

# Comhairle Chontae Atha Cliath Theas

PR/0012/22

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD21A/0300      **Application Date:** 04-Nov-2021  
**Submission Type:** New Application      **Registration Date:** 04-Nov-2021

**Correspondence Name and Address:** Studio 304 Architecture The Glasshouses, 92,  
Georges Street Lower, Dún Laoghaire, A96VR66

**Proposed Development:** Demolition of the existing single storey 33sq.m  
apartment at 19A Hillsbrook Drive; construction of a  
new semi-detached, residential 2 storey apartment  
development comprising 3 units; existing house at 19  
Hillsbrook drive is to be retained with its own vehicle  
access and off-street parking; 2 studio apartments  
measuring 41sq.m and 43sq.m and a 2-bed apartment  
measuring 85sq.m with a first-floor terrace are to be  
provided including cycle parking, refuse storage,  
landscaped private and communal amenity areas; all  
necessary and associated siteworks.

**Location:** 19, Hillsbrook Drive, Perrystown, Dublin 12

**Applicant Name:** Ashbrook Excellence Ltd.

**Application Type:** Permission

(SW)

### Description of Site and Surroundings

Site Area 0.0362 hectares

#### Site Description

The subject site is located on the corner of Hillsbrook Drive and Muckcross Avenue. The site currently contains a dwelling (19 Hillsbrook Drive) and an apartment (19A Hillsbrook Drive). There is a large side garden adjacent to 19A. The adjacent property on Muckcross Avenue appears to be in residential use and the remaining units adjoining this to the west are in commercial use.

Site Visit: 6 December 2021

### Proposal

- **Demolition** of the existing single storey 33sq.m apartment at **19A** Hillsbrook Drive;
- existing house at 19 Hillsbrook drive is to be retained with its own vehicle access and off-street parking;

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- Construction of a **new semi-detached, residential 2 storey apartment development comprising 3 units:**
  - 2 studio apartments measuring 41sq.m and 43sq.m and
  - a 2-bed apartment measuring 85sq.m with a first-floor terrace
- including cycle parking, refuse storage, landscaped private and communal amenity areas;
- all necessary and associated siteworks.

### Zoning

The site is zoned Objective RES - 'To protect and/or improve Residential Amenity'.

SEA: No overlap indicated.

### Consultations Received:

Irish Water:	No objection, subject to conditions.
Water Services:	Additional Information requested.
Chief fire officer:	No report received at time of writing.
Public Realm:	No comments.
EHO:	No report received at time of writing.
Roads:	Additional Information requested.

### Observations/Representations

A number of submissions were received:

- Area is family – no apartments – older retired people
- This is built for rent / student
- Proposal is eyesore
- No provision made for parking
- Sewerage is not addressed
- First floor terrace will look directly into front gardens, living rooms and bedrooms
- Increase in noise
- 'communal amenity area' will likely become a congregation area for those living in the apartments.
- Too dense – 1 house more suitable
- 19 and 19A are currently in one ownership – this would change and a large amenity area for No19 would be lost. Existing drive also lost to new development and garden to front.
- No 19 has already been compromised by earlier developments. Rear garden halved and introduction of 19A – were these developments granted planning or are they unauthorised?
- Proposed development is completely incongruous with character of surrounding estate and would set a damaging precedent.

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- The applicant cites satisfying national and local planning in terms of development of infill sites – this is not an urban site as envisaged by that policy
- Established building line is broken
- No48A is a residential dwelling (first floor flat). There will be views into this property – privacy
- It is stated Unit A may change use in future, i.e. commercial – this would result in amenity area for unit A becoming a delivery yard or store.
- Would cause traffic issues and safety hazard
- The bench will result in negative social interaction
- Proposed balcony on Unit A is not in character and will result in overlooking
- Insufficient communal refuse storage provided
- Excess bins may impede elderly families on footpath
- There are low water pressure and drainage issues in the area
- Adequate drainage investigation has not been undertaken for the proposal
- Proposed development will interfere with sight lines and cause traffic hazard
- Proposal will increase traffic volumes as is already busy due to commercial units
- The proposed development provides for unit A to change from residential to something else in future. This would give rise to further hazard
- Density can only be accommodated by breaking the building line, this indicated it is too dense.
- Balcony on unit B is out of character – appears like an apartment complex rather than on a street of 2 storey houses
- Architectural design is not in keeping with the area
- One elevation appears as a converted shop front, which does not promote positive social interaction
- The communal space indicates it is targeted for rental
- An extension to the current dwelling or an additional 3bed dwelling would be more appropriate
- The floor areas in the description do not match the areas indicated on the plans and do not meet the minimum requirements.
- If this location is suburban/intermediate then 50% dual aspect should be provided
- Applicant has already received planning permission for the demolition of a nearby property SD07A/0252

