

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL06D.246475

Development: Demolition of existing warehouse & offices, construction of 2 no. houses

Location: 17 Prince Edward Terrace Lower, Blackrock, Foxrock, Co. Dublin.

Planning Application

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.: D16A/0064

Applicants: Magna Construction Ltd.

Planning Authority Decision: Refuse permission

Planning Appeal

Appellants: Magna Construction Ltd.

Observer: Brian Higgins

Type of Appeal: First party

Date of Site Inspection: 6/7/16

Inspector: Siobhan Carroll

1.0 SITE LOCATION AND DESCRIPTION

- 1.0.1 The appeal site is has a stated area of 0.07 hectares and it comprises the plot of a former warehouse building with frontage of 12m onto in Brookfield Terrace. Brookfield Terrace lies 580m to the south of Blackrock Main Street. There are a mix of commercial and residential uses along Brookfield Terrace. These include two-storey brown brick terrace dwellings, a gym and cookery school along the eastern side of the road. The south-western end of Brookfield Terrace contains commercial buildings including a motor repair garage which adjoins the appeal site.
- 1.0.2 The north-western end of Brookfield Terrace contains a number of mews dwellings which have been developed over recent years. Brookfield Terrace has metered car parking and a footpath on its eastern side. The western side of the road is served by a footpath for circa 160m. The commercial units to the south-western end of the road including the appeal site are served by parking areas to the front of the premises. The building heights along Brookfield Terrace are predominately two-storey and the prevailing roof type is pitched.
- 1.0.3 The former warehouse building contains a two-storey section to the front. The front gable elevation features a partially false façade which obscures the pitched roof to the main section of the warehouse. The adjoining building to the south is single storey and the neighbouring property to the north is a two-storey dwelling featuring a pitched roof.

2.0 PROPOSED DEVELOPMENT

Permission is sought for the demolition of an existing warehouse and offices and the construction of 2 no. houses and all associated site works. Features of scheme include;

- Area of existing building to be demolished – 516sq m.
- Area of proposed dwellings – 472sq m.
- Ridge height of new dwellings – 8.7m

3.0 PLANNING HISTORY

There is no planning history on the site.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning Authority Decision

The Planning Authority refused permission for one reason.

1. Having regard to the excessive scale, height and mansard roof profile of the proposed two semi-detached mews dwellings, it is considered that the proposed development would be visually obtrusive at this location, would be out of character with the adjoining mews dwellings and would result in overdevelopment of the site which would not comply with Section 8.2.3.4, 'Mews Lane Development' of the Dun Laoghaire-Rathdown County Development Plan, 2016-2022 and, if permitted, would set an undesirable precedent for similarly scaled developments along the laneway. The proposed development would, therefore, seriously injure the residential amenities and depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

4.2 Planning and technical reports

Internal Reports:

Transportation Section: No objections subject to conditions

Water Services, Drainage Planning: No objections subject to conditions

Conservation Officer: Further information required regarding the height and design if the proposed dwellings.

Submissions

The Planning Authority received six submissions in relation to the planning application. The issues raised are as follows;

- Height of proposed development excessive and out of character.
- Overlooking of rear gardens at Prince Edward Terrace.
- Proposed design is out of character and excessive in scale.
- Concern in relation to capacity of existing sewers to accommodate the new development.

5.0 GROUNDS OF APPEAL

A first party appeal was submitted by Peter P. Gillett & Associates on behalf of the applicant Magna Construction Ltd on the 19th of April 2016. The content of the appeal submission can be summarised as follows;

- The provisions of the Blackrock LAP 2015 encourages the densification of residential development in inner suburban areas.
- The proposed development is not excessive in scale relative to other permitted development in the surrounding area. The density is equivalent to 30 units per hectare which is comparatively low for an inner suburban location. The site coverage is 0.30 and 2 no. off street car parking spaces are provided.
- The proposed rear gardens have an area of 160sq m and a depth of 31.5m. This is well in excess of the Development Plan requirement of 48sq m.
- The proposal contains a third floor element, however this is incorporated into the mansard roof space. The roof height at 8.4m is not excessive. It is noted that the top of the parapet to the front wall will be 500mm lower than indicated as it is proposed to drop the front of the site by 500mm.
- The main visual perspective of the front façade will be a two-storey structure with a visually subservient upper roof profile. To the rear of the building the roof would be set back a considerable distance from the first floor.
- The Planning Authority accept the principle of two dwellings as a 'mews' type development on the site. However the Planning Authority is of the opinion that the scale, height and the mansard roof profile of the proposed development would be visually obtrusive, out of character with the adjacent development and represent over development of the site.
- If permission were granted for the two dwellings without the third floor accommodation each dwelling would have an area of 172sq m. The proposed third floor would increase the floor area by 63sq m in each property.
- It is contended that the proposed development would not represent over development of the site or negatively impact upon the visual amenity of the area. The appellant cites two permissions granted on the western side of Brookfield Terrace. Under Reg. Ref. D15A/0527 permission was granted for an increase in size of 4 no. flat roofed dwellings to 215sq m at no's 11 & 12

Brookfield Terrace. The density of this scheme was equivalent to 50 units per hectare which is higher than the 30 unit per hectare which the density equivalent of the proposed development.

