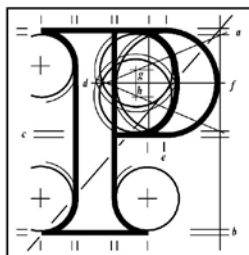


An Bord Pleanála



Inspector's Report

Development: Demolition of existing two storey detached dwelling and boundary walls to Percy Lane and construction of 2 three storey with half basement, semi-detached, three-bed houses with rear garden terraces at first floor and flat roofs with flat rooflights at second floor on site at 19 Percy Lane, Ballsbridge, Dublin 4.

Application

Planning authority: Dublin City Council
Planning application reg. no. 4200/15
Applicant: Dermot Daly
Type of application: Permission
Planning authority's decision: Grant, subject to 8 conditions

Appeal

Appellant: Michael Doyle
Type of appeal: Third party -v- Decision
Observers: Pembroke Road Association
Date of site inspection: 2nd June 2016
Inspector: Hugh D. Morrison

Site

The site is located on the south western side of Percy Lane, which runs on a north west/south east axis between Percy Place and Haddington Road. Percy Place runs on a north east/south west axis between Northumberland Road (R118) and Haddington Road (R111). The surrounding area is predominantly in residential use with terraces of multi-storey period dwelling houses presenting to the major streets and smaller buildings, including mews dwellings houses, along the network of rear lanes. The Grand Canal is a local amenity to the north west.

The site itself is of elongated rectangular form and it extends over an area of 202 sq m. This site accommodates a detached two storey, red brick dwelling house, which is sited towards the centre of the site and is orientated on a north west/south east axis. Gated vehicular and pedestrian accesses to the site are, variously, to the northern yard and southern garden, both of which serve this dwelling house. Percy Lane abuts the site to the north east and to the south east. These boundaries are denoted by means of painted blockwork walls, with the exception of the most easterly corner where the wall is set back behind a stretch of public footpath that is, nevertheless, within the site. The south western boundary to the northern yard is denoted by a stone wall with a trellis above it and vegetation growing through it. The north western boundary to this yard is denoted by a painted blockwork wall with a trellis over it. The south western boundary to the southern garden is denoted by a painted blockwork wall, which abuts another wall with a palisade fence above it and vegetation growing through it.

Proposal

The proposal would entail the following:

- The demolition of the existing detached two storey red brick dwelling house (102 sq m) and the boundary walls to Percy Lane.
- The construction of 2 three storey with half basement, semi-detached, three-bed dwelling houses (269 sq m) with rear garden terraces at first floor level and flat roofs with flat rooflights at second floor level. Each dwelling house would be served by one semi-covered off-street parking space and one cycle space, which would be accessed from Percy Lane. The dwelling houses would be finished in rough textured concrete at street level with dark grey perforated brick above. The more southerly of the two dwelling houses would extent into the easternmost corner of the site and its easternmost corner would be rounded.

Planning authority's decision

Permission was granted subject to 8 conditions.

Technical reports

- Drainage: No objection, subjection to standard conditions and one which requires that a flood risk assessment be undertaken.
- Roads and Traffic Planning: Loss of footpath from south east corner of site noted: No objection, subjection to standard conditions.

Grounds of appeal

(a) Procedural

- Attention is drawn to the omission of the footprint of a living room extension to the rear of the appellant's dwelling house at No. 19 Percy Place from the submitted site plan.
- The site lies within the curtilage of the aforementioned dwelling house and yet this was not included in the description of the proposal.

(b) Substantive

Overlooking

- The proposed roof terrace nearest to the dwelling house at No. 19 Percy Place would be larger than a conventional balcony and it would be designed to be used as an extension to the adjoining proposed first floor dining room. Consequently, the extent and frequency of its use would lead to significant overlooking and attendant noise and disturbance. The first floor conservatory/living room to the rear of the dwelling house at No. 21 Percy Place would also be overlooked.
- The proposed second floor living room nearest the dwelling house at No. 19 Percy Place would contain full height sliding windows that would overlook the aforementioned living room extension at a distance of 21m. The opportunity to mitigate such overlooking would not arise.

