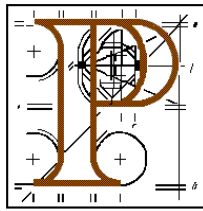


# An Bord Pleanála



## Inspector's Report

**PL. 29S 245648**

**DEVELOPMENT:**

(a) Two storey end of terrace House with attic dormer accommodation and first floor private open space at rear, (b) shed for bins and bicycles accessed off rear yard and, (c) sundry alterations to the rear of existing house including reduction in floor area and provision of first floor screened roof terrace and ground floor courtyard.

**LOCATION:**

18 Pembroke Street, Irishtown, Dublin 4.

### PLANNING APPLICATION

Planning Authority: Dublin City Council.  
P. A. Reg. Ref: 3337/15  
Applicant: Con and Aileen Murray.  
Decision: Refuse Permission.

### PLANNING APPEAL

Appellant Con and Aileen Murray  
Type of Appeal: First Party Against the Decision to Refuse Permission.

**Date of Site Inspection:** 6<sup>th</sup> January, 2016.

**Inspector:** Jane Dennehy.

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1 The site has a stated area of 160 square metres and is located in Irishtown and is that of a two storey terraced end of terrace house with rear gardens in Irishtown. It has direct frontage onto Pembroke Street to the south west and the rear boundary, (within which there is a pedestrian entrance) is directly onto Strand Street to the north east. The house has been extended at two storey and single storey level to the rear. (A grant of permission under P. A. Reg. Ref. 1321/04 refers.) Terraced houses the footprints of which are perpendicular to that of the appeal site adjoin the south east boundary and have frontage onto Chapel Street. (The site location is within a zone of archaeological constraint.)

## **2.0 THE PROPOSED DEVELOPMENT.**

- 2.1 The application lodged with the planning authority on 30<sup>th</sup> July, 2015 indicates proposals for construction of a two bedroom house with a stated floor area of 106 square metres on the rear garden of the existing house. The house frontage and entrance is on Strand Street and there is provision for habitable accommodation and dormer windows to the front and to the rear at attic level.
- 2.2 Private open space is to be provided at first floor level in the form of a terrace for the proposed dwelling with a stated floor area of 12 square metres over a small yard and storage shed. For the existing house a courtyard with a stated floor area of eleven square metres with direct access from the ground floor living accommodation and a first floor terrace with a rooflight over the kitchen below the stated floor area of which fourteen square metres is provided in substitution for the existing rear garden private open space.
- 2.3 The report of the City Archaeologist contains a recommendation for attachment of a condition with requirements for monitoring and preservation by record.
- 2.4 The report of the Roads and Traffic Planning Division indicates that it is desirable that off street parking be provided but it is acknowledged that the site constraints do not allow for same and it is confirmed that there is no objection to the proposed development.
- 2.5 The Engineering Department's Drainage Division indicates no objection subject to standard conditions.

### 3.0 PLANNING HISTORY:

3.1 **P. A. Reg. Ref. 1321/04.** Permission was granted for a granny flat with a part single and part two storey extensions to the rear which has been implemented.

### 4.0 DECISION of the PLANNING AUTHORITY.

4.1 By order dated, 23<sup>rd</sup> September, 2015, the planning officer decided to refuse permission. According to the reason attached to the order, the proposed development contravenes section 17.9.1 of the Dublin City Development Plan, 2011 by reason of insufficient private open space provision, insufficient separation distance from the existing dwelling, overlooking, visual obtrusiveness and overdevelopment.

4.2 The planning officer describes the proposed development as “infill” and notes the precedent development at 3A Chapel Avenue and gaps along Strand Street frontage referred to in the application permitted under P. A. Reg. Ref. 1217/05. Particular concern is expressed about separation distance between windows especially at attic level, site size and the quality and quantity of private open space indicated for the existing and proposed dwellings. He concludes that the proposed relaxation of development plan standards that is provided for in the case in infill development would not be acceptable for the subject proposal.

### 5.0 THE APPEAL

5.1 An appeal was received from ABA Architecture on behalf of the applicants on 20<sup>th</sup> October, 2015. The appeal grounds which are under six subheadings can be outlined as follows:

- Private open space: There is site coverage of seventy eight to one hundred percent in the area. The development plan standard for open space of fifteen square metres per bedspace is never achievable in the area. The area has a high density urban fabric which has been unchanged and appropriate high quality open space is provided for both houses. It is accepted that private open space standards have increased but the precedent in the permitted development at 3A Chapel Avenue (P. A. Reg. Ref. 1217/05). The planning officer had commented that the proposed development was consistent with the policy for increased residential density in inner areas.

- Separation distance: It is proposed to block up the first floor window and replace it with doors and windows and windows at the side to give a private access to the first floor terrace. which is to be separated by obscure glazing from the first floor terrace of the new house. A wall can be substituted for the glazed screen. The high level triangular window at the dormer is fixed and the first floor dressing room can be replaced with a roof window if necessary.
- Overdevelopment: The proposed house is an appropriate urban infill between two, two storey houses where only thirty nine percent of the Strand Road frontage is 'unbuilt. The entire length of the next section of Strand road is fully built.
- Overlooking: There is no overlooking of adjoining properties if the stairwell triangular window is obscured.
- Visual Obtrusion: The proposed house is a welcome improvement helping to re-establish the street.
- Impact on amenities of property in the vicinity. Infill development which in this case "infills the missing teeth" (on Strand Street) is required where services, amenities and facilities are available and where there is close proximity to the Grand Canal Basin, 'Silicon Docks' at Barrow Street and the Liffey Campshires.