These issues have all been taken into account in the assessment of the application.

### Relevant Planning History

*Application site:*

None recorded.

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### ***Adjacent sites:***

**SD07A/0252** For the proposed demolition of existing single storey extension to the rear, and storage shed to rear and side. Construction of a new 40sqm single storey extension to the rear and new 50sq.m retail unit to the side of existing retail unit. Extension and alterations to existing 1st floor to create a 2 bed apartment over existing retail unit with access from new stairs to the rear with alterations to all elevations. 42, Muckross Avenue, Perrystown, Dublin, 12

Decision: Grant permission, subject to conditions.

**SD06A/0303** Demolition of single storey extension to rear and construction of new 2 storey extension to side and single storey extension to rear with deck/terrace over to accommodate 1 ground floor retail unit (94sq.m.); new retail unit (52sq.m.); remodeled 1 bed apartment (50sq.m.) in existing first floor and new 2 bed apartment (66sq.m.) in 1st floor extension both accessed from new external stairs at rear with balcony and 1st floor roof deck/terrace to rear. 42 Muckross Avenue, Perrystown, Dublin 12

Decision: Grant permission, subject to conditions (SDCC); Refuse (ABP)

**S00B/0640** For retention of family flat together with minor alterations to previously approved permission. Reg. Ref. no. S99B/0556. 84 Hillsbrook Avenue, Dublin 12.

Decision: Grant permission, subject to conditions; Remove Condition(s) & Amend Condition(s) (ABP)

### **Relevant Enforcement History**

S4248 alleged unauthorised extension built to side of property **Closed (Statute Barred)**

### **Pre-planning consultation**

No pre-planning.

### **Relevant Policy in South Dublin County Council Development Plan 2016 - 2022**

#### *Policy H6 Sustainable Communities*

It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

#### *Policy H7 Urban Design in Residential Developments*

It is the policy of the Council to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).

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### *Policy H8 Residential Densities*

It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.

### *Policy H9 Residential Building Heights*

It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.

### *Policy H10 Mix of Dwelling Types*

It is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022.

### *Section 2.3.0 Quality of Residential Development*

#### *Policy H11 Residential Design and Layout*

It is the policy of the Council to promote a high quality of design and layout in new residential development and to ensure a high quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

#### *Policy H12 Public Open Space*

It is the policy of the Council to ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provides for active and passive recreation and enhances the visual character, identity and amenity of the area.

#### *Policy H13 Private and Semi-Private Open Space*

It is the policy of the Council to ensure that all dwellings have access to high quality private open space (incl. semi-private open space for duplex and apartment units) and that private open space is carefully integrated into the design of new residential developments.

#### *Policy H14 Internal Residential Accommodation*

It is the policy of the Council to ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long term needs of a variety of household types and sizes.

#### *Policy H15 Privacy and Security*

It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

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### *Policy H17 – Residential Consolidation*

It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

*H17 Objective 1:* To support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.

*H17 Objective 2:* To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

### *Section 3.13.0 Open Space Management & Use*

#### *Policy C12 Open Space*

It is the policy of the Council that a hierarchical network of high quality open space is available to those who live, work and visit the County, providing for both passive and active recreation, and that the resource offered by public open spaces, parks and playing fields is maximised through effective management.

### *Policy UC6 Building Heights*

It is the policy of the Council to support varied building heights across town, district, village and local centres and regeneration areas in South Dublin County.

