



An
Bord
Pleanála

Inspector's Report 307299-20

Development	Change of use of existing ground floor shed from commercial to residential, first floor residential extension, converted attic with rear dormer extension at roof level
Location	No. 62A Sitric Road, Stoneybatter, Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2144/20
Applicant(s)	Sitric Developments
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party v. Decision
Appellant(s)	John O'Regan
Observer(s)	None
Date of Site Inspection	9 th September 2020
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 58 m² and is located at No. 62A Sitric Road, Stoneybatter, Dublin 7. Sitric Road is a residential street which is characterised by 2-storey, terraced dwellings, with yellow brick front façades and red brick detailing. On-street car parking is provided along both sides of the street.
- 1.2. The site accommodates a single-storey disused workshop, the façade of which is characterised by yellow brick with inward opening, double doors.
- 1.3. The adjoining property to the north at No. 61 Sitric Road is a 2-storey residential dwelling. The adjoining property to the south at Nos. 62 and 63 Sitric Road is occupied by the Lillyput Press book shop at ground floor level, a residential use at 1st floor level and a terrace at roof level. There is 1 no. window located in the 1st floor gable elevation of No. 62 Sitric Road fronting onto the subject site. A pedestrian entrance door and passageway provides access to the side of No. 62 Sitric Road and abuts the southern/side boundary of the subject site.
- 1.4. The site is bounded by a scrap yard/commercial premises to the rear/east.

2.0 Proposed Development

- 2.1. The development consists of: (1) the change of use of the existing ground floor shed from commercial to residential use; (2) the addition of a 1st floor level of residential accommodation; and (3) a converted attic with rear dormer extension at roof level.
- 2.2. The development also includes private open space at the rear ground floor level, a new recessed front door at ground floor level and a new window in the existing ground floor brick.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission subject to 9 no. conditions issued on 24th March 2020.

- 3.1.2. Condition no. 4 requires the front eaves height of the proposed development to match the height of the adjoining property at No. 61 Sitric Road.
- 3.1.3. Condition no. 5 requires the front and rear elevations to be finished in brick to harmonise with the brick colour used in surrounding properties.
- 3.1.4. All other conditions are generally standard in nature.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

- 3.2.2. Basis of Planning Authority's decision.
- 3.2.3. Dublin City Council's Planning Officer considered that the proposed development would be in keeping with the established pattern of development in the area, given that it involves the infilling of an existing gap site and reflects the scale and massing of dwellings in the surrounding area.

3.2.4. **Other Technical Reports**

- 3.2.5. **Engineering Department – Drainage Division:** No objection subject to conditions.
- 3.2.6. **Transportation Planning Division:** No objection subject to conditions.

3.3. **Prescribed Bodies**

- 3.4. **Transport Infrastructure Ireland:** Recommends conditions be attached in the event planning permission is granted.
- 3.5. **National Transport Authority:** None received.
- 3.6. **Irish Water:** None received.

3.7. **Third Party Observations**

- 3.7.1. Two third party observations were received from: (1) M. McIntyre, No. 61 Sitric Road, Dublin 7; and, (2) John O'Regan, No. 3 Sitric Road, Stoneybatter, Dublin 7.
- 3.7.2. The points which have been raised can be summarised as follows: (1) impact on chimney and gable wall of No. 61 Sitric Road; (2) loss of light impacts to Nos. 3 and 61 Sitric Road; (3) the development does not reflect the character of the existing buildings on the street; (3) overlooking of the 1st floor bedroom of No. 3 Sitric Road

from the 1st floor living area of the proposed development; and, (4) increased demand for on-street car parking.