Overshadowing and loss of outlook

- The proposal would entail the construction of a 3.9m high flank wall next to the existing 2m high rear boundary wall to No. 19 Percy Place, which has a trellis above it. The proposed flank wall would be to the south east of the rear garden at No. 18 and so it would overshadow the same.
- By the same token, the said flank wall would lead to a loss of outlook from this garden.

Devaluation of property

- In the light of the foregoing, the proposal would be seriously injurious to the amenities of No. 19 Percy Place and so it would lead to the devaluation of this property.

Scale and character in material contravention of the Z2 zoning objective

- The design of the proposal has been influenced by the three storey building opposite rather than the other mews dwelling houses on Percy Lane to the south west. The square, three storey form, and largely blank appearance of the proposal that would present to this Lane would fail to respect the existing streetscape character and so it would materially contravene the Z2 zoning objective for the area.

Over-development of the site and excessive site coverage

- The gross internal and external floorspace of the proposal would be 269 sq m and c. 340 sq m, respectfully, an excessive amount for a site of only 202 sq m. The total site coverage of 100% would be excessive, too, as the indicative one in the CDP is only 45%.

Flood risk assessment

- Condition 4(f) requires that a flood risk assessment be undertaken. However, such an assessment should have been undertaken at the pre-decision stage, in case it concludes that the incorporation of basements in the proposed dwelling houses would be inappropriate.

Open space, layout, and quality of accommodation

- Under CDP standards, 90 sq m of open space should be provided, i.e. 15 sq m per each of the 6 bedspaces comprised in each of the proposed dwellings houses. However, only 50 sq m is proposed.
- Under CDP standards, glazing in habitable basement rooms should be 20% of floor areas. The glazing for the bedrooms denoted as no. 1 in each of the proposed dwelling houses would not meet this standard. Furthermore, the specification of two-way mirror glazing to the said bedrooms would not admit as much light as standard glazing would do.

Response

The planning authority has not responded to the above grounds of appeal beyond referring the Board to the case planner's application report.

The applicant has responded to these grounds. He begins by reviewing how the current proposal addressed the planning authority's critique of its predecessor. He then proceeds to respond as follows:

Procedural

- The omission of the rear living room extension arose because the latest ordnance survey map does not depict this extension and the site layout plan was based on the same. The appellant did flag the same in a letter of objection to the planning authority and so this matter was before the authority when it made its decision.

The conventional separation distance of c. 22m is between corresponding first floor windows. The case planner refers to the availability of 26m in this respect, which is accurate as the aforementioned extension is a single storey one only.

- Attention is drawn to correspondence with the planning authority in which it is confirmed that the site, which accommodates an existing modern dwelling house and street-side boundary walls that were built in the 1980s, is neither within the curtilage of the protected structure at No. 19 Percy Place nor are this dwelling house and walls protected structures. Accordingly, the description of the proposal is accurate.

Substantive

Overlooking and overshadowing

- Exception is taken to the use of the term "roof terrace": the proposal would entail the provision of a first floor level terrace over a half basement ground floor level to each of the proposed dwelling houses.
- The upper floor openings of the proposed dwelling house nearest to No. 19 Percy Place would be 26.7m away from the corresponding windows in the rear elevation of the dwelling house at No. 19 – the same distance as pertains at present.

Overlooking from the aforementioned first floor terraces would be impeded by the specification of a 1.6m deep planting bed along the north western and north eastern edges of the said terraces.

The applicant proposes that a trellis or an opaque screen be sited within the north western planting bed to mitigate overlooking from the second floor sliding windows in the proposed dwelling house nearest to No. 19 Percy Place.

- The proposed dwelling house nearest to No. 19 Percy Place would be sited in the same position as the existing dwelling house on the site and its parapet height would be below that of the existing ridgeline. Accordingly, no perceptible increase in overshadowing would arise.
- The combined height of the existing rear boundary treatment to No. 19 Percy Place is 3.4m and the extremity of the rear garden to this property was granted permission, under application reg. no. 4259/05, for the provision of a car parking space. In these circumstances the proposed flank wall is considered to be appropriate.
- The applicant considers that the noise and disturbance from the proposed first floor terrace would be no greater than if this terrace were to be provided at ground level.