### *Section 6.3.0 Walking and Cycling*

#### *Policy TM3 Walking and Cycling*

### *Section 6.4.3 Road and Street Design*

#### *Policy H12*

It is the policy of Council to ensure that streets and roads within the County are designed to balance the needs of place and movement, to provide a safe traffic-calmed street environment, particularly in sensitive areas and where vulnerable users are present.

### *Section 6.4.4 Car Parking*

#### *Policy TM7 Car Parking*

### *Section 7.1.0 Water Supply & Wastewater*

#### *Policy IE1 Water & Wastewater*

It is the policy of the Council to work in conjunction with Irish Water to protect existing water and drainage infrastructure and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County.

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### *Section 7.2.0 Surface Water & Groundwater*

#### *Policy IE2 Surface Water & Groundwater*

It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

### *Section 7.3.0 Flood Risk Management*

#### *Policy IE3 Flood Risk*

It is the policy of the Council to continue to incorporate Flood Risk Management into the spatial planning of the County, to meet the requirements of the EU Floods Directive and the EU Water Framework Directive.

### *Section 8.0 Green Infrastructure*

#### *Policy G1 Overarching*

#### *Policy G1 Green Infrastructure Network*

#### *Policy G3 Watercourses Network*

#### *Policy G4 Public Open Space and Landscape Setting*

#### *Policy G5 Sustainable Urban Drainage Systems*

#### *Policy G6 New Development in Urban Areas*

### *Section 9.3.1 Natura 2000 Sites*

#### *Policy HCL12 Natura 2000 Sites*

### *Section 10.0 Energy*

#### *Policy E4 Energy Performance in New Buildings*

### *Section 11.2.0 Place Making and Urban Design*

#### *Section 11.2.1 Design Statements*

#### *Section 11.2.2 Masterplans*

#### *Table 11.17: Masterplan Considerations*

#### *Section 11.2.7 Building Height*

#### *Section 11.3.1 Residential*

- (i) Mix of Dwelling Types*
- (ii) Residential Density*
- (iii) Public Open Space/Children's Play*
- (iv) Dwelling Standards*
- (v) Privacy*
- (vi) Dual Aspect*
- (vii) Access Cores and Communal Areas*
- (viii) Clothes Drying Facilities*

#### *Table 11.21: Minimum Space Standards for Apartments*

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*Section 11.3.2 Residential Consolidation*

*Section 11.3.2 (i) Infill Sites*

*Development on Infill sites should meet the following criteria:*

- *Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.*
- *A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character.*
- *Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.*
- *Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height).*

*Section 11.4.1 Bicycle Parking Standards*

*Table 11.22: Minimum Bicycle Parking Rates*

*Section 11.4.2 Car Parking Standards*

*Table 11.24: Maximum Parking Rates (Residential Development)*

*Section 11.4.3 Car Parking for Electric Vehicles*

*Section 11.4.4 Car Parking Design and Layout*

*Section 11.4.5 Traffic and Transport Assessments*

*Section 11.6.1 (i) Flood Risk Assessment*

*Section 11.6.1 (ii) Surface Water*

*Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)*

*Section 11.6.1 (iv) Groundwater*

*Section 11.6.1 (v) Rainwater Harvesting*

*Section 11.6.1 (vi) Water Services*

*Section 11.7.2 Energy Performance in New Buildings*

*Section 11.8.1 Environmental Impact Assessment*

*Section 11.8.2 Appropriate Assessment*



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### Relevant Government Policy

*Project Ireland 2040 National Planning Framework*, Government of Ireland, 2018.

*Regional, Spatial & Economic Strategy 2019 - 2031*, Eastern & Midlands Regional Assembly, 2019.

**Section 5 – Dublin Metropolitan Area Strategic Plan**, in *Regional, Spatial and Economic Strategy 2019 – 2031*.

*Quality Housing for Sustainable Communities-Best Practice Guidelines*, Department of the Environment, Heritage and Local Government, 2007.

*Sustainable Residential Development In Urban Areas - Guidelines for Planning Authorities*, Department of Environment, Heritage and Local Government (December 2008).

