officer although apparently supportive of the proposal, indicated that there would be significant impacts on Sybil Hill House. Overall, notwithstanding the reduction in mass from the previously proposed development, I consider that the proposal would detract from the character and setting of Sybil Hill House.

### Archaeology

Given that the site is of historical significance and cognizant of the previous inspectors' indication of unverified accounts of a tunnel linking the site to St. Anne's, I consider that an archaeologist should be present at the time of excavations on the site as per standard condition in the event that the Board is mindful of a favorable decision.

### Social & Affordable Housing

The applicant has indicated a willingness to comply with the requirements of Part V of the Planning and Development Act 2000 as amended. Additionally, condition 7 of the notification of decision to grant planning permission reflects this. I consider this issue to be in order.

### Basement Excavation

Given that it is proposed to excavate a considerable amount of earth associated with the proposed excavation it is considered that an appropriate condition concerning the removal of soil/debris in accordance with an agreed waste management plan be imposed, in the event that the Board are mindful of a favorable decision.

### Services

With respect of water supply, there is an existing 250mm diameter uPVC watermain on the eastern side of Sybil Hill Road. Drawing No 103045-3001 indicates its location. Water supply will be supplied off this main and a bulk metre will be provided at this location.

In relation to foul water it is submitted that there are existing foul drains within the site which connect to the existing public sewer on the Howth Road. Service pipes from individual properties will project through the ground floor slab and connect into the slung drainage system. Any surface water generated from the development will be collected by a system of pipes gullies and ACO drains, which will be drained through a petrol interceptor prior to discharge into a pumping well located in the basement. In times of flood events overland flow paths will be provided to divert excess runoff away from the properties and as Sybil Hill road slopes southwards away from the site it is suggested that any surface water caused by overland flows would be directed downhill along this road. I am generally satisfied with the above proposals and consider that compliance with SuDS and Dublin City Councils specific requirements could be conditioned in the event that the Board is mindful of a favorable decision.

#### Validity of Appeal Submission

The first party to the appeal has questioned the validity of the appeal submission submitted by Ronan McCoy, 18 The Meadows, on behalf of the Meadows Residents, while the original submission was made on behalf of Mr. Ciaran Close, No 21 The Meadows.

In a response to the first party's appeal response The Meadows residents Association submit that Mr. McCoy is the elected Chairperson and Mr. Close is the Vice Chairperson of 'The Meadows Residents Association'

I consider that the issue of who signed the reply could be an administrative error on behalf of 'The Meadows Residents Association'. It is apparent that its content reflected the views of the residents and additionally, I note the signature sheet at the rear of the submission containing signatures of 'The Meadows' residents.

#### Environmental Impact Assessment

There is no requirement for an Environmental Impact Assessment with this planning application as it proposes ...units and the threshold limit is 500 units as prescribed under Schedule 5 of the Planning and Development Regulations 2001 as amended. As discussed above foul waste and surface water are to be discharged to the public foul sewer network, which is appropriate. I do not foresee any significant environmental impacts associated with this development and I consider that appropriate conditions have been applied with respect of environmental issues under the planning authority's notification of decision to grant planning permission, which are reasonable.

#### Appropriate Assessment

Having regard to the nature and scale of the development and proximity to the nearest Natura 2000 site, I am satisfied that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

## 15.4 Development Contributions

### Condition 12

The first party is of the viewpoint that the figure of € 4000 per residential unit is excessive and it considers that while Section 10 of the Scheme refers to contributions in lieu of open space it submits that nowhere in the scheme are there any details with regard to level of contribution to be applied.

The background to the issue of contribution in lieu of public open space revolves around discussion between the applicant and the planning authority at pre planning stages whereby it was agreed that the site was too restricted to supply 25% of the public open space required under the Z15 zoning. Accordingly, it was agreed that a contribution in lieu of public open space would be provided. However, the precise sum of such a contribution was not agreed.

Additionally, paragraph 17.2.3 of the plan makes provision for such an agreement. It refers;

*'In the event that the site is considered to be too small or inappropriate (because of the shape and general layout) to fulfill useful purpose in this regard, then a financial contribution towards the provision of a new park in the area, improvements to an existing park/or enhancement of amenities shall be required'*

Therefore, there is also provision in the plan to support the above agreement regarding a contribution in lieu of public open space.

The first party appellant refers to the planner's report whereby it was stated that the community centre had been offered to meet the requirements of the zoning however it was further considered that the public open space requirements could only be met by way of a contribution in lieu of public open space. Accordingly, the first party appellant contends that the rationale for the contribution imposed appears to be set out within the Parks and Landscape Services report and the fact that no rationale is set out in such reports for the actual figure of €4000 per residential unit is reiterated.