Character of the area

- The baseline of the existing site does not contribute positively to the character of the streetscape, as it accommodates a suburban style dwelling house on a corner plot. By contrast the proposal would restore a built form to the mews lane and boundary walls that would reflect the height of the existing boundary walls to No. 19 Percy Place.

The proposed dwelling house nearest to No. 19 would respect the scale of the dwelling house at this address and the one on the corner of Percy Lane would be a fitting addition to the adjacent streetscapes and views along the same.

The proposal would represent an appropriate innovative design response to the site within its context, something the applicant's architect has been recognised for in comparable projects undertaken on Waterloo Lane and Morehampton Court.

- Given the design quality of the proposal and its compatibility with residential amenity, concern over the possible devaluation of No. 10 Percy Place is mistaken.

Over-development of the site

- Given that the ground floor is partly at basement level in each of the proposed dwellings houses, the applicant considers that site coverage should be calculated at first floor level. The aggregate gross internal floor area of these dwelling houses at this level would be 77 sq m and thus 38% of the site area, which would be an acceptable site coverage figure under the CDP.

- Notwithstanding the preceding point, site coverage should not be looked at in isolation from a swathe of other factors that have a bearing on whether or not the proposal would be appropriate.

Quality of living environment

- Each of the proposed dwelling houses would have 5 bedspaces. The CDP's mews dwelling house standards allows for the normal provision of 15 sq m of open space per bedspace to be relaxed where a minimum rear garden depth of 7.5m would be available. The proposed dwelling houses would be served by c. 40 sq m that would be laid out to the stated depth and so these standards would be complied with.

Furthermore, the said 15 sq m contracts to 5 – 8 sq m in inner city locations. As the site is just to the south of the Grand Canal, it is virtually within the recognised inner city of Dublin.

- The rooms in the proposed dwelling houses would generally exceed all relevant standards in their specification. Bedroom no. 1 in the more southerly dwelling house could be brought up to the 20% cited by the appellant for glazing, while bedroom no. 1 in the more northerly dwelling house would be just shy of this figure at 18%. In all other respects this bedroom would afford an acceptable standard of habitable room accommodation.

Flood risk assessment

- The OPW flood risk maps do not identify any flood events in the vicinity of the site and the draft Eastern CFRAM study does not identify the site as being within an area at risk of flooding. The proposed basements would only be 1.5m below ground level. Accordingly, the need for a flood risk assessment is questioned.

Response to response

The appellant makes the following points:

Procedural

- The applicant was responsible to submit an accurate site plan.
- The letter from the planning authority is of no weight as it is not a declaration under Section 5 of the Planning and Development Act, 2000 – 2015.

Substantive

Overlooking and overshadowing

- The terraces in question would be over the single storey portions of the proposed dwelling houses and so they would be roof terraces.
- With respect to the 22m rule, it is immaterial if the relationship in question is between first floor windows or first floor and ground floor windows and the status of windows is of importance, i.e. the proposed second floor sliding windows would serve a living room and yet they would correspond with existing first floor windows that serve a bedroom.
- The proposed trellis would be unsatisfactory. The proposed opaque screen, if conditioned, would exclude the appellant from having any say over its details.

Character of the area and over-development

- The modern three storey building referred to is not comparable with the proposal, as there is a car park between it and the its frontage building onto Northumberland Road, which is in office use.

Flood risk

- The applicant, in not appealing condition 4(f), has effectively acceded to it.

Observer

Support is extended to the appellant's grounds of appeal, several of which are reiterated.

Planning history

Site

- 0423/15: SHEC for 2 dwelling houses granted.
- 2512/15: Demolition of existing house and construction of 2 three storey dwellings with roof gardens: Refused on the grounds of visual (incongruity) and residential (overlooking and overbearing) amenity.
- PAC 0550/15 occurred on 15th October 2015.