- Under Reg. Ref. D11A/0145 permission was granted for a two-storey dwelling with an area of 191sq m and a ridge height of 7.75m at no. 15 Brookfield Terrace. The roof ridge height is 900mm higher than the ridge at no. 14 and 240mm lower than the existing mews at no. 13. The mews on the site at no. 16 Brookfield Terrace has a pitched roof over part of the structure and is not entirely a flat roof as stated by the Planning Authority.
- In relation to the character of the streetscape along Brookfield Terrace the appellant states that there are examples of good and bad design approaches. The current proposal in comparison with existing and approved development in vicinity cannot be viewed as overdevelopment or excessive in scale.
- The proposed roof ridge is only marginally higher than some of the dwellings to the north and is lower than some building to the south. The mansard roof profile is designed to recede back from the parapet wall. To the rear the second floor roof level is stepped back to provide a terrace and diminish the scale of the rear elevation.
- It is requested that the Board grant permission for the original proposed development. However the Board may wish to consider an amended proposal with a pitched tiled roof over the ground and first floor footprint. This would reduce the floor area of each dwelling to 172sq m and the roof ridge height would be reduced to 7570mm which is the ridge height of the adjoining dwelling to the north.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

A response to the first party appeal has been submitted by the Planning Authority on the 17th of April 2016. The main issues raised concern the following;

- It is noted that the existing proposal as presented to the Planning Authority and a new revised proposal with the mansard roof is also proposed.

- The modified design is welcomed with the height, bulk and scale reduced however, the Planning Authority still has concerns regarding the design of the proposed dwellings and the potential impact it would have on the adjoining streetscape.
- The following comment from the Conservation Officer is cited;
- *“The Conservation Division have reviewed the latest revisions in design to the above scheme, and while we welcome the omission of the mansard roof, we continue to be of the view that the overall design of the proposed development is not wholly suitable in this particular context. The external expression of the dwellings is reflective of a ‘mews’ development and fails to reinforce the residential character of the laneway. The Conservation Division are not opposed to the principle of the development but would encourage any forthcoming proposal to demonstrate significant improvements in design (in addition to omitting the mansard roof), one with a stronger residential feel, and clearly legible as a mews dwelling in the interests of reinstating and enhancing the historical context and understanding of the development of the laneway.”*
- The Conservation Division state that they remain of the view that a more suitable design solution should be sought taking into account the historical grain and character of the area.
- Notwithstanding the revised proposals the Planning Authority considers that the development should be refused.

6.2 Observation

An observation to the first party appeal has been submitted by Brian Higgins on the 16th of May 2016. The main issues raised are as follows;

- The observer states that he welcomes residential development in an appropriate manner.
- It is the opinion of the observer that the proposed mansard roof is not appropriate to the site and would negatively impact upon the amenity of his property no. 19 Brookfield Terrace.
- The lands on the western side of Brookfield Terrace are higher than on the eastern side and therefore it increases the impact of the proposed mansard roof.

- The observer states that he has no objection to a two-storey building with a pitched roof.

7.0 POLICY CONTEXT

Dún Laoghaire - Rathdown County Development Plan 2016 – 2022

The subject site is identified as being Zoned Objective 'E' "to provide for employment and economic development".

RPS: No. 524 - No. 17 Prince Edward Terrace, Lower, Carysfort Avenue, Co. Dublin is described as a Terrace House

- Chapter 8 refers to Principle of Development
- Section 8.2.11.2 (iii) refers to Development in Proximity to a Protected Structure
- Section 8.2.3.4(x) of the Development Plan refers to Mews Lane Development

Blackrock Local Area Plan 2015

- Chapter 2 refers to Heritage and Conservation
- Chapter 3 refers to Urban Structure and Character

8.0 ASSESSMENT

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of development
- Design and impact upon amenity
- Appropriate Assessment

