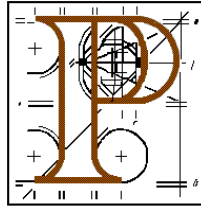


An Bord Pleanála



Inspector's Report

Appeal Reference No. **PL29N.246376**

Development: Proposal to remove remnants of coach house destroyed by fire and construct a single storey artist's studio and associated works at rear of 96 North Circular Road, Dublin 7

Planning Application

Planning Authority: Dublin City Council

Planning Authority Reg. Ref.: 2033/16

Applicant: Norma Cahill

Planning Authority Decision: Refuse

Planning Appeal

Appellant(s): Norma Cahill

Type of Appeal: 1st Party

Observers: Patrick and Susan Loftus

Date of Site Inspection: 17/06/2016

Inspector: **L. Dockery**

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The subject site, which has a stated area of approximately 72 square metres, is located to the rear of No. 96 North Circular Road, Dublin 7, a Protected Structure. The site formed part of the original rear garden area of this property, however the area as outlined in red includes only for the area of land immediately adjoining the proposed structure. Access to the subject site is from a rear laneway, which opens onto Oxmantown Road.
- 1.2 It is stated that there was previously a coach house located on the site but that this has been destroyed by fire. The site is currently boarded up and derelict. A number of garages are evident along its length opening on the lane. It is narrow in width and some parking was evident along its length at the time of my site visit.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development, as per the submitted public notices, comprises the removal of the remnants of the coach house that was destroyed by fire and to construct a single storey artist's studio (16.5m²) and associated works. Permission was granted on the site for a single storey artist's studio under 4675/8 and PL29N.232136.

3.0 PLANNING AUTHORITY'S DECISION

Permission REFUSED for one no. reason as follows:

1. The proposed development, with regard to its current layout and design, would be considered sub-standard accommodation and would be injurious to the amenities of this Residential Conservation Area and would thereby contravene the Z2 zoning objective as laid out in the Dublin City Development Plan 2011-2017. The proposed development would set an undesirable precedent for future

development and is therefore contrary to the proper planning and sustainable development of the area.

4.0 TECHNICAL REPORTS

Planner's Report

The Planner's Report reflects the decision of the Planning Authority

Engineering Department- Drainage Division

No objections, subject to conditions

Conservation Officer's Report

Recommends a grant of permission

5.0 APPEAL GROUNDS

5.1 The grounds of the first party appeal may be summarised as follows:

- Considers that the planning authority incorrectly assessed the proposal as a residential dwelling- it is not habitable accommodation and shall not be used for residential purposes
- Existing site is dilapidated and derelict, considered to be underused at present- proposed building closely matches adjoining development on the lane- high quality durable materials are proposed- proposal will be visually integrated into laneway
- Proposal sensitive to its environment and does not cause any adverse impact on adjoining protected Structures or on Residential Conservation Area due to its limited scale
- Conservation Officer supported the proposal

- Proposal as artist's studio is limited in scale and does not cause any traffic impact- dedicated cycle parking stand could be erected on site if required
- Proposal does not unduly overlook or overshadow any adjoining properties- does not cause adverse impacts on existing residential amenity
- Permission was refused under 3841/15 to remove remnants of coach house and construct a two-storey artist's studio and associated works- Conservation Officer's report stated that a single storey studio that is ancillary to the main building in brickwork and in a similar massing to the original structure would be an improvement and more complementary development
revised single storey design in current application addresses the concerns of the Conservation Officer
- In relation to drainage, the proposed artist's studio will be designed on a completely separate system to No. 96 North Circular Road- small scale of proposal will have no impact on existing drainage
- Proposal is considered to be a positive step from a conservation perspective
- Proposal is considered to accord with the Dublin City Development Plan and with the proper planning and sustainable development of the area.

6.0 RESPONSES

- 6.1 A response was received from the planning authority which states that they have no further comment to make.