Adjoining site at 21 Percy Lane

- 2020/16: Demolition of existing two storey building and construction of a two storey mews dwelling: Decision is awaited.

Adjacent site on Percy Lane to the rear of No. 5 Northumberland Road

- 4746/07: Construction of 3 three-bed infill mews dwelling houses of two/three storeys in height: Permitted at appeal PL29S.226290.

Development Plan

Under the Dublin City Development Plan 2011 – 2017 (CDP), the site is shown as being within an area zoned Z2, wherein the objective is “To protect and/or improve the amenities of residential conservation areas.” Sections 17.9.11, 17.9.14, and 17.10.8 of this Plan address basements, mews dwellings, and development on conservation areas, respectfully. The end of terrace dwelling house at 19 Percy Place is a protected structure (RPS no. 668), which is also zoned Z2 and, in addition, is part of the Grand Canal Conservation Area.

National planning guidelines

- Architectural Heritage Protection

Assessment

I have reviewed the proposal in the light of national planning guidelines, the CDP, relevant planning history, and the submissions of the parties. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Procedural matters,
- (ii) Visual amenity,
- (iii) Over-development,
- (iv) Residential amenity,
- (v) Development standards,
- (vi) Flood risk, and
- (vii) AA.

(i) Procedural matters

1.1 The appellant draws attention to the omission of the footprint of the single storey extension to the rear of his dwelling house at No. 19 Percy Place from the submitted site plan. The applicant has responded to this omission by stating that the latest ordnance survey plan that he relied upon for this site plan does not show the said footprint. Nevertheless, as the applicant did draw attention to this omission at the application stage, the planning authority would have been aware of it in making its decision.

- 1.2 I note the foregoing exchange. I note, too, that the submitted existing and proposed continuous elevations and sections of the site reproduce the profile of the single storey rear extension, insofar as it is discernible from Percy Lane. Accordingly, I consider that there was sufficient information available to the planning authority and third parties to enable the proposal to be properly assessed in relation to impacts upon No. 19 Percy Place.
- 1.3 The appellant also draws attention to the status of No. 19 Percy Place as a protected structure and he contends that, as the site lies within the curtilage of this property, it should have been advertised as such. The applicant responds by citing correspondence that he has had with the planning authority to the effect that it does not consider that the dwelling house on the site is a protected structure, as it was built in the 1980s.
- 1.4 I recognise that the site would historically have been part of the curtilage to the protected structure at No. 19 Percy Place, which was first added to the RPS on 29th November 1971. However, this curtilage appears to have been sub-divided when the existing dwelling house on the site was constructed and so I consider that the site no longer lies within this curtilage.
- 1.5 I conclude that the procedural matters raised by the appellant do not impede the Board from assessing and determining the current application/appeal in the normal manner.

(ii) Visual amenity

- 2.1 The site is located within an area that, under the CDP, is zoned Z2, wherein the objective is “To protect and/or improve the amenities of residential conservation areas.” Under Section 17.10.8.1, the impact of a proposal upon the immediate Z2 streetscape in terms of compatibility of design, scale, height, plot width, roof treatment, materials, landscaping, mix and intensity of use are highlighted.
- 2.2 The appellant critiques the design of the proposal on the basis that its three storey form has been influenced more by the new block of 3 three storey mews dwelling houses opposite the site on the eastern side of Percy Lane than by the two storey outbuildings and mews dwelling houses along that portion of Percy Lane that parallels Percy Place to the north. In particular, he expresses concern over the largely blank elevation that would present as a squared form to this Lane and thus be out of character with its existing streetscape.
- 2.3 The applicant has responded to the aforementioned critique by drawing attention to the unsatisfactory baseline provided by the existing suburban style dwelling house on the site, which, due to its central siting within this site, fails to address Percy Lane. By contrast the current proposal would afford the opportunity to develop again to the site’s boundaries and to address the

surrounding Lane. Furthermore, the scale of the proposal would be respectful of the precedent established by the existing dwelling house, the multi-storey return to the dwelling house at No. 19 Percy Place and the three storey form of the new block of 3 mews dwelling houses.