*Urban Design Manual; A Best Practice Guide*, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008).

*Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities*, Department of the Housing, Planning and Local Government (2018).

*Design Manual for Urban Roads and Streets* Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport (2013).

*Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities*, Department of the Environment, Heritage and Local Government, (2009).

*The Planning System and Flood Risk Management - Guidelines for Planning Authorities*, Department of the Environment, Heritage and Local Government & OPW, (2009).

*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*, Building Research Establishment, (1991).

*Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020*, Department of Transport, (2009).

*National Cycle Manual*, National Transport Authority (June 2011).

*Towards Nearly Zero Energy Building in Ireland – Planning for 2020 and Beyond*, Department of the Environment, Community and Local Government (2012).

### Assessment

The main issues for consideration are:

- Zoning and Policy,
- Visual and residential amenity,

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- Demolition
- Host Dwelling
- New apartments
- Access and parking, provision,
- Water supply and drainage,
- Appropriate assessment and
- Environmental Impact Assessment.

### ***Zoning and Council Policy***

The site of proposed residential development is located within lands which are subject to the zoning objective, 'RES'- to protect and/or improve residential amenity.

Policy H17 states *"It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County"*.

The proposal would involve demolition of a dwelling, however, it is noted that this structure was built without planning permission. In addition to this, there would be a gain in the number of dwellings on site.

Given the above, the proposed development would be generally acceptable in principle subject to the relevant policies, objectives and standards set out in the County Development Plan 2016-2022.

### **Schedule of Accommodation**

The proposal involves the construction of apartments. In accordance with the apartment guidelines *"All applications for planning permission for apartment schemes or mixed housing developments that include apartments, must submit a schedule that details the number and type of apartments and associated individual unit floor areas, as part of the planning application process"*.

The applicant has provided a schedule in the Design Statement. Not all measurements are detailed in this schedule. It should be noted that there is not a requirement for a design statement in this instance, due to the scale of the proposal.

### ***Visual and Residential Amenity***

#### **Demolition**

It is proposed to demolish a flat roof flat (No19A). It is apparent that this structure was built without planning permission. It was investigated through enforcement and was found to be statute barred. It is not considered the structure makes a positive contribution to the streetscene at present and there are no concerns regarding its demolition in terms of visual or residential amenity. It is noted no floorplans have been provided for the demolition.

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### No. 19

The host dwelling would be retained as part of the proposal. It is noted that approximately 47.6sq.m of private rear amenity space would remain following the development. It is noted that section 11.20 of the County Development Plan states that a new 3bed house should have a minimum of 60sq.m and 4+bed should have a minimum of 70sq.m private amenity space. It is not clear how many beds the host dwelling has, however, given the proposal is not for a new dwelling, it is considered that the level of private amenity space is generally acceptable.

### New Apartments

#### Section 11.3.2 of the CDP

This requires the following to be met:

- guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual. *Paragraph 5.9(i) of the 2009 guidance states “In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill”.* Matters of amenity are discussed below, but it is not evident that the current proposal protects the amenities of the adjacent occupiers in this instance. The applicant has not provided an assessment in accordance with the Urban Design Manual.
- A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character. The proposed development reflects the surrounding area in terms of roof form from the Muckross Ave elevation. While not proposed for commercial, the proposed fenestration detail on this elevation would also match the commercial units along this frontage. **The proposal does not blend well with the character of the area on Hillsbrook Drive, introducing a side elevation, with significant blank facades and private amenity areas at first floor, with the structure breaking the building line.** The pitch of the roof to the rear also appears out of character, as does the scale of the building, which extends the entire width of the plot at first floor. Contemporary design is permissible (refer to corner sites policy/objectives/standards within the County Development Plan) however the proposed elevations are not considered to be contemporary. It is not apparent any analysis of the sites constraints has been undertaken. It is noted that there is a window at attic level, however, no attic plan has been provided.
- Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street. Boundary wall and hedgerow would be removed fronting

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Muckross Ave but this ensures the structure integrates with the streetscene along this elevation.

- Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height). *Proposed height is in keeping.*
- Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops.