7.0 OBSERVATIONS

7.1 The observation received may be summarised as follows:

- Cites previous grounds for refusal based on setting of undesirable precedent and contrary to proper planning and sustainable development of the area
- Express concerns regarding width of laneway- constantly used by residents to access their garages at the end of their gardens- 24 hour access required development would cause traffic hazard and is unfit for use for large vehicles due to its narrow width
- Mains drainage is still completely inadequate for single storey development and do not believe proposal will have minimal impact on existing drainage- outlines existing drainage situation- concerns regarding increased impacts on a system already proven to be inadequate
- A grant of permission would be directly contrary to a history of valid refusals to date along the laneway- nothing has changed since the previous refusal on this site

8.0 PLANNING HISTORY

There is quite a protracted history pertaining to this site.

3841/05

Permission REFUSED for removal of remnants of coach house and construction of two-storey artist's studio- was considered that due to its size, design and layout it was appropriate to assess proposal under the guidelines for mews dwellings- reasons for refusal related to substandard form of development that would create a traffic hazard and would set an undesirable precedent

4675/08

Permission GRANTED for repair and refurbishment of derelict coach house for use as an artists' studio. Decision UPHeld by An Bord Pleanala (PL29N.232136) with Condition No. 1 being of note:

1. The proposed refurbished existing building as extended shall not exceed 14 square metres in area as submitted, and shall not be used for residential use including overnight sleeping accommodation, and shall not be used for any commercial use or other use other than the use as an artist's studio as specified on the submitted plans and particulars. No development shall be undertaken on the remainder of the site which shall be maintained as an open garden area without any external storage associated with the proposed artist's studio use. The width of the pedestrian access onto the rear laneway shall not be extended.

REASON: In the interest of orderly development and to effectively maintain the limited scale of the proposed artist's studio development fronting onto the narrow rear laneway.

3752/08

Permission REFUSED for demolition of existing coach house and construction of two-storey artist's studio due to inadequate parking provision; endangerment of public safety by reason of a traffic hazard; setting of precedent for substandard development and contravention of Dublin City Development Plan

4907/04 (PL29N.210094)

Permission REFUSED for two-storey mews dwelling to rear- decision UPHeld by An Bord Pleanala

9.0 DEVELOPMENT PLAN

The Dublin City Development Plan 2011-2017 is the operative County Development Plan for the area.

Zoning

The site is located within 'Zone 2' Residential Neighbourhoods (Conservation Areas) the objective for which is "to protect and/or improve the amenities of residential conservation areas".

Section 17.10.2 Development within the curtilage of a Protected Structure

RPS 1612 No. 96 North Circular Road, Dublin 7 House

10.0 ASSESSMENT

10.0.1 I have examined all the documentation before me, including the Planner's Report of the Planning Authority, the appeal submission, observation, responses and I have visited the site and its environs. In my mind, the main issues relating to this appeal are

- Principle of proposed development including issue of conservation
- Impacts on amenity of area
- Other issues

10.1 PRINCIPLE OF PROPOSED DEVELOPMENT INCLUDING ISSUE OF CONSERVATION

10.1.1 The subject site is located within 'Zone 2' of the operative City Development Plan, which seeks to 'to protect, protect and/or improve the amenities of residential conservation areas'. This objective is

considered reasonable. The proposed development provides for the removal of the remnants of a coach house, stated to have been destroyed by fire and the construction of a single storey artist's studio and associated site works with access onto a laneway to the rear of No. 96 North Circular Road, Dublin 7. The principle of such a use has previously been accepted under PL29N.232136 and I refer the Board to same. I concur with the Inspector's report in that case whereby in principle, a small artist's studio is considered to be acceptable in principle.

10.1.2 With regards conservation issues, I note that No. 96 North Circular Road is on the Register of Protected Structures, as detailed in the operative City Development Plan. It is noted that the red line boundary does not include for the Protected Structure and includes only a portion of its original rear garden area, namely the area immediately surrounding the proposed studio. Previous applications on the site proposed to repair and refurbish an existing coach house, in line with good conservation practice. However in this current application, it is stated that the coach house was destroyed by fire and a new replacement structure is being sought. I note the report of the Conservation Officer who recommends a grant of permission for the proposed works. No details have however been submitted with regards the fire and the damage which ensued. Having regard to the current condition of the coach house, completely destroyed, it is my opinion that the original structure is beyond repair and that a replacement structure is the only viable option at the present time. Having regard to the separation distances involved, I consider that the proposed development would not impact negatively on the character or setting of the Protected Structure.

