

An Bord Pleanála



Inspector's Report

Appeal Ref. No:	PL29S.245750
Proposed Development:	Demolition of an existing extension to the rear of the Sandymount Hotel. Construction of new extensions at ground, first, second and penthouse level with all associated alterations and site works.
Location:	The Sandymount Hotel, Herbert Road, Sandymount, Dublin 4
Applicants:	Mount Herbert Ltd. T/A The Sandymount Hotel
PA Reg. Ref:	3481/15
Planning Authority:	Dublin City Council
P.A. Decision:	Grant
Appeal Type:	Third
Appellants:	Alistair and Denise Welch
Date of Site Inspection:	22 nd and 29 th January 2016
Inspector:	Una Crosse

1. SITE AND SURROUNDINGS

The appeal site comprises an existing hotel development known as the Sandymount Hotel close to the Aviva Stadium on Lansdowne Road on a site measuring 0.8439 hectares and which has currently 168 bedrooms. The existing building comprises a long irregular shaped building fronting Herbert Road with a number of elements projecting from the main block to the rear of the facade perpendicular to the road. The site is adjoined to the south, east and west by residential development comprising of a mix of residential units such as road fronting detached and semi-detached dwellings to the rear on Serpentine Road.

2. PROPOSED DEVELOPMENT

As Submitted

The proposal as submitted to the Planning Authority comprises the demolition of a single storey extension to the rear of the existing hotel which accommodates 2 bedrooms and which measures c.47.5sq.m. It is proposed to replace it with a new extension with a floor area of 302 sq.m which would provide an overall area of 6,571.5 sq.m to the development. The proposed development comprises the construction of a new extension containing 2 no. bedrooms and fire escape stairs at each of three floors – ground, first and second floors (6 in total). A new recessed extension is proposed at penthouse level containing 4 bedrooms and linking to the new fire escape stairs. It is also proposed to refurbish 7 bedrooms at penthouse level and modify same to become 9 no bedrooms which includes modifications to the existing window layout.

The application included a document entitled Planning Report.

A statement of Appropriate Assessment Screening

The statement describes the proposal and identifies the SAC's and SPA's within 15km of the site. The statement also assesses the direct, indirect and secondary impacts of the proposal as set out in Table 2.3 and the likely changes to the site with the likely affects on Natura 2000 sites outlines in Table 2.4. A finding of no significant effects is set out in section 4.

Amendments with Appeal

In response to the appeal, the applicant's agent submitted four drawings P1200 Rev P2, P1201 P2, P1202 P2 and 1203 P2. The drawings show amendments to the scheme which shows how the 6 no bedrooms can be achieved over 2 floors rather than 3. The proposal also relocates the 4-storey circulation stairwell to increase separation distances at third and fourth floor levels from 3m to 8.15m;

3. PLANNING HISTORY

On Site

Reg. Ref. 2659/06 – permission granted for the retention of 3 no. flags on 5.5 metre flag poles.

Reg. Ref. 1694/00 – permission granted for a 2-storey leisure centre;
Reg. Ref. 0202/98 – permission granted for a change of use of existing guesthouse to ‘non functions hotel’.

4. PLANNING POLICY FRAMEWORK

4.1 CITY PLANNING POLICY

Dublin City Development Plan 2011-2017

Zoning

The site is zoned Z2 in the current development plan the objective of which is “to protect and/or improve the amenities of residential conservation areas.

Policies and Objectives

Section 17.10.8.1 of the CDP provides advice in respect of development in conservation areas. It requires that all new buildings should complement and enhance the character and setting of conservation areas. It is policy to have regard to the effect of the proposed development on buildings and the surrounding area and the impact on the immediate streetscape in terms of compatibility of design, scale, height, plot width, roof treatment, materials, landscaping, mix and intensity of use proposed.

5. PLANNING AUTHORITY DECISION

The Planning Authority decided to Grant permission for the proposed development subject to 9 conditions of which the following are considered of note:

Condition No. 3 – windows to the stairwell as shown on Drawing P1202 shall be omitted from the rear elevation and relocated to the side elevation.