*The applicant has provided private open space as follows:*

- (1) *Ground floor single bed studio apartment space to the rear of the structure (13.52sqm; this is generally acceptable.*
- (2) *Ground floor single bed studio apartment space (14.5sqm) to the front (south-east corner) is not considered to be 'private' and would necessitate a high boundary treatment which would not be conducive to passive surveillance at street level. This is not acceptable and represents poor design at this corner site.*
- (3) *First floor two-bed apartment private space provided at roof-terrace, in immediate proximity to the upper floor of the adjacent property located directly to the north. This would have a negative impact on established residential amenity and is therefore not acceptable.*

*No communal amenity is provided.*

*The Roads Department has expressed concern regarding the information submitted on car parking*

- Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area.

*The demolition of the existing unauthorised dwelling is considered acceptable in this instance. However, its proposed replacement with a two-bed apartment and two studio apartments is not considered as preserving the character of the area.*

Development on corner and/or side garden sites should meet the criteria for infill development in addition to the following criteria:

- The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,

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*The proposal in its current form does not indicate an adequate setback from adjacent dwellings and cannot successfully accommodate the three dwellings proposed.*

- The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,

*The proposal does not match the building line on Hillsbrook Drive, the roof profile of the rear element also differs along this elevation. The proposal is in keeping with the properties on Muckross Ave.*

- The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings,

*The proposal, in its current form, does not harmonise with the surrounding properties, particularly on Hillsbrook Drive. It is not considered the proposal is in keeping with the character of the dwellings along this elevation.*

- Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings,

*There is no sense of transitional zone/integration with the surrounding area on the Hillsbrook Drive elevation.*

- Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.
- *Muckross Ave appears to be the principle elevation yet there are no proposed windows at ground floor level (Elevation A is quite ambiguous and does not appear to represent the proposed development in floor plan). There are insignificant active features on the Hillsbrook Drive elevation. The only two active elements (the ground floor 'private amenity space' and the first floor 'roof terrace') are not acceptable at their current locations and in their current form, due to reducing passive surveillance at the south-east corner in the former and giving rise to negative impact on existing residential amenity in the latter. This is not acceptable is contrary to good urban design principles and County Development Plan policy/objectives.*

**Overall, there are concerns that the proposed development does not meet the design requirements set out in Sections 11.3.2 (i)(ii) of the CDP. The proposal is not in keeping**

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with the character of Hillsbrook Drive, and there are significant elements of blank elevations at both elevations.

### New Apartments – Apartment Guidelines

#### *Mix:*

In accordance with paragraph 2.2 “Development Plans should provide for flexibility in respect of dwelling mix in small-scale building refurbishment and urban infill development schemes”.

In accordance with SPPR2:

For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha:

- Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units;

In this instance 2 studio units and 1 2-bed unit is proposed, representing 66% of the units which is above the 50% maximum allowed for studio apartments. **The proposed mix is contrary to the apartment guidelines.**

#### *Design Standards:*

Specific Planning Policy Requirement 3 sets out Minimum Apartment Floor Areas:

- Studio apartment (1 person) 37sq.m
- 1-bedroom apartment (2 persons) 45sq.m
- 2-bedroom apartment (4 persons) 73sq.m
- 3-bedroom apartment (5 persons) 90sq.m

The applicant sets out in the schedule of accommodation that unit A is studio (41sq.m), unit B is 2bed 3p (85sq.m) and unit C is studio (43sq.m). The minimum required area is therefore met.

Concern has been raised that the floorplans are annotated with different measurements but it is noted that these relate to the individual rooms and not the apartment as a whole.

