



Doyle Kent Planning Partnership Ltd
71 Carysfort Avenue
Blackrock, Co. Dublin

Company Reg No 513327
Vat Reg. No. IE 9829282N

An Bord Pleanála
64 Marlborough Street
Dublin 1

28th April 2019

Re: ABP-304063-19

SHD Application for 123 Units at Fosters Avenue, Blackrock, Co. Dublin

Dear Sir or Madam,

On behalf of the Mount Merrion Residents Association, c/o Mr. Tom Fahey, No.4 Cherrygarth, Mount Merrion, Co. Dublin, we, Doyle Kent Planning Partnership Ltd, of 71 Carysfort Avenue, Blackrock, Co. Dublin, wish to make a submission in relation to the above SHD application, Ref ABP-304063-19 for 123 residential units at Fosters Avenue, submitted on behalf of Foster Stack Ltd. We enclose fee for €20.

The proposed development entails construction of a large apartment block, on five floors over under ground parking, and containing 123 residential units.

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Main Points of Concern

1. Layout, scale and density of the development
2. Overbearing impact on amenity of existing residential property
3. Overlooking of existing residential property
4. Noise and disturbance
5. Parking provision
6. Drainage considerations
7. Basement construction
8. Loss of trees
9. Long term use of the apartments

Site

The site of the proposed development (0.6ha stated), is on Fosters Avenue, which road is named after an eighteenth century member of a family of the same name, members of which once lived in *Merville*, a large house on the opposite side of Fosters Avenue and which now forms part of the UCD complex. The overall lands were formerly part of the Fitzwilliam Estate of Mount Merrion. In the middle decades of the twentieth century, before and after the Second World War, suburban housing development was carried out within the former Fitzwilliam demesne of Mount Merrion. This included Garden City type, low density housing on St. Thomas Road, to the south of the SHD site, and also on Fosters Avenue. The SHD site itself was developed as an industrial unit, apparently in the post-war years.

Layout, scale and density of the development

The existing houses on Fosters Avenue, on St. Thomas Road and in *The Fosters* are generally detached, one and two storeys high and stand, for the most part, on substantial suburban sites. Typically, these houses face

onto the public road, from which a front garden separates them, and they have long back gardens. The more recent houses in *The Fosters* are less generously accommodated in terms of garden size.

The SHD development now proposed would constitute a radical change in the nature and scale of development on the south side of Fosters Avenue. The proposal is for 123 apartments on five floors, amounting to 203 units per hectare. In addition to the introduction of a new typology in the form of apartments, the development, at five floors, is of a much greater height than existing, has a larger quantum of floor area (11,030 sqm stated), and in terms of layout, does not have a clear-cut “front” and “rear” but faces toward all four main points of the compass.

We note recent national guidance in respect of greater residential density and increased building height. In particular, we refer to paragraph 1.9 of the new *Urban Development and Building Heights Guidelines for Planning Authorities, 2018*, wherein it is stated that:

*“these guidelines require that the scope to consider general building heights of at least **three to four storeys**, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle”*

We also note that the building height strategy of the current DLR Development Plan, Appendix 9, section 4.8, states that in the Mount Merrion area, a general recommended height of two storeys applies, but certain apartment developments may go to a maximum of 3-4 storeys. The main written statement of the current DLR Development Plan, Section 8.2.3.4 (vii) states in relation to infill residential accommodation in existing built-up areas:

*New in infill development **shall respect the height and massing** of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings. This shall particularly apply to those areas that exemplify Victorian era to **early-mid 20th century suburban ‘Garden City’ planned settings** and estates that do not otherwise benefit from Architectural Conservation Area status or similar.*

We submit that this relatively modest site of 0.6ha in an established low-density suburban area is not appropriate for the proposed scale and quantum of development. Taking account of both Development Plan policy and the *Urban Development and Building Heights Guidelines for Planning Authorities*, we suggest that a more appropriate scale, at least for the centre and rear blocks of the proposed development, would be three storeys in height, given the existing pattern of development in the vicinity and the likely adverse impact of the proposed development on adjacent residential property (see below).

We submit that the proposed density of 203 units per hectare is excessive on this site, given its quite modest extent, its proximity to existing houses and its location. We do not believe that the location on Fosters Avenue comes properly within the classification of “*central and/or accessible locations*” as described in the *Urban Development and Building Heights Guidelines*, but rather comes within the scope of “*intermediate urban locations where medium density residential development in excess of 45 residential units per hectare would be appropriate*” (sec 2.12 of the *Building Heights Guidelines*). Whilst the site is relatively close to the N11 QBC, it is somewhat remote from other bus services, at nearly 0.5km from the main UCD transportation hub. It is not close to any rail service (Booterstown DART c.2km) and is relatively removed from other facilities such as shops, schools etc.

Overbearing impact on amenity of existing residential property

The proposed development would loom over adjoining residential property and constitute an overbearing presence. We consider that the photomontages submitted with the application may not give an adequate picture of the impact, as they have likely been based on images from a wide angle camera lens, as is sometimes the case with architectural images.