Condition No. 9 – The existing tree line adjacent to the rear boundary of the site shall be retained.

Roads and Traffic – Notes that an additional 10 bedrooms are proposed but no additional parking is proposed. Given location close to good public transport and other facilities there is no objection with a number of conditions included.

Drainage Section – conditions proposed;

The Planners Report

The report notes the proximity of the existing single storey extension to the boundary with the houses on Serpentine Road. It refers to the 3 no windows to the stairwell facing into the rear boundary of the site. It is noted that the windows are located in the main circulation areas the impact of overlooking would be reduced. Given the proximity of the development to the rear gardens of the existing properties it is considered that the windows be relocated to the side elevation of the stairwell. Reference is also made to the screen of mature trees and it is proposed that a condition be attached requiring the retention of same. A stage 2 appropriate assessment is not considered necessary.

6. APPLICANT'S GROUNDS OF APPEAL

The grounds of appeal may be summarised as follows;

- No objection to sustainable and attractive extension to the hotel which does not impact on their residential amenity;
- Two of the concerns raised in the submission to the PA were addressed by condition –protecting the mature landscaped screening and reduction of overlooking by opposing windows (conditions No. 3 & 9);
- While conditions welcomed, serious concerns remain as to how the existing mature tree line can be retained during construction due to proximity to new structure;
- Fear that if damaged cannot be replaced;
- No mention made by PA of two other concerns – reduction in height at boundary or maintenance/increase of separation distance above ground floor;
- Little time given to the effect of proposal on Serpentine Road relying on the trees;
- Overall scale and size of the extension will negatively impact visually for residential on Serpentine Road;
- Separation distance proposed between 4-storey commercial structure to the boundary only 3m;
- Visual appearance of proposed extension considered unsuitable;
- Request that Board require alternative design layouts reducing height of structure and increase separation from the site boundary especially at higher levels with adequate space on the site;
- Alternative floor plans are attached (Dwg no. 1511-ABP-001 &002) showing how 6 no bedrooms can be achieved over 2 floors rather than 3;
- Proposal also relocates the 4-storey circulation stairwell to increase separation distances at third and fourth floor levels from 3m to 8.15m;

7. RESPONSES

7.1 PLANNING AUTHORITY RESPONSE

The planning authority commented on the appeal as follows;

The report still stands and Inspector requested to uphold Council's decision.

7.2 FURTHER SUBMISSIONS

The applicant responded to the appeal which I have summarised as follows:

- Applicants concur with regard to the importance of the trees;
- Issue of privacy equally important to applicant as they require screening from overlooking of guest bedrooms;
- Confirm commitment to conserve, protect and maintain the trees and replace if necessary;
- Applicants consider that the appellant's amendments to the drawings have merits and propose to modify the layouts;
- Drawings No. P1200 Rev P2, P1201 Rev P2, P1202 Rev P2, P1203 Rev P2 are included;
- A letter is submitted which confirms agreement of appellants architect;

- Proposed amendments do not alter the scale of the original application with no increase in bedrooms to be provided and merely a rearrangement of the layout.
- Request the decision to grant is upheld with an additional condition included requiring the development be constructed according to the revised layouts;
- Revised plans increase the distance from the boundary significantly;

7.3 SUBMISSIONS ON RESPONSE OF APPLICANT TO THIRD PARTY APPEAL

The Board circulated the applicant's response to the appeal to the Planning Authority and the Appellant requesting a response to same by 21st January 2016.

7.3.1 Planning Authority Response

No further comment

7.3.2 Appellants Response to the Applicants Response to the Appeal

No comment received.

8. ASSESSMENT

This assessment will consider the following;

- Principle of Proposal
- Impact on Residential Amenity
- Appropriate Assessment (AA).

8.1 Principle of Proposal

The site accommodates an existing hotel which has been on the site for a significant period of time. The site is zoned Z2, residential conservation area. I would note that the proposal is not visible in the context of either the façade of the hotel or the street and therefore is not of consequence, in my opinion in relation to the zoning. Given the historical use of the site, the proposal to provide additional bedrooms and reorganise a floor would therefore be acceptable in principle subject to the considerations outlined in the following sections.