8.1 Principle of Development

- 8.1.1 The subject site is located within lands zoned Objective 'E' "to provide for employment and economic development" in the Dún Laoghaire - Rathdown County Development Plan 2016 – 2022. Residential development is 'open for consideration' within this landuse zoning. Brookfield Terrace contains predominately residential properties along the eastern side of the road and the north-western side of the road contains a mix of residential 'mews' type development. This includes the adjoining site to the north where a two-storey 'mews' house has been built.
- 8.1.2 Accordingly, the proposed residential use of the appeal is consistent with the prevailing pattern of development along Brookfield Terrace. It is noted that the site was formally part of the original rear garden of number 17 Prince Edward Terrace Lower, which is a Protected Structure. No. 17 is mid-terrace two-storey over garden level dwelling which was built circa 1843. The majority of the properties within Prince Edward Terrace Lower have similarly been subdivided to facilitate 'mews' type development with direct frontage onto Brookfield Terrace.
- 8.1.3 Therefore, the proposal should also be assessed in terms of its impact upon the character and setting of the Protected Structure along with the relevant policies, standards and requirements set out in the plan. Section 8.2.11.2(iii) of the Development Plan refers to Development in Proximity to a Protected Structure and Section 8.2.3.4(x) refers to Mews Lane Development. I shall address these matters in the subsequent sections of the assessment.

8.2. Design and impact upon amenity

- 8.2.1 The proposed development involves the construction of 2 no. dwellings. The infill nature of the appeal site means any development should fully respect the character and context of the area. The site area is 0.07 hectares. The proposed dwellings each have a floor area of 236sq m over three floors. The proposed ridge height is 8.7m and a mansard design roof is proposed.
- 8.2.2 Section 8.2.3.4(x) of the Development Plan provides guidance in relation to Mews Lane Development. It is stated that the Planning Authority will generally require that 'mews' development be confined to one or two-storey of modest size and that a separation distance of a minimum of 20m be provided between the rear of the structure and the rear façade of the existing main

structure. Dwellings should be served by at least one off-street parking space and a minimum area of 48sq m private open space area.

- 8.2.3 There is a separation distance of 49m between the rear of the proposed dwellings and the existing dwelling at no. 17 Prince Edward Terrace Upper. Both dwellings would be served by long narrow rear gardens with an area of circa 190sq m and the existing property is served by a rear garden in excess of 130sq m. The proposed layout provides 2 no. car parking spaces to the front of each dwelling. Overall the proposed scheme complies with the Development Plan requirements for 'mews' type development aside from the proposal for three-storeys of development.
- 8.2.4 The Planning Authority refused permission on the basis that proposed design was excessive in scale and height and the mansard roof profile be visually obtrusive and out of character with the adjoining mews dwellings. Over recent years a number of 'mews' dwellings which have been developed along the north-western end of Brookfield Terrace. These properties are two-storey and feature predominately pitched roofs. There are four 'mews' type houses currently under construction which have a flat roof design and the two mews' houses to the north of that development feature barrel-vault roofs.
- 8.2.5 The originally proposed design features a mansard roof which would provide habitable accommodation in the roof space. The front elevation features two glazed sections which extend over the three-storeys. These glazed sections run for 8m this design feature is out of character with the existing 'mews' development. The height and design of the mansard roof and overall bulky nature of the dwellings is out of character with both the recent 'mews' dwellings to the north and the commercial units to the south-western end of Brookfield Terrace. In relation to the proposed height of the development at 8.7m this is roughly in line with the height of the parapet level of the
- 8.2.6 Section 8.2.11.2(iii) of the Development Plan refers to Development in Proximity to a Protected Structure and requires that any proposals will be assessed in terms of the proximity and potential impact in terms of scale, height and massing. The proposed three-storey dwellings with rear dormer windows are out character with the surrounding mews development and also would negatively impact upon visual amenities of the area including the amenities of no. 17 Prince Edward Terrace Upper.
- 8.2.7 Accordingly, I would concur with the assessment of the Planning Authority that the originally proposed dwellings would due to their height, design and

bulk appear visually obtrusive and out of character with the existing streetscape.

- 8.2.8 The revised proposal with the omission of the accommodation in the roof space reduces the overall ridge height from 8.7m to 7.57m. The roof design is altered with the mansard roof omitted. While the omission of the mansard roof does reduce the massing and scale of the proposed dwellings the overall design does not in my opinion integrate well into the streetscape. Specifically, there is a lack of visual relationship between the proposed development and the design and character of the adjoining mews house development to the north. The adjoining development reflects the design and portions of a coach house while the subject development with its contemporary design including the front elevation featuring the two sections of vertical glazing over two storeys in my opinion fails to successfully integrate into the streetscape.

8.3 Appropriate Assessment

- 8.3.1 Having regard to the nature of the proposal 2 no. dwellings and the nature of the receiving environment, namely a suburban and fully serviced location, 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.

9.0 CONCLUSIONS AND RECOMMENDATION

- 9.0.1 I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be refused for the following reasons and considerations.

REASONS AND CONSIDERATIONS

1. Having regard to height, scale, bulk, and design of the two proposed mews dwellings, it is considered that, if permitted, the proposed development, would be visually obtrusive, would be out of character with the pattern of development in the vicinity, would set an undesirable precedent for similar development and would seriously injure the amenities of the area and of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Siobhan Carroll,
Inspectorate
9th of August 2016