Google Image from The Fosters facing toward SHD site



Applicant's Montage from The Fosters facing toward SHD site

In this regard, we submit a photo from Google Street View, taken on the public road within *The Fosters*, facing in the direction of the SHD site. The existing single storey, industrial building on the site is visible in the picture. We also submit a copy of one of the photomontages submitted with the SHD application and taken at approximately the same location. Comparison of the two images indicates that the proposed apartment building would be higher than appears from the montage.

Overlooking of existing residential property

The applicants have indicated that the layout of the proposed apartments, together with the separation distances from existing houses, adequately address any concerns in relation to overlooking of such houses. However, we submit that the extent of such overlooking is likely to prove to be significant. In particular and notwithstanding the separation distances, the central part of the proposed apartment block faces to the west and to the east.



Proposed site layout showing overlooking of adjacent residences

The elevations of the central section of the proposed apartment block contain windows and balconies facing toward residential property. In addition, balconies intended to face into the two courtyards of the apartment block will enjoy oblique views into the back of existing houses. The top floor, which is set back from the main façade line, will have roof terraces and the potential for more within the proposed sedum roof area. Taken together with the height proposed, this would amount to a significant negative impact on the amenity of existing residential property. In the event that the Board decides to grant permission, we request that these points be addressed by condition and that the roof terraces and balconies be removed or adjusted to limit overlooking. We also ask that the sedum roof not be accessible, save for maintenance purposes.

Noise and disturbance

Related to the concerns in relation to overlooking from high level terraces and balconies are concerns that these areas will be the source of nuisance from noise and disturbance affecting the amenity of adjacent residential property. We understand that a management company may control such activities, but this is by no means certain.

Parking provision

We submit that there is an under provision of car parking facilities put forward to serve the proposed development and this is likely to result in disorganised, on street parking in the area to accommodate the overflow. We note the guidance in the *Sustainable Urban Housing: Design Standards for New Apartments* to the effect that development plan parking standards may be overridden, particularly in the case of build to rent developments. But we also note that the guidance indicates that such developments are “*more suitable for central locations and/or proximity to public transport services*”. The site is not at the confluence of public transport systems (per sec 4.19 of the *Sustainable Urban Housing: Design Standards for New Apartments*).

We submit that the nature of the public transport services available to serve the proposed development may not be sufficiently strong to result in the hoped for low levels of car ownership among the tenants of the proposed apartment block. We note that the local authority roads department were of a similar opinion and sought provision of parking at a rate of 1.1 space per apartment.

Drainage considerations

It is not clear if drainage from existing houses in the vicinity will be affected by the proposed SHD. In particular the residents of houses to the south, on St. Thomas Road, are concerned that there is an under ground water course running through the SHD site and which also serves the St. Thomas Road houses, possibly receiving effluent from these. There is no record of such water course in the documents submitted with the application. However, in the event that the Board decides to grant permission, we request that a suitable condition be attached to ensure there is no blockage of such water course, due to the construction of the proposed apartment block.

Basement construction

The proposed development includes a large basement car park, measuring approximately 3,000 sqm in area. The excavation of this large hole in the ground will likely require breaking up of rock, thereby creating highly intrusive noise, dust and disturbance. It might be noted that Mount Merrion sits on a granite outlier of the Dublin Mountains. There is little information submitted in relation to these matters and no mitigation measures put forward.

In the event that the Board decides to grant permission, we request that a suitable condition be attached to minimise noise and vibration impacts. There is also a possibility of interference with the water table, due to the excavation and tanking of such a large excavated area. This should be clarified.

Loss of trees

At present, the site and adjoining properties enjoy a well wooded environment. One of the main impacts of the proposed development will be removal of all trees on the site, given the extent of excavation proposed.

Long term use of the apartments

The Build to Rent sector is a new arrival onto the Irish housing market. Such developments are time limited to fifteen years minimum and it is not clear how these developments will function and how they may be managed after the initial fifteen years have expired. This lack of clarity is reflected in the manner in which provision for children is regarded in the documentation submitted. On the one hand, it is made apparent that the BTR scheme will not accommodate children, but on the other hand, it is indicated that children's play facilities will be made available, though without much detail. There is a concern that high density BTR schemes may not be properly managed and suffer a decline in environmental quality in the medium term.

Conclusion

On behalf of the Mount Merrion Residents Association, we request the Board to take account of the foregoing concerns. We suggest the appropriate course of action is to either refuse permission for this proposed development or reduce its size, for the reasons set out above, including its excessive scale, its adverse effect on the amenities of property in the vicinity and the traffic and drainage related issues cited above. Overall, we ask the Board to protect the high quality, garden city character of the area. However, in the event that the Board decides to grant permission, we request that the apartment block be reduced in height by two floors, at least to the rear of the front section, and that the east and west facing balconies and roof level terraces be omitted.

Yours faithfully

Karl Kent