While I completely agree that there appears to be no rationale for the precise figure presented in any of the application or appeal reports, I also deduce that the planning authority were within their rights to address the issue of public open space by way of contribution in lieu by way of Section 48 (2) (c ), with regard to pre-planning meetings, the development contribution scheme and the above cited policy within the plan.

Furthermore the first party appellant argues that the applicant has proposed a community facility in lieu of public space that will cost an estimated € 265 600 to construct and fit out. Accordingly, the cost of the community facility in addition to €4000 per unit is considered to be excessive. An analogy is drawn with Fingal County Council Development Plan where it is clearly stated how such contributions

in lieu of public open space should be calculated. I consider that the case made by the first party appellant to be reasonable however I also note that the planning authority is apparently levying this fee with respect of the Z15 zoning status of the land and the ordinary requirement to provide 25% of public open space, which is a considerable and significant portion to be required with respect of the zoning.

Under the previous appeal, a similar argument was set out with respect of the same figure of € 4000 per residential unit. As that appeal was refused it is apparent that the issue did not get resolved. The inspector under the previous appeal recommended that a condition should be attached with respect of requiring payment for a Special Development Contribution (amount unspecified) to be agreed by the parties and failing such agreement to be decided by the Board. Given the fact that the planning authority has been consistent with the figure that they have applied in this circumstance, I would be inclined to consider that the rationale for this specific figure has been inadvertently omitted from the planners report although I acknowledge there is no specific formula for the calculation of same under the Development Contribution Scheme. I note that both parties, the applicant and the planning authority, were agreeable to the payment in lieu of public open space in principle and I also consider that it would be appropriate to address the issue by way of a condition as referred to above under a Special Development Contribution (amount unspecified) in the event of a grant of permission.

#### Condition 28

With respect of Condition 28 the first party appellant submits that the terms of the Development Contribution Scheme were not applied correctly in that an incorrect floor space was applied as the Community Centre, which is exempt under the scheme, was included in the calculation of the commercial floor space.

Section 11 of the Dublin City Development Contribution Scheme lists the following as exempted with respect of contribution fees:

*'Development to be used for social, recreational or religious purposes and not to be used for profit or gain'.*

It would appear that the Community Centre floor space was inadvertently included in floor space in the calculation by the planning authority and I concur with the first party appellant that 132.80 square metres should be omitted. Therefore, the revised contribution with respect of the Section 48 Development Contribution Scheme would be €675 924.83 in the event that the Board is mindful of a favorable decision.

## **16.0 RECOMMENDATION**

Having inspected the site and read the submission on the file and having due regard to the Provisions of the Development Plan, together with all other issues arising I recommend that permission be refused for the Reasons and Considerations as set out below.

### **REASONS AND CONSIDERATIONS**

1. The proposed development in the absence of a masterplan for the Z15 zoned lands in the area would materially contravene the Z15 zoning objective of such land and associated policy and would result in the piecemeal and random development of the area and would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed development by reason of its scale, height and bulk would be visually obtrusive and be out of character with the established pattern of development in the area, would deprive units on the ground floor of Block B of daylight and sunlight with respect of its proximity to the southern boundary, would overshadow and overbear properties to the north of the site, which would seriously injure visual and residential amenities of the area and properties situated therein. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area.
3. The proposal to demolish a substantial section of a wall forming part of a walled garden, which falls within the curtilage of a protected structure (Sybil Hill House), would seriously diminish the historic character of the Protected Structure and would be contrary to policy FC30 of the Development Plan, which seeks to protect structures contained within the Record of Protected Structures, their curtilage and their setting from any works that would cause loss or damage to their special character. Furthermore the Board is not satisfied that the scale and massing of the proposed Block B, notwithstanding its reduction in height from previous appeal, in close proximity to the boundary of Sybil Hill House, would not detract from the character and setting of this protected structure. Therefore the proposed development would seriously injure the historic character and setting of Sybil Hill House (Protected Structure) and would be contrary to the proper planning and sustainable development of the area.

4. The submitted Development Application Form as prescribed under Form 2, Prescribed Forms, Planning and Development Regulations 2001 as amended, has not indicated that the proposed development entails works to be carried out to a protected structure and/or its curtilage as specified under Part 17 of the Prescribed Application Form. Accordingly as the proposed development is within the curtilage of a protected structure (Sybil Hill House), the application has not complied with statutory requirements with respect of making a planning application, has not complied with the Planning and Development Regulations 2001 as amended and therefore would be contrary to the proper planning and sustainable development of the area.