- 2.4 During my site visit, I observed that Percy Lane forms both a through-street between Percy Place and Haddington Road and a rear lane to these streets, in the form of a cul-de-sac. The site is of elongated rectangular form with its long north eastern boundary presenting to the through-street and its short south eastern boundary presenting to the rear lane. Accordingly, the design challenge posed by this corner site is such that any proposal needs to relate to both portions of Percy Lane.
- 2.5 During my site visit, I also observed that views along the through-street on its western side are of a succession of elevations to existing dwelling houses that present to this street, while on the eastern side the principal elevation of the new block of 3 three storey mews dwelling houses addresses this street, too. Along the northern side of the rear lane the outbuildings and mews dwelling houses that front onto this lane provide a decidedly eclectic mix of forms and designs.
- 2.6 In the light of the foregoing paragraph, I consider that the upper and lower portions of each of the proposed dwelling houses along the through-street would be in sympathy with the existing succession of elevations. Likewise, the materials to the elevations to this street would reflect the height of the boundary wall to the rear garden to No. 19 Percy Place to the north, insofar as rough texture concrete would be used to finish the lower portion of these elevations and dark grey perforated brickwork would be used to finish the upper portion.
- 2.7 The scale of the proposal would be respectful of the buildings cited by the applicant. However, it would be a more robust presence on the rear lane than the existing outbuildings and mews dwelling houses. That said, I note that a consistent eaves height to the existing buildings has not been maintained and the presence of gable fronted elevations radically depart from the traditional roofscape. (The submitted continuous elevations show a semi-circular roof to the mews dwelling house at No. 25 Percy Lane, too. While this dwelling house was permitted under application reg. no. 2509/15 and appeal ref. no. PL29S.245008, it has yet to be constructed). I am conscious that the site is a corner one and so an increase in the height of built form upon it could be justified. In this case, as this corner site relates to the through-street, too, where on its eastern side the new block of 3 storey mews dwelling houses is a commanding presence, I consider that its increase in scale can be justified.

2.8 At the time of writing, application reg. no. 2020/16 for the redevelopment of No. 21 Percy Lane has yet to be determined. Nevertheless, I note that the two storey form envisaged for this site, which adjoins the appeal site to the south west, would have a flat roof that would coincide with the height of the traditional ridgeline along the rear lane. If this development were to be permitted and implemented, then it would, in conjunction with the current proposal, step up to the corner.

2.9 I, therefore, conclude that the proposal would complement the visual amenities of the through-street and it would be compatible with the visual amenities of the rear lane.

(iii) Over-development

3.1 The appellant contends that the proposal would represent over-development of the site. He refers to the disparity between the gross internal (269 sq m) and external (c. 340 sq m) floorspace and the area of this site (202 sq m) and the 100% site coverage that would ensue.

3.2 The applicant has responded by stating that, if site coverage is calculated at first floor level, then a factor of 38% emerges. He also states that site coverage is only one of a number of indicators of density and so it should not be viewed in isolation.

3.3 The CDP identifies plot ratio and site coverage as two tools that elucidate the density of proposals. Within Z2, indicative plot ratios of 0.5 – 2.0 and indicative site coverage of 45% are identified as being appropriate. The current proposal would exhibit a plot ratio of 1.33 (gross internal floorspace divided by site area) and a site coverage of 100%. The former figure would lie within the said indicative range, while the latter figure would exceed it. With respect to this latter figure, the applicant has drawn attention to the proposed roof terraces at first floor level, which, in aggregate, would extend to roughly half the area of the site.

3.4 I consider that, while the site coverage factor would be 100%, this factor is only one tool for the assessment of density and, in this case, it masks the significant private open space that would be provided at first floor level. I, therefore, conclude that the acceptability or otherwise of the density of the proposal is linked to my conclusions below on residential amenity and development standards.