4.0 Planning History

- 4.1. **Planning Authority Reg. Ref. 4060/19:** Planning permission refused on 18th November 2019 for the change of use of the existing ground floor shed from commercial to residential and to add 1st and 2nd floor residential accommodation over projecting to the front and rear; private open space at rear ground floor and at front 2nd floor level; new recessed front door at ground floor level; new circular window and applied metal façade to existing ground floor brick.
- 4.2. Planning permission was refused for 1 no. reason on the basis that the proposed development, by reason of its scale, bulk and design, would represent a serious intrusion on the character of the area, would be out of character with the existing houses along the street, and would undermine the integrity of the residential conservation area.

5.0 Policy and Context

5.1. Dublin City Development Plan 2016-2022

5.2. Land Use Zoning

- 5.2.1. The site is subject to land use zoning objective “Z2” (Residential Neighbourhoods – Conservation Areas) which has the objective “to protect and/or improve the amenities of residential conservation areas”. Residential land uses are permissible under this zoning objective.
- 5.2.2. The general objective for residential conservation areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

5.3. Architectural Conservation Areas and Conservation Areas

- 5.3.1. **Policy CHC4:** To protect the special interest and character of all Dublin’s Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to

protect and enhance the character and appearance of the area and its setting, wherever possible.

- 5.3.2. Changes of use will be acceptable where, in compliance with the zoning objective, they make a positive contribution to the character, function and appearance of Conservation Areas and their settings.

5.4. **Conservation Areas – Policy Application**

- 5.4.1. Section 11.1.5.6 of the development plan states that all new development must have regard to the local context and distinctiveness and the contribution to the local scene of buildings, landmarks, views, open spaces and other features of architectural, historic and topographical interest. It is particularly important within Conservation Areas, that design is appropriate to the context and based on an understanding of Dublin's distinctive character areas. New development should have a positive impact on local character.

5.5. **Housing Policy**

- 5.5.1. The housing policies of Dublin City Council are contained within Chapter 5 of the development plan. Those policies which are directly relevant to this appeal case are identified below.

- 5.5.2. **Policy QH1:** To have regard to the DEHLG Guidelines on “Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities” (2007), “Delivering Homes Sustaining Communities – Statement on Housing Policy” (2007), “Sustainable Urban Housing: Design Standards for New Apartments” (2015) and “Sustainable Residential Development in Urban Areas” and the accompanying “Urban Design Manual: A Best Practice Guide” (2009).

- 5.5.3. The “Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities” (2007) identify a target gross floor area of 70 m² for a 2-bedroom/3-person/2-storey house, with the following minimum internal room dimensions:

- **Min. main living room:** 13 m²
- **Aggregate living area:** 28 m²

- **Aggregate bedroom area:** 20 m² – single bedroom should be at least 7.1 m²; main bedroom to be at least 13 m² in a dwelling for 3 or more persons;
- **Storage:** 3 m²

5.5.4. **Policy QH7:** To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

5.5.5. **Policy QH21:** To ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity, in accordance with the standards for residential accommodation.

5.5.6. **Policy QH22:** To ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.

5.6. Infill Housing

5.6.1. The development standards concerning infill housing are set out in section 16.10.10 of the development plan. In general, infill housing should comply with all relevant development plan standards for residential development. In certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land in the inner and outer city is developed.

5.6.2. Infill housing should:

- Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings;
- Comply with the appropriate minimum habitable room sizes;
- Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.

5.7. Private Open Space

5.7.1. A standard of 5 – 8 m² of private open space per bedspace will normally be applied for housing proposals within the inner city.

5.8. Car Parking

5.8.1. The site is in Area 2 of the city with respect to car parking provision. A maximum standard of 1 no. parking space per dwelling applies in this area.

5.9. National Planning Framework (NPF)

5.9.1. The NPF sets out objectives which aim to secure more compact and sustainable growth patterns in urban areas in the period to 2040.