The following standards should also be met:

	Unit A (studio)		Unit B (2bed 3p)		Unit C (studio)	
	Required	Provided	Required	Provided	Required	Provided
Aggregate living area	30sq.m	31	30sq.m	33	30sq.m	33
Aggregate bedroom floor areas	30sq.m	31	20.1	23.2	30sq.m	33
Bedroom	30sq.m	31	13/7.1m	12.4/10.9	30sq.m	33

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size						
Bedroom width	4m	All exceed 4m	2.8/2.1m	All exceed 2.8 m except bed 1 (2.7m)	4m	Generally exceeds 4m – small element 3m
Living room width	4m	All exceed 4m	3.6m	All exceed 3.6m	4m	Generally exceeds 4m – small element 3m
Storage	3	3.2	5	6	3	3.6

The required standards are generally met, however, the bedrooms in the proposed two bed flat fail to meet the requirements for the bedrooms. The single bedroom provided the required space, however, the master bedroom should be 13sq.m with a width of 2.8m and provides 12.4sq.m (providing a double bedroom) and a width of 2.7 x 4.3. It could therefore be considered that the proposal provides two single bedrooms.

\*Note: the internal layouts could be rearranged to offer more practical living solutions. It is unfortunate that the internal layouts have not been better designed. For example, if all apartments utilised the same lobby then at least 3.7sqm in each of the studio apartments could be incorporated within the habitable space of each apartment providing for increased storage/circulatory space or even helping to create a more private bedroom location. The development may be better suited to a maximum of two units, subject to a significant redesign.

### Aspect:

Paragraph 3.16 of the apartment guidelines state *“In duplex type or smaller apartment blocks that form part of mixed housing schemes in suburban areas, dual aspect provision is generally achievable”*. 3.17 continues... *“standalone brownfield regeneration sites where requirements like street frontage are less onerous, it is an objective that there shall be a minimum of 50% dual aspect apartments”*. 3.18 states that north facing single aspect can be considered where overlooking significant amenity spaces. 3.19 states *“For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, these requirements may be relaxed in part, on a case-by-case basis, subject to overall design quality. For clarity, dual aspect apartments can include corner units”*.

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SPPR4:

*(iii) "For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects".*

It is not apparent that the fenestration detail on the Muckcross Ave proposed elevations matches the detail provided in the floorplan. In accordance with the floor plans, both ground-floor units are single aspect, representing 66% of the units being single aspect and therefore contrary to guidance.

**Given the site is a corner site, all apartments should be capable of achieving dual aspect, this may be achieved if two apartments are proposed. However, this would require a considerable redesign.**

*Internal Height*

SPPR5

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

The ground floor units have a height of 2.7m and the first floor has a height of 2.4m. The proposal is in accordance with this criteria.

*Lift and Stair Cores*

N/A – maximum of 12 apartments permitted in accordance with SPPR 6 (infill schemes up to 0.25ha are also allowed flexibility).

*Internal Storage*

Paragraph 3.34 states *"For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, the storage requirement may be relaxed in part, on a case-by-case basis, subject to overall design quality"*.

Having regard to the size of each of the proposed apartments and the location of 'private' amenity space to the front of two of the units, the Planning Authority questions the lack of useable internal 'storage space', and in this instance storage requirement should not be relaxed. A reduction in the apartments to two may be more suitable.

*Private Amenity Space*

Appendix 1 sets out the following:



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Type	sq.m
Studio	4
2bed 3p	7

Paragraph 3.39 states “*for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality*”.

Units A and C (studios) would have 14.5 and 13.5sq.m respectively.

Unit B would have 9sq.m.

All apartments would appear to have in excess of the prescribed standard.

### *Refuse*

4.8 states “*Provision shall be made for the storage and collection of waste materials in apartment schemes*”.

The applicant has indicated bin stores on the ground floor. These would be located within the curtilage of the property and easily accessible for the northern studio apartment and the first-floor unit but not for the southern ground floor unit. It should be ensured that the bins do not impinge on the residential amenity of the occupants or on the residential amenity of the neighbouring properties. In this instance it appears that there may be a significant negative impact with regards to the residential amenity of the southerly ground floor unit. It is unclear whether the provisions made would provide sufficient refuse storage for all three apartments. Again, the site may be better suited for a maximum of two units.

### *Communal Amenity*

Paragraph 4.12 states “*for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality*”.