(iv) Residential amenity

4.1 The appellant expresses concern that the proposal would adversely impact upon the amenities of his property at No. 19 Percy Place and that of his neighbour at

No. 21 Percy Place. Specifically, he draws attention to the proposed dwelling house that would be sited over the north western portion of the site. This dwelling house would have a first floor terrace that would overlook the adjoining properties at Nos. 19 and 21 and its size and position off a dining area would ensure its frequent usage and thus it would be a likely source of noise and disturbance. Similarly, second floor sliding windows would lead to overlooking and the flank wall to the said terrace would overshadow and dominate outlooks from the rear garden at No. 19.

4.2 The applicant has responded to the above cited concerns as follows:

- With respect to overlooking, he draws attention to the fact that the separation distances that exist at present between upper floor windows in the rear elevations of Nos. 19 and 21 and such windows in the rear elevation of the existing dwelling house on the site would be maintained. The said terrace would be set back behind wide planting boxes, which would screen views into the neighbouring rear gardens. Additionally, the applicant now proposes to include within the north western planting box a trellis or opaque glass screen to negate the line of sight between the second floor sliding windows and glazing in the rear elevation of the single storey rear extension at No. 19.
- With respect to noise and disturbance, the proposed terraces would be comparable to garden areas in their usage and thus in the likely incidence of the same.
- With respect to overshadowing, the three storey portion of the dwelling house that would be nearest to No. 19 would be sited in the same position as the existing dwelling house on the site and its parapet height would be below that of the existing ridgeline. Thus, future overshadowing from this portion of the dwelling house would be comparable to existing overshadowing. The single storey portion of this dwelling house would abut the existing boundary wall and trellis to the rear garden at No. 19. While this portion would be higher than the existing boundary wall, the adjoining area of rear garden is used as a car parking space and so its sensitivity to increased overshadowing would be slight.

4.3 The horizontal separation distances between the upper floor openings in the north western elevation of the dwelling house nearest to No. 19 and, variously, the ground floor openings in the rear extension and the upper floor openings in the rear elevation of the dwelling house at No. 19 Percy Place would be c. 21m and c. 27m. Given the urban location of the site, these distances would be sufficient to safeguard neighbour privacy. The proposed second floor sliding windows would be somewhat dominant when viewed from No. 19, especially,

and so I welcome the proposed inclusion of a trellis or opaque glass screen. I consider that the screen option would, as the visually lighter alternative, be preferable. It would also augment the screening of the terrace that would be afforded by vegetation.

4.4 I consider that, whereas the opportunity for the breakout of noise and disturbance from the first floor terraces would be greater than for equivalent gardens, given the context of the site, wherein balconies and terraces are a common place, this would not warrant objection. I also consider that any increase in overshadowing would be within acceptable parameters, given the baseline of the existing developed site.

4.5 I, therefore, conclude that, subject to the inclusion of an opaque glass screen in the north western planting box, the proposal would be compatible with the residential amenities of the area. Accordingly, I do not consider that this proposal would lead to the de-valuation of adjoining and adjacent residential properties.

(v) Development standards

5.1 The appellant has critiqued the proposed dwelling houses on the basis that they would be served by insufficient private open space and the windows to the basement bedrooms would be too small.

5.2 The applicant has responded by drawing attention to the depth of the proposed roof terraces, which at 7.5m would coincide with the dimension in this respected cited by Section 17.9.14 of the CDP, and the high on inner city location of the site, wherein 5 – 8 sq m per bedspace rather than 15 sq m is the appropriate level of provision. He has also stated that the windows in question serve the bedrooms denoted as no. 1 in each of the dwelling houses. This window in the more southerly of the two dwelling houses could be brought up to the 20% figure cited by the appellant. However, the equivalent window in the more northerly of the dwelling houses would be slightly less than this figure.

5.3 I note that that aggregate gross internal floorspace of the proposal would be 202 sq m and that the more northerly of the two dwelling houses would be slightly larger than the more southerly one. I note, too, that a good balance would be struck between the proportion of living room space to bedroom space (5 bedspaces) within each dwelling house.