## **6.0 RESPONSES/OBSERVATIONS ON APPEAL**

- 6.1** There is no submission from the planning authority and there are no third party observer submissions on file.

## **7.0 DEVELOPMENT PLAN.**

- 7.1** The operative development plan is the *Dublin City Development Plan, 2011-2017* according to which the site location is within:
- An area subject to the zoning objective: "Z2: *to protect and/or improve the amenities of residential conservation areas*" and, the 'Zone of Archaeological Constraint' for the recorded Monument DU018-054. (Irishtown Settlement)
  - Policies, objectives and standards for urban infill development are set out in section 17.9.7. It seeks to make use of infill sites and existing urban fill infrastructure and allows for normal planning standards to be relaxed in certain limited circumstances in the interest of ensuring development of vacant, derelict and underutilised land.

## 8.0 ASSESSMENT

8.1 Having regard to the provisions for relaxation of normal planning standards in certain limited circumstances, as provided for in the case of infill development in the development plan, (section 17.9.7) the issues considered central to the determination of the decision but which are inter-related, are:

- Site coverage,
- Private open space provision,
- Separation distances,
- Overlooking,
- Visual impact and,
- Overdevelopment.

### 8.2 Site coverage:

The site has an unusual configuration in that it has frontage onto Pembroke Street and onto Strand Street. The proposal is for subdivision of a site on which a significant part of the original rear garden is taken up by the two storey extension to the original house. The site coverage is onto Strand Street at the end of the back garden to the rear. The site coverage for both the existing and proposed development is estimated to be approximately eighty percent Coverage at forty five percent is indicated the development plan.

### 8.3 Private open space provision:

The private open space provision for both the existing and proposed dwellings is deficient in size and in quality of attainable amenity for occupants. According to the requirement for fifteen square metres to be provided per bedspace provided for in the development plan, provision for seventy five square metres would be required for the existing dwelling and sixty square metres for the proposed dwelling.

8.4 Two spaces with a total area of twenty five square metres in area, (one at ground floor level and one at first floor level) are indicated for the existing dwelling. Both are enclosed by buildings in close proximity on all sides and provide little scope for access to daylight and sunlight. One space is provided for the proposed dwelling is provided in the form of a terrace with an area of twelve square metres. The two adjoining first floor terraces for the existing and proposed dwellings are separated by a screen, or a wall which can be substituted if required according to the appeal.

## 8.5 **Separation Distances.**

The rear elevations of the existing and proposed dwellings have minimal separation distance as indicated in the planning officer's reports and the adjoining property also has dormer windows. It is agreed with the planning authority that the deficiency in separation distances is seriously substandard resulting in significant adverse impact on residential amenities. There is no scope for suitable mitigation of impact on adjoining properties by reason of the proximity.

## 8.6 **Overlooking:**

There is potential for overlooking from the proposed dormer window and the proximity of the fenestration to adjoining properties gives rise to perceptions of overlooking and intrusion on privacy.

## 8.7 **Visual Impact:**

Strand Street is a secondary street on the frontage of which among houses there are gaps and a number of rear entrances and garage spaces. It is agreed with the appellant that the streetscape presentation onto Strand Street could be enhanced by the front facade of a dwelling. Impact on the existing and adjoining dwellings however would be obtrusive by reason of massing, height and bulk very close proximity. In addition, it is considered that the visual impact on the streetscape of Strand Street, on account of the relatively large dormer on the roof slope would also be conspicuous in the streetscape views. In the event that permission is to be granted, a smaller scale dormer would be result in reduced visual impact.

## 8.8 **Overdevelopment:**

On account, in particular, of the site coverage and massing of the existing two storey extension in conjunction with the existing house, the site does not have the capacity to accommodate both the existing, extended dwelling and an additional dwelling. This is demonstrated in the excessive site coverage, deficiencies in quantity and quality of private open space provision and in separation distances from adjoining properties and consequently negative impact on the residential amenities of adjoining properties by overlooking and perceptions of overlooking and visual obtrusiveness.

8.9 The applicant relies on the provisions of section 17.9.1 of the development plan, precedent from the previously permitted development at Chapel Lane and the desirability of measures that contribute to regeneration at Irishtown. It is agreed that there may be scope for some relaxation of standards depending on the merits of individual development proposals. However it is considered the proposed development constitutes a major overdevelopment that would result in substandard development and amenity standards at the existing and proposed dwellings and serious injury to the amenities of the properties in the vicinity.

#### **8.10 Appropriate Assessment Screening:**

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

#### **9.0 CONCLUSION AND RECOMMENDATION.**

In view of the foregoing, it is recommended that the appeal be rejected, the planning authority decision be upheld and that permission be refused on the basis of the reasons and considerations set out in the draft order overleaf.

## **DECISION**

**Refuse Permission on the Basis of the Reasons and Considerations set out Below:**

### **REASONS AND CONSIDERATIONS**

The proposed development in conjunction with the existing development on the site would constitute substandard overdevelopment of the site and would fail to satisfy the residential quality standards set out in section 17.9.1 of the Dublin City Development Plan, 2011-2017 by reason of excessive site coverage, massing and visual obtrusiveness, separation distances from adjoining dwellings and insufficient quantity and quality of private open space provision. As a result the proposed development would be seriously injurious to the residential amenities of the existing, proposed dwelling and adjoining dwellings and would depreciate the value of property and the vicinity and would be contrary to the proper planning and development of the area.

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**JANE DENNEHY.**  
**Senior Planning Inspector**  
**8<sup>th</sup> January, 2016.**