

## An Bord Pleanála



## Inspector's Report

**PL 29N.246032**

### Development

Demolition and clearance of derelict commercial building, construct 8 apartments in a 3-storey block, and construct a 2-storey extension to side and rear of the existing house.

11-12 Maypark and 234 Malahide Road/Collins Avenue East, Dublin 5

### Planning Application

Planning Authority: Dublin City Council

Planning Authority Reg. Ref.: 3828/15

Applicant: Damien O' Donohue

Type of Application: Planning permission

Planning Authority Decision: Refuse permission

### Planning Appeal

Appellant(s): Damien O' Donohue

Type of Appeal: First v refusal

Observers: One

Date of Site Inspection: 8<sup>th</sup> April 2016

**Inspector:** Karla Mc Bride.

## **1.0 INTRODUCTION**

### **1.1 Site and location**

The appeal site is located in Donnycarney on the N side of Dublin and the surrounding area is predominantly residential in character. The site is located along the Malahide Road to the NW of the junction with Collins Avenue East and Donnycarney Church. There is a garage and parade of shops located diagonally opposite the site. The site comprises a single storey derelict commercial building and a 2-storey house which forms part of a pair of semi-detached houses. The site, which is bound to the N, S and E by existing houses, is overgrown and hoarded up. Photographs and maps in Appendix 1 describe the site and location in some detail.

### **1.2 Proposed Development**

Planning permission is being sought to redevelop the c.1100sq.m. site:

- Demolish the single storey derelict commercial building.
- Construct 8 apartments in a 3-storey block.
- Erect a 2-storey extension to the side and rear of the existing house.
- Widen the existing vehicular entrance off the Malahide Road.
- Off street car parking, bin storage and bicycle parking.
- Construct 8 storage units
- All associated site and boundary treatment works.

#### **Accompanying documents:**

- Planning Report
- Architects Report
- Drainage Report

### **1.3 Planning Authority's Decision**

The PA decided to refuse planning permission for 2 reasons related to:

- Overdevelopment of the site due to substandard provision of useable private and communal open space; and injury to amenities of future occupants by way of limited privacy, poor outlook and reduced access to daylight, and oppressive screening measures.
- Serious injury to residential amenities of neighbouring houses by way of close proximity and overlooking.

This decision reflects the report of the City Planning Officer.

**The Transportation Department** had no objection to the proposed development subject to compliance with conditions.

**The Drainage Division** had no objection to the proposed development subject to compliance with conditions which include the maintenance of a 5m separation between the existing public sewer and the proposed structures.

**The City Archaeologist** noted that the proposed development is located within the Zone of Archaeological Constraint for RM DU018-006 (Bridge) and that they had no objection subject to compliance with conditions.

**Public submissions:**

One submission received which raised concerns in relation to the impact of the proposed development on neighbouring residential amenities

#### **1.4 Planning history**

**Reg.Ref.4297/06:** Permission granted for demolition of commercial structure and construction of new 2-storey retail unit.

**Reg.Ref.6338/05:** Permission granted for demolition of existing commercial structure and construction of new 2-storey retail unit.

**Reg.Ref.1233/98:** Permission granted for alterations to existing showrooms.

**Reg.Ref.1379/97:** PP refused for alterations and additions existing showroom for 2 reasons related to visual intrusion and injury to residential amenities.

**Pre-planning:** A pre-planning meeting took place.

## **2.0 DEVELOPMENT PLAN**

**Zoning objective:** The site is located within an area zoned with the objective "Z1" in the Dublin City Development Plan 2011 to 2017 which seeks "To protect, provide and improve residential amenities."