5.4 With respect to private open space, each dwelling house would be served by a first floor roof terrace with a depth of 7.5m and an area of c. 49 sq m, although the useable area would be somewhat less once the footprints of the permanent plant boxes are allowed for. The former figure would meet the relevant CDP standard, which also accedes to the provision of less than 15 sq m per bedspace,

something that is particularly justified in this case, given the central location of the site.

5.5 With respect to the adequacy of the proposed bedroom glazing, I have been unable to identify the figure of 20% as a requirement in the CDP. It may be a building regulation matter, which lies beyond the current planning assessment.

5.6 Each of the proposed dwelling houses would be served by a single car and cycle parking space. These spaces would be provided within semi-covered parking courts and they would be directly accessed off the through-street portion of Percy Lane. The development would entail the reincorporation of a short stretch of public footpath into the site. During my site visit I observed that Percy Lane functions for the most part as a shared surface and that the role of this stretch of footpath, out with any wider proposal to construct a public footpath along the entirety of this Lane, is of little utility. Accordingly, I share the Roads and Traffic Planning Section's view that objection to the loss of this footpath is not warranted.

5.7 I conclude that the proposal would meet all relevant CDP development standards.

(vi) Flood risk

6.1 The planning authority's draft condition 4(f) requires that the proposal be the subject of a flood risk assessment. The appellant contends that such an assessment should have been undertaken at the pre-decision stage. The applicant responds by questioning the need for this assessment on the basis that neither the OPW flood risk maps nor the draft Eastern CFRAM study identify the site as being at risk of flooding.

6.2 I note the foregoing exchanges. I note, too, that the CDP's Section 17.9.11 refers to the need for a means of escape from basements. In this case, a recognisable flood risk has not been identified and the proposed partial basement levels would be capable of being exited through windows in the three bedrooms or via the semi-covered parking court.

6.3 I conclude that there does not appear to be the need for a flood risk assessment in this case.

(vii) AA

7.1 The current proposal is for the redevelopment of a site, which is connected to existing mains services. This site does not lie within a Natura 2000 site and I am not aware of any source/pathway/receptor route between it and the nearest such sites in Dublin Bay. Accordingly, I do not consider that the use in question

would have any significant effects upon the Conservation Objectives of the said sites.

7.2 Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and proximity to the nearest European site, 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.

Recommendation

In the light of my assessment, I recommend that the proposed demolition of an existing two storey detached dwelling and boundary walls to Percy Lane and construction of 2 three storey with half basement, semi-detached, three-bed houses with rear garden terraces at first floor and flat roofs with flat rooflights at second floor on site at 19 Percy Lane, Ballsbridge, Dublin 4, be permitted.

Reasons and considerations

Having regard to the Dublin City Development Plan 2011 – 2017 and the planning history of Percy Lane, the proposed redevelopment of the site to provide two dwelling houses in a residential conservation area would be permissible in principle and the innovative design of these dwelling houses would ensure that the differing streetscape contexts of the site are respected and so visual amenity would be upheld. Likewise, subject to conditions, this proposal would be compatible with the existing residential amenities of the area, while affording a satisfactory standard of amenity to future occupiers. The Z2 zoning objective for the site would thus be fulfilled. Proposed access and off-street parking arrangements would be acceptable. The site is not at risk of flooding. No Appropriate Assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 8th day of April 2016, 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 commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended to include an opaque glass screen, which shall be sited in the terrace planting box that abuts the north western boundary of the site. This screen shall be installed prior to the commencement of occupation of the northern dwelling house and, thereafter, it shall be retained insitu.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In order to safeguard residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Details of the species of tree and the species and numbers of plants to be planted, variously, in the semi-covered outdoor parking court and the first floor roof terrace to each dwelling house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Any trees and plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the roof terraces and in the interest of residential amenity.

5. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. Proposals for a house numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interests of urban legibility.

10. The developer shall pay to the planning authority a financial contribution of €14,428 (fourteen thousand, four hundred, and twenty-eight euro) 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 – 2015. 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. The application of any indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act 2000 – 2015 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.

Hugh D. Morrison

Inspector

7th June 2016