8.2 Impact on Residential Amenity

This is the central matter in this appeal, in my opinion. The appellants are concerned that the proposal would impact on their residential amenity by reason of overlooking in particular and the creation of an overbearing feature on their boundary. Currently, there are high evergreen trees located within the applicants property which screen the development. The retention of the trees within the applicant's boundary in order to provide screening for the properties along Serpentine Road including the appellants property is considered one of the fundamental considerations in this regard. It is noted by the appellant that the Planning Authority at Condition No. 9 have required that the existing tree line adjacent to the rear boundary of the site shall be retained. While conditions were welcomed, serious concerns remain as to how the existing mature tree line can be retained during construction due to proximity to new

structure. They fear that if they are damaged that they cannot be replaced. I would note that the Planning Authority have requested at Condition No. 9 that the existing tree line adjacent to the rear boundary of the site shall be retained. While there is arguably little the Board can do to add to such a condition the Board may include a condition which requires that stout fencing and a zone of protection is provided around the trees to protect them from machinery.

It is acknowledged by the appellants that the Planning Authority addressed their concerns regarding the windows to the stairwell as shown on Drawing P1202 which they required were omitted from the rear elevation and relocated to the side elevation by way of condition no. 3. However, the appellants concerns regarding the reduction in height at the boundary or maintenance/increase of separation distance above ground floor were not considered to have been addressed. It is noted that the original proposal submitted by the applicants to the Planning Authority has a 3 metre separation between the development at ground, first, second and penthouse levels. In this regard the appellants agent submitted revised proposals with the appeal. In response to the appeal the applicant agents have submitted revised drawings which take these proposed amendments on board. The revised proposal therefore provides that the 6 no. bedrooms proposed are provided on two floors rather than three and the stairwell at second floor and penthouse level rather than located in line with the block of existing development is proposed to the side of the existing building. This provides that the proposed building would be between 3 & 4 metres from the site boundary at ground and first floor level and the stairwell would be between 8 and 11 metres from the boundary at second and penthouse with no windows proposed on the elevation at any of the levels.

I consider that the revisions proposed by the appellant and submitted by the applicant's agent address much of the concerns outlined by the appellant. I would therefore suggest to the Board that if they are minded to grant permission for the proposal that the development permitted is that reflected in the revised drawings received from the applicant's agent on 11 December 2015.

8.3 Appropriate Assessment

I note the submission of an appropriate assessment screening report which includes a finding of no significant effects. Having regard to the nature and scale of the proposed development, nature of the receiving environment, the likely emissions arising from the proposed development, the availability of public water and sewerage in the area, and proximity to the nearest European sites, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9. CONCLUSION

Having regard to the revisions proposed by the appellant and accepted and submitted by the applicant I consider that subject to compliance with the

conditions outlined in respect of the trees that the proposal would be acceptable.

10. RECOMMENDATION

Having regard to the foregoing I recommend a grant of planning permission in accordance with the reasons and considerations set out below.

REASONS & CONSIDERATIONS

Having regard to the land use zoning objective for the site, as set out in the current Development Plan for the area, the pattern of existing development on the site and in the vicinity, the revised design of the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity and would not detract from the visual amenity of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the drawings received by An Bord Pleanála on the 11 day of December, 2015, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of residential amenity.

3. The external finishes of the proposed extension including roof finish shall be the same as those of the existing development in respect of colour and texture.

Reason: In the interest of visual amenity.

4. 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. Full details of the connection to the public sewerage system shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of public health and to ensure a proper standard of development.

5. All service cables associated with the proposed development (such as electrical, communal television, telephone and lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

6. Construction works shall be restricted to between 0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No works shall take place outside these hours or on Sundays or Bank or Public Holidays.

Reason: In the interest of residential amenity.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Una Crosse
Senior Planning Inspector
February 2016.