**Relevant heritage designations:**

*Archaeological Constraints Zone:* located within RM DU018-006 (Bridge)

**Development standards:**

*Plot ratio:* 0.5-2.0

*Site coverage:* 45-60%

<i>Floor Areas:</i>	1 bedroom unit - 55sq.m 2 bedroom unit - 80 to 90sq.m 3 bedroom unit -100sq.m
<i>Balconies:</i>	1 bedroom unit - 6sq.m & 2m deep 2 bedroom unit - 8sq.m & 2.5m deep 3 bedroom unit - 10sq.m & 2.5m deep
<i>Communal space:</i>	12 - 15sq.m per bed space exclusive of car parking
<i>Car parking:</i>	1.5 off street spaces for Zone 3.
<i>Bicycle parking:</i>	1 space per unit in all Zones

### **3.0 APPEAL**

#### **3.1 First Party appeal**

Peter Gillett & Associates submitted a First Party appeal on behalf of the applicant:

- Sustainable reuse of a derelict urban site.
- Complies with Development policies, objectives and standards.
- No objection from other departments including roads and drainage.
- Good quality design and materials will enhance the streetscape.
- Adequate private and communal open space and storage.
- Daylight analysis demonstrates that there will be no overshadowing.
- Proposal does not constitute overdevelopment.
- Minor amendments proposed by way of the appeal submission in relation to proximity to site boundaries, overlooking and screening.

#### **3.2 Observers**

Fintan Murphy who is the owner of the adjoining semi-detached house raised concerns in relation to loss of privacy, visual intrusion, excessive scale and height, proximity to drain, lack of consultation, inadequate boundary details, and inaccurate plans which show a building which does not exist.

#### **3.3 Planning Authority response**

No response on file.

#### **3.4 Prescribed Bodies**

The appeal was circulated to the DAH&G (DAU), The Heritage Council and An Taisce with no responses received.

## **4.0 REVIEW OF ISSUES AND ASSESSMENT**

The main issues arising in this case are:

1. Compatibility with zoning objectives
2. Design and layout
3. Residential amenity
4. Vehicular access and car parking
5. Other issues

### **4.1 Compatibility with zoning objectives**

The proposed apartments would be located within an area zoned “Z1” for residential use in the current Development Plan and the proposed development is compatible with this objective in principle.

### **4.2 Design and layout**

The site is located within a suburban area that is mainly characterised by 2-storey, semi-detached houses in fairly standard designs. The c.1100sq.m site contains a derelict single storey commercial building and a vacant 2-storey semi-detached house with access off the Malahide Road. The adjoining house does not form part of the application site.

The proposed development would comprise the construction of a 3-storey building which would contain 8 apartments and the erection of a 2-storey extension to the side and rear of the existing semi-detached house to provide 1 residential unit. Off street car and sheltered bicycle parking would be provided to the front, and storage units and a landscaped courtyard would be provided to the rear of the site. The extended house and proposed apartment block would be separated by a c.6.5m wide and c.20m long diagonal area of landscaped open space along the line of the main drain that traverses the site.

The proposed apartment block would be c.11m wide, c.23m deep and between 6.5m and c.8.6m high with a contemporary design. The proposed 2-storey extension to the side of the existing house would be c.3.5m wide and 5m high whilst the 2-storey rear extension would be c.3.5. wide, 5m high and 3m deep with a similar design to the apartment block.

The proposed development would comprise the insertion of a contemporary 3-storey structure in-between two rows of 2-storey semi-detached houses with slightly different designs and external finishes. This is considered acceptable in terms of visual amenity given that there are no Protected Structures in the

vicinity and the site is not located within a Residential or Architectural Conservation Area and having regard to the suburban character of the area.

The proposed development would respect the established front building line along this section of the Malahide Road. The height of the proposed structures would rise up from the neighbouring houses to the NE and SW from a c.5m to c.8.5m which is acceptable in terms of visual amenity and the proposed development would not have an adverse impact on the streetscape of the visual amenities of the area.

### **4.3 Residential amenity**

The proposed development would contain 8 apartments in a new 3-storey block and 1 unit within the extended semi-detached house. All of the units would be dual aspect, they would largely comply with minimum floor space standards for unit and room size which is acceptable, and all of the units would receive a reasonable amount of natural daylight.