5.9.2. **National Policy Objective 3b** seeks to deliver at least 50% of all new homes targeted in the five cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

5.10. Natural Heritage Designations

5.10.1. None.

5.11. EIA Screening

5.11.1. Having regard to the nature and scale of the proposed development, comprising 1 no. residential dwelling in an established residential area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal has been lodged by John O'Regan, Law Library, Four Courts, Dublin 7, the grounds of which can be summarised as follows:

- A white site notice was incorrectly erected for this application, which is the second application on this site within 6 months. As such, the application is invalid;
- The proposed living accommodation at 1st floor level is out of character with the traditional houses on the street, which have living accommodation at ground floor level and bedroom accommodation above;

- The large window of the proposed 1st floor living accommodation will directly overlook the bedroom accommodation of No. 3 Sitric Road;
- The proposed window and door openings on the front and rear façades do not reflect the established character of the street;
- The proposed development at 1st and 2nd floor levels will result in a loss of light to No. 3 Sitric Road and impact on views from this property;
- The proposed development would be a serious intrusion on the character of the area and would undermine the integrity of the residential conservation area;
- The proposed development would seriously injure the amenities and depreciate the value of property in the area and would be contrary to Section 11.1.5.6 of the development plan;
- The development will create further demand for on-street car parking.

6.2. Applicant Response

6.2.1. A response was received from John Flynn Architect on behalf of the applicant on 29th June 2020, which can be summarised as follows:

- A yellow site notice was submitted with the application and was noted to be acceptable by Dublin City Council's Planning Officer;
- The adjoining property at Nos. 62 and 63 Sitric Road, which is directly opposite the appellant's property, has main living accommodation at 1st floor level and a roof terrace at 2nd floor level;
- The proposed recessed ground floor level door will preserve the existing brickwork and is in keeping with good conservation practice;
- The size of the proposed 1st floor window is designed to reflect the ground floor opening and be proportionate to the single, open-plan living space. It is partnered by a more modest window of similar size to those elsewhere on the street;

- Sitric Road is 11.3 m in width, and as such, the proposed 1st floor windows will not intrude on the 1st floor windows of No. 3 Sitric Road to any greater extent than the existing windows of Nos. 62 and 63 Sitric Road;
- The light to No. 3 Sitric Road will not be affected in any way by the proposed development, having regard to the location of the subject development to the east of this neighbouring property;
- The proposed ridge height and roof profile are in keeping with the street;
- The Roads and Traffic Department of Dublin City Council had no objection to the proposed development, and the removal of the wooden double doors of the existing shed, will serve to return the use of an on-street car parking space.

6.3. Planning Authority Response

6.3.1. None received.

6.4. Observations

6.4.1. None.

7.0 Assessment

7.1. I am satisfied that the main issues for consideration in this case include:

- Principle of the Development
- Impact on No. 3 Sitric Road
- Impact on Street Character
- Appropriate Assessment

7.2. Each of these issues is addressed in turn below.

7.3. Principle of the Development

- 7.3.1. The site is subject to land use zoning “Z2”, which has the objective “to protect and/or improve the amenities of residential conservation areas”. Residential land uses are permissible in principle under this zoning objective. Sitric Road is primarily characterised by terraced residential dwellings, excluding the bookshop premises at Nos. 62 and 63 Sitric Road. This application seeks permission for a change of use of the existing single-storey shed, from commercial to residential use. As such, the proposed development reflects the established pattern of development at this location.
- 7.3.2. The proposed dwelling has a stated floor area of 86 m², which exceeds the minimum standard set out for 2-storey/2-bedroom/3-person dwellings under the 2007 guidance document “Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities”. While the area of the main bedroom (11.8 m²) is slightly below the recommended standard of 13 m², I note that the proposed attic level will provide additional storage capacity. I further note that the 19 m² of private open space which is proposed to the rear of the dwelling, exceeds the required standard for such developments within the inner city.
- 7.3.3. Having regard to the foregoing, I am satisfied that the development is acceptable in principle at this location.