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Aisling Dineen  
Planning Inspector  
24<sup>th</sup> June 2015

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

**Dublin City**

**Planning Register Reference Number: 3383/14**

An Bord Pleanála Reference Number: PL 29N.244588

**APPEAL** by Seán and Norma Ryan of 25 The Meadows, Howth Road, Dublin and by others and by MKN Developments Limited care of John Spain Associates of 50 Upper Mount Street, Dublin against the decision made on the 6<sup>th</sup> day of March, 2015 by Dublin City Council to grant subject to conditions a permission to the said MKN Developments Limited care of O'Mahony Pike Architects Limited of The Chapel, Mount Saint Anne's, Milltown, Dublin.

**PROPOSED DEVELOPMENT:** The demolition of three number habitable dwellings at 1, 1A and 1B Sybil Hill Road, their boundary walls front and rear, the erection of new boundary treatment on Sybil Hill Road, the erection of 79 number dwellings consisting of eight number two-storey terraced houses consisting of one number two bedroom and seven number three bedroom houses of between 124.3 and 138.3 square metres each, 12 number one bedroom apartments at 55.9 square metres each, 55 number two bedroom apartments at between 75.6 square metres and 98.6 square metres each and four number three bedroom apartments at 107.4 square metres each, plus balconies and roof gardens, in one number two-storey terrace and two number buildings varying in height from three to five storeys, a crèche facility of 97.8 square metres and associated play space on the ground floor of Block A, a community/café facility of 132.8 square metres and associated garden on the ground floor of Block A, a basement car park containing 105 car spaces, boiler house, bin store, bicycle storage for 128 bicycles and ancillary facilities, the closing of four number existing site entrances and the creation of two number new site entrances on Sybil Hill Road (a ramped entrance to the basement car park and a fire service and pedestrian entrance), an Electricity

Supply Board substation and switch room facility on Sybil Hill Road and associated landscape works on 0.68 hectares at numbers 1, 1A and 1B (and lands to the rear of same) Sybil Hill Road, Raheny, Dublin, a site bounded by Saint Paul's School to the south, Sybil Hill Road to the west, The Meadows residential development to the east and north and the Kare Social Services Centre to the north.

## **DECISION**

**REFUSE permission for the above proposed development based on the reasons and considerations set out below.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **REASONS AND CONSIDERATIONS**

1. The proposed development, in the absence of an overall masterplan for the Z15 zoned lands in the area, would materially contravene the Z15 zoning objective and associated policy, as set out in the Dublin City Development Plan 2011 – 2017, as varied, and in such context would result in the piecemeal and un-coordinated development of these lands, which would, therefore, be contrary to the proper planning and sustainable development of the area.

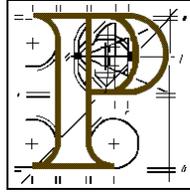
2. The proposed development, by reason of its scale, height and bulk, and in particular the height and bulk of proposed Block B, would be visually obtrusive and be out of character with the established pattern of development in the area, and would seriously injure the visual and residential amenities of properties in the vicinity. Furthermore, having regard to its location in close proximity to the boundary with Sybil Hill House, a Protected Structure, the Board is not satisfied that the scale and massing of the proposed Block B, notwithstanding its reduction in height from a previous appeal, would not detract from the character and setting of this Protected Structure. Accordingly, the proposed development would be contrary to policy FC30 of the said Dublin City Development Plan, which seeks to protect structures contained within the Record of Protected Structures, their curtilage and their setting, from any works that would cause loss or damage to their special character. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2015.**

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

**Dublin City**

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Supply Board substation and switch room facility on Sybil Hill Road and associated landscape works on 0.68 hectares at numbers 1, 1A and 1B (and lands to the rear of same) Sybil Hill Road, Raheny, Dublin, a site bounded by Saint Paul's School to the south, Sybil Hill Road to the west, The Meadows residential development to the east and north and the Kare Social Services Centre to the north.

## **DECISION**

**REFUSE permission for the above proposed development based on the reasons and considerations set out below.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **REASONS AND CONSIDERATIONS**

1. The proposed development, in the absence of an overall masterplan for the Z15 zoned lands in the area, would materially contravene the Z15 zoning objective and associated policy, as set out in the Dublin City Development Plan 2011 – 2017, as varied, and in such context would result in the piecemeal and un-coordinated development of these lands, which would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development, by reason of its scale, height and bulk, and in particular the height and bulk of proposed Block B, would be visually obtrusive and be out of character with the established pattern of development in the area, and would seriously injure the visual and residential amenities of properties in the vicinity. Furthermore, having regard to its location in close proximity to the boundary with Sybil Hill House, a Protected Structure, the Board is not satisfied that the scale and massing of the proposed Block B, notwithstanding its reduction in height from a previous appeal, would not detract from the character and setting of this Protected Structure. Accordingly, the proposed development would be contrary to policy FC30 of the said Dublin City Development Plan, which seeks to protect structures contained within the Record of Protected Structures, their curtilage and their setting, from any works that would cause loss or damage to their special character. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2015.**