The proposed 3-storey apartment block would comprise two distinct sections located at an angle to each other. The three ground floor units would have terraces and access to the landscaped areas. The 4 two-storey units in the proposed block would have first floor bedrooms and second floor living accommodation. At first floor level, unit nos. 6, 7 and 8 would be accessed off a NE facing balcony, unit nos. 6 and 7 would have SW facing terraces and unit no. 8 would have a S facing balcony. At third floor level, Unit no.4 would have a N facing balcony overlooking the Malahide Road whilst unit no. 5 would have a W facing balcony towards the extended house. Unit no. 9 in the house would have a SE facing terraces at ground level.

The floor areas of the proposed terraces and balconies largely comply with Development Plan minimum requirements. However, having regard to the proximity of the two sections of the proposed block to each other and the proximity of the overall development to neighbouring site boundaries, the proposed balconies would overlook both the neighbouring properties to the NE and SW and the other units within the scheme. This would in turn give rise to a loss of privacy which would seriously injure the residential amenities of the area. These concerns have not been alleviated by the minor amendments and changes to the screening measures proposed in the appeal submission.

One of the two areas of communal open space comprises a long narrow linear strip that traverses the site from N to S along the line of the public drain. This space does not provide a functional or useable area of open space for future occupants of the scheme. The second area of communal open space comprises a SE facing courtyard to the rear of the apartment block which would be of a useable size however it would be overlooked by the ground

floor terrace and first floor access balcony. Therefore the proposed development would not provide for an acceptable level of communal open space which would, in turn, seriously injure the amenities of future occupants.

Having regard to all of the above, the proposed development would constitute an overdevelopment of a suburban site which would seriously injure the residential amenities of the future occupants and properties in the vicinity.

#### **4.4 Vehicular access and car parking**

The proposed development would provide 8 off street car parking spaces for the 8 apartment units which is acceptable. Although this falls slightly below the Development Plan requirement of 12 spaces at the rate of 1.5 spaces per unit for Zone 3, it is noted that the site is located along a section of the Malahide Road which is well served by public transport.

The existing vehicular entrance off the Malahide Road would be widened to c.5.3m to serve the parking spaces and it would be gated, and there would be a c.1.8m wide pedestrian access c.12m to the E of the main entrance. These arrangements are considered acceptable. The driveway in front of the existing semi-detached house at no.234 Malahide Road/Collins Avenue East would be widened to 4m which exceeds the Development Plan standard of 3.6m, however this issue could be addressed by way of a planning condition.

The proposed development would provide 9 sheltered bicycle parking spaces in line with the Development Plan requirement of 1 space per unit in all zones.

Having regard to all of the above, the proposed car parking, cycle parking and vehicular access arrangements would not give rise to a traffic hazard or endanger the safety of other road users including pedestrians and cyclists.

#### **4.5 Other issues**

***Environmental services:*** The proposed arrangements are considered acceptable subject to compliance with Council requirements, including the maintenance of a clear 5m distance between the existing public sewer that runs through the site and the proposed structures.

***Archaeology:*** The proposed development would be located within the Zone of Archaeological Constraint for RM DU018-006 (Bridge) and the site should be surveyed, the works monitored and any findings recorded.

***Appropriate assessment:*** The proposed development would not have an adverse effect on any European Sites.

**Financial contribution:** Standard conditions should be applied in accordance with the Council's Section 48 Scheme.

**Social housing:** The Section 96 exemption certificate is noted.

## 5.0 RECOMMENDATION

Arising from my assessment of the appeal case I recommend that planning permission should be refused for the proposed development for the reasons and considerations set down below.

### REASONS AND CONSIDERATIONS

1. Having regard to the provisions of the current Development Plan and to the nature, scale and layout of the proposed development, the location and proximity of the proposed balconies and terraces within the scheme, and to the limited amount of usable and functional communal open space within the site, it is considered that the proposed development would seriously injure the residential amenities of future occupants by way of overlooking, loss of privacy and by the provision of substandard amenity space. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the nature, scale and layout of the proposed development, the restricted nature of the site and the close proximity of the proposed structures to the site boundaries, the proposed development would seriously injure the amenities of neighbouring properties and it would constitute an over-development of a suburban site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Karla Mc Bride

Senior Inspector

20<sup>th</sup> April 2016