The total required communal amenity space in this instance would be 16sq.m and the applicant states that 37sq.m is provided, however, it is not apparent where this is on the submitted plans. The Planning Authority, on consideration of the submitted plans, understands that no communal space is provided on site (area to the front at Hillbrook provides space for access, bins/bicycle storage and car parking and is therefore unusable as communal space). There appears to be substantial areas of open space in proximity to the site: on Muckcross Green (located approximately 100m from the site) and Perrystown Community Centre and the closest large parks are Tymon and Bushey Park (approx. 1.6km away, as the crow flies), this may be

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acceptable to offset the lack of communal/public open space provided with the proposed development.

### New Apartments – Density

Policy H8 states “It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context”. The total site area is 0.0362, as stated on the application form. However, this includes the dwelling at No. 19 and the area of the portion of the site which the apartments and associated external areas occupy is approximately 0.017ha. The gross density is 176dph. It is noted that the density of the surrounding area (for example, the density of Nos 9-17 Hillsbrook Drive) is approximately 42dph. There is a significant increase in the density. One additional dwelling on this site would provide a density more in keeping with the surrounding area (59dph). The proposed density is not considered to be acceptable.

### New Apartments – Impact on Amenity of Adjacent Occupiers

The proposed apartments extend the length of 48A Muckross Ave. It is noted that the gardens are at an angle and the amenity space for unit C would be situated to the rear, separating the northern part of the apartments from the boundary with Muckross Ave – the amenity space is a maximum of 5m deep. Windows are proposed at first floor, on the west elevation. It is noted that 48A Muckross Ave has windows on the north elevation, overlooking the rear amenity space. The large living room window of Unit B would be situated at a 90degree angle, therefore allowing direct views into the neighbouring property.

Paragraph 11.3.1(v) Privacy of the CDP states “A *separation distance of 22 metres should generally be provided between directly opposing above ground floor windows to maintain privacy. Reduced distances will be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy*”.

The proposal would result in direct overlooking into the first-floor windows to the rear of No. 48 and no innovative design solutions have been proposed. This is not acceptable.

The first-floor balcony also sits slightly forward of No. 19 and there would be potential for overlooking in this instance too. The balcony would be situated over 22m away from No. 21 Hillsbrook Drive.

**Overall, the proposal would result in an unacceptable impact on the amenity of No. 48A Muckross Avenue and No. 19 Muckross Avenue, in terms of overlooking.**

In terms of overshadowing and daylight, the applicant has provided no information indicating these impacts. It is likely that the proposal would have a negative impact on the amenity space of No. 48A.

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In addition to this, the scale of the proposal by virtue of its length and position, would have an overbearing impact on the occupants of No. 48A.

**The proposal would have a negative impact on the amenity of the adjacent occupiers (No. 48A) in terms of overshadowing. It would also be overbearing.**

### *Summary*

In this instance, the Planning Authority has a number of concerns regarding the proposed development, which are summarised as follows:

- Design – The proposal does not blend well with the character of the area on Hillsbrook Drive, introducing a side elevation, with significant blank facades and private amenity areas at first floor, with the structure breaking the building line. The pitch of the roof to the rear also appears out of character, as does the scale of the building, which extends the entire width of the plot at first floor. The proposal is not considered to be a contemporary design, and it is not apparent an analysis of the sites constraints has been undertaken.
- Amenity – Not all of the prescribed internal standards have been met.
- Amenity – The proposal would have a significant negative impact on the amenity of the occupiers on No. 48A, in terms of overlooking, overshadowing and being overbearing. There are also concerns that the balcony to the front could result in overlooking into No. 19.
- Overdevelopment – The proposed mix is not in keeping with the apartment guidelines. Whilst increased density is permissible, in this instance the applicant has provided no information to suggest such a significant increase in density is acceptable in this location and, taking the above factors into consideration, the proposal is considered to be overdevelopment of the site.

### *Landscaping*

The Public Realm Department has no comments on the application.