7.4. Impact on No. 3 Sitric Road

- 7.4.1. The appellant submits that the proposed development will result in the overlooking of the bedroom accommodation at 1st floor level of No. 3 Sitric Road; will result in a loss of light to this property; and, will impede views across the subject site.
- 7.4.2. In considering the foregoing, I note that the subject site is located within the inner city, in an area which is characterised by a compact urban grain. I further note that the separation distance between the front façade of the proposed development and No. 3 Sitric Road is approximately 11.3 m as identified by the applicant’s agent. This separation distance reflects the established pattern of development along Sitric Road and is typical of this inner urban area. Having regard to the foregoing, I consider that no undue overlooking of No. 3 Sitric Road will occur in this context.
- 7.4.3. In considering the loss of light to No. 3 Sitric Road, I note that the subject site is located to the north-east of the appellant’s property. Having regard to the foregoing,

and the sun path movements which would arise, in my opinion, no undue loss of light or overshadowing could occur in this context.

- 7.4.4. In considering the impact on the appellant's view of the existing trees which are located to rear/east of the subject site, I note that the development plan has not designated any protected views or protected trees at this location. As such, I am satisfied that this point of appeal is without substance.

7.5. Impact on Street Character

- 7.5.1. The application site is located within a residential conservation area, which is characterised by a uniformity of building style and materials. The proposed development seeks to redevelop an under-utilised site, by delivering a 2-storey residential dwelling in place of a disused, single-storey workshop. In my opinion, the existing development does not detract unduly from the character of the streetscape. However, its single-storey nature forms a gap in the predominantly 2-storey streetscape.
- 7.5.2. It is proposed to retain the existing ground floor level brickwork, with a new solid door and glazed side light proposed within the dimensions of the existing double entrance door. A new window opening is also proposed at ground floor level. Two windows are proposed at the 1st floor level fronting onto Sitric Road, which reflect the dimensions of the ground floor openings. Selected brick will be used on the 1st floor façade, with a sand cement render finish proposed to the exposed gable elevation and the rear elevation.
- 7.5.3. The appellant submits that the proposed development would intrude on the character of the area and undermine the integrity of the residential conservation area. In my opinion, the proposed development would be entirely sympathetic to the established character of the area, given that it comprises a 2-storey dwelling with a brick façade in an established residential street of similar 2-storey dwellings. While it is acknowledged that the window and door openings do not match the dimensions of those on neighbouring properties, I note that they reflect the size of the openings within the existing structure. In my opinion, this is a reasonable design response in this instance. Having regard to the foregoing, I consider that the proposed development would comprise an appropriate insertion into the streetscape at this

location, which would have no undue negative impact on the character of the streetscape or residential conservation area.

- 7.5.4. Dublin City Council's Planning Officer considered that the front and rear building façades should be finished in brick as required under Condition No. 5 of the Notification of the Decision to Grant Permission. In attaching this condition, the Planning Officer considered that there was the potential for the rear façade to be partially visible from surrounding streets.
- 7.5.5. I note that the gable elevations of both adjoining properties at Nos. 61 and 62 Sitric Road are finished in render and are visible in street level views. In my opinion, the use of render on the rear (and side) elevation of the proposed development, would have no negative visual impact on views of the site from adjoining streets. As such, I consider that the application of this condition would be unwarranted in the event An Bord Pleanála grants planning permission in this instance. I consider that the application of a condition which requires the proposed brick finish at 1st floor level to be agreed with the Planning Authority prior to the commencement of development would be reasonable, given the site's location in a residential conservation area.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development, the residential land use zoning of the site, and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted subject to conditions.

9.0 Reasons and Considerations

9.1. Having regard to the location of the site on serviced urban land, the residential land use zoning of the site, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p>

	<p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.</p>
3.	<p>The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City (St. Stephen's Green to Broombridge Line) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>
4.	<p>(a) The roof of the proposed dwelling shall be blue-black or slate-grey in colour throughout.</p> <p>(b) A sample of the brick finish to be used on the external walls, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

6.	<p>Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

Louise Treacy
Planning Inspector

9th September 2020