10.2 IMPACTS ON AMENITY

10.2.1 I note the planning authority raised concerns regarding the possible use of the proposed structure and commented that the overall design

of the structure is similar to that of a dwelling unit. They also noted that the proposed development requests a permanent subdivision of the rear garden of No. 96 North Circular Road, thereby creating an independent unit with its own open space and independent access from the rear laneway. Concerns regarding the use of the structure as an independent living substandard dwelling unit formed part of the reason for refusal. I would concur with the opinion of the planning authority, in particular having regard to the history of applications on the site. I would also express concerns regarding the narrowness of the lane width and its capacity to accommodate additional traffic movements. However I must assess the application as proposed, as worded within the submitted public notices, namely an artist's studio of 16.5 square metres with associated site works.

10.2.2 An examination of the drawings would appear to show that the original coach house which existed on site measured approximately 13.3 square metres. Under PL29N.232136, the area of the artist's studio was reduced from that proposed and under Condition No. 1 it was conditioned not to exceed 14 square metres. It was also conditioned that it not be used for residential use including overnight sleeping accommodation and that it not be used for any commercial use or other use other than the use as an artist's studio. In this current appeal, the floor area of the proposed structure is stated as being 16.5 square metres. No reasoning has been put forward for this increased floor area, over and above what was previously permitted by An Bord Pleanala. Having regard to all of the issues raised above, I consider that it would be appropriate for the Bord to attach a similarly worded condition to that of Condition No. 1 of PL29N.232136 be attached to any such grant. There appear to have been no changes in circumstances, with the exception of the removal of the original coach house, which would warrant an increased floor area over and above what was previously permitted.

10.3 OTHER ISSUES

10.3.1 I note the concerns raised by the observers in their submission in relation to drainage issues. I note the report of the Engineering Department-Drainage Division of the planning authority which states that they have no objections to the proposed development, subject to conditions. Having regard to the nature and scale of the proposed development, I consider that additional loading on the system would be quite marginal. I also consider that the traffic generated by a 14 square metre artist's studio would be quite marginal and would not be likely to give rise to the creation of a traffic hazard. The provision of a cycle stand on site would be a welcome addition to the proposal and could be dealt with by means of condition.

10.3.2 The subject site is located in an established residential area and is not located adjacent to nor in close proximity to any European sites, as defined in Section 177R of the Habitats Directive. Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or 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.

11.0 CONCLUSIONS AND RECOMMENDATIONS

11.1 In light of the above assessment, I recommend that the decision of the planning authority be **OVETURNED** and that permission be **GRANTED** for the said works, based on the reasons and considerations under.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the provisions of the Dublin City Development Plan 2011-2017 and to the nature, form, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area, would not lead to the depreciation of property values and would integrate well with other properties in the vicinity. 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 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 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 structure shall not exceed 14 square metres in area as submitted, and shall not be used for residential use including overnight sleeping accommodation, and shall not be used for any commercial use or other use other than the use as an artist's studio as specified on the submitted plans and particulars. No development shall be undertaken on the remainder of the site which shall be maintained as an open garden area without any external storage associated with the proposed artist's studio use. The width of the pedestrian access onto

the rear laneway shall not be extended. A on-site bicycle parking stand shall be provided.

REASON: In the interest of orderly development and to effectively maintain the limited scale of the proposed artist's studio development fronting onto the narrow rear laneway

3. 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.

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

4. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 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 amenities of property in the vicinity.

5. A covered bicycle stand shall be provided within the curtilage of the site

REASON: In the interests of providing adequate facilities on site

6. 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.

L. Dockery

Planning Inspector

20th June 2016