### *Access & Parking*

Paragraph 4.21 of the Apartment Guidelines (2020) states:

*“In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard. 4.27 states For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location”.*

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The Roads Department has stated:

*“The proposed development involves the creation of a new vehicular and pedestrian access to serve the proposed apartments, existing and proposed vehicular access from the Hillsbrook drive public road.*

*The level of detail is insufficient to make a decision on whether there is adequate room for the safe access and egress of the proposed driveway from the public road.*

*Based on the requirements of the SDCC CDP 2016-2022 existing dwelling will require 2 car parking spaces and proposed apartments will require 1 of on-curtilage car parking space. Applicant has not indicated marked spaces for each dwelling.*

*Please note that the minimum distance between the boundary and front elevation shall be minimum of 6 meters.*

*No information has been submitted in regards with the proposed bicycle and bin location area for the proposed apartments”.*

**The applicant has therefore not submitted sufficient information in this regard.**

### ***Drainage & Water Supply***

Water Services and Irish Water have requested additional information.

**The applicant has therefore not submitted sufficient information in this regard.**

### ***Screening for Appropriate Assessment***

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

### ***Screening for Environmental Impact Assessment***

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **Conclusion**

Whilst the principle of residential development is acceptable in this location and the site may be suitable for infill development, in accordance with Council Policy, the proposed development, in its current form, is contrary to the Policies of the South Dublin County Development Plan (Policy H8, Sections 11.3.2 (i)(ii), 11.3.1(v)) as well as the Design Standards for New Apartments (2020) (SPPR2 and internal design standards), and would have an unacceptable impact on the visual amenity of Hillsbrook Drive, as well as an unacceptable impact on the amenities of the adjacent occupiers, particularly No. 48A Muckross Drive. In addition to this,

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insufficient information has been provided regarding drainage and parking. The proposed development therefore is contrary to the proper planning and sustainable development of the area and planning permission should be **refused**.

### **Recommendation**

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

### **SCHEDULE**

#### **REASON(S)**

1. Having regard to the prevailing density of the area, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) and the South Dublin County Council Development Plan 2016 -2022, the proposed density is not considered appropriate and represents an overdevelopment of a corner site, where the proposed design is deficient in providing useable and functional private amenity space for all units and securing a high standard of internal accommodation, including internal storage, within an established residential area and would be contrary to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009), the South Dublin County Council Development Plan 2016 -2022 and the proper planning and sustainable development of the area. The density proposed, on a constrained site is contributing to a poor layout and a poor standard of amenity for adjacent occupiers.
2. Having regard to the excessive width and blank facades of the proposed apartment-structure, which does not successfully address either street onto which the structure will face, the proposed development would be visually obtrusive and out of character in this established residential area, and would be contrary to policy and objectives of the South Dublin County Development Plan 2016-2022 (Policy Objective H17 Residential Consolidation Objectives 3, 5 and 7 and Section 11.3.2 Residential Consolidation) and therefore contrary to the proper planning and sustainable development of the area.
3. Given the minimal set off of the proposed apartments from the dwellings on Muckcross Avenue, as well as the excessive depth of the development, it is considered that the proposal would result in an unacceptable loss of light and overshadowing of adjoining/adjacent properties and would appear overbearing when viewed from rear habitable room windows and rear outdoor amenity space of No 48A Muckcross Avenue. In addition to this, the front facing balcony, which sits forward of the established building line, would result in overlooking on the occupants of No19 Hillsbrook Drive. Thus, the proposed development would seriously injure the amenity of property in the vicinity and would be contrary to the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and would therefore be contrary to the South Dublin County Council Development Plan 2016 - 2022 and the proper planning and sustainable

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development of the area.

4. Having regard to the information submitted in relation to surface and foul water proposals, which indicate the surface water would connect to a foul sewer, as well as the lack of information provided surrounding Sustainable Drainage and connection feasibility, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not be prejudicial to public health and is not in the interests of the proper planning and sustainable development of the area.
5. Having regard to the lack of information submitted in relation to car parking, manoeuvrability, boundary finishes and cycle parking on site for the proposal, the Planning Authority is not satisfied on the basis of the information submitted that the proposed development would not give rise to traffic hazard.

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**REG. REF. SD21A/0300**

**LOCATION: 19, Hillsbrook Drive, Perrystown, Dublin 12**

  
**Tracy McGibbon,**  
**A/ Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

**Date:**

7/1/22

  
**Eoin Burke, Senior Planner**