



An
Bord
Pleanála

Inspector's Report PL29S.247067

Development	Change of House Type (Previously granted Ref.3031/11) to 4no. Bed Detached House, Gate and Vehicular Entrance.
Location	Rear of 2 Londonbridge Road, Dn. 4.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2927/16
Applicant(s)	Noel Callaghan
Type of Application	Permission
Planning Authority Decision	Permission
Type of Appeal	First Party against Condition
Appellant(s)	Noel Callaghan
Observer(s)	None
Date of Site Inspection	27 th of October 2016
Inspector	Angela Brereton

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
4.0 Planning History.....	5
5.0 Policy Context.....	6
5.1. Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009.....	6
5.2. Dublin City Development Plan 2011-2017	6
5.3. Dublin City Development Plan (2016-2022) – Interim Publication.....	7
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Planning Authority Response	9
7.0 Assessment.....	10
7.1. Principle of Development and Planning Policy	10
7.2. Design and Layout and regard to that previously granted.....	11
7.3. Regard to Condition no.3	12
7.4. Appropriate Assessment	13
8.0 Recommendation.....	13
9.0 Reasons and Considerations.....	13

1.0 Site Location and Description

- 1.1. The site is located at the rear of No.2 Londonbridge Road, Dublin 4. It lies to the east of the city centre and to the south of Dublin harbour. It is located immediately west of Irishtown village and Ringsend and Sandymount lie to the north and south respectively. The area in the vicinity of the site is residential in character. The Irishtown Garda Station is to the east of the access laneway.
- 1.2. The site has a stated area of 307sq.m and is positioned to the rear of an existing terrace of two-storey dwellings. It is now derelict and overgrown but formerly accommodated a builders yard and shed. There are some mature trees on site and screening along the western boundary. The site is accessed by a laneway, which is a shared right of way.

2.0 Proposed Development

- 2.1. The Public Notice provides that permission was granted on the site for a 4 bed detached family dwelling 210sq.m under Reg.Ref.3031/11. This house was not commenced and the site remains undeveloped. Permission is now sought for a change of house type to that previously permitted. This proposal consists of a detached 4 bed family dwelling 184sq.m with traditional pitched roof, pedestrian gate and vehicular entrance to lane and associated works.
 - 2.1.1. The application form provides that the site area is 307sq.m, the total area of the proposed buildings within the development is 184sq.m and the floor area of buildings to be demolished is 16sq.m. The proposed plot ratio is 0.59 and the proposed site coverage is 34%. 2no. on site car parking spaces are to be provided.
 - 2.1.2. A Site Layout Plan, Floor Plans and Elevations have been submitted. The access to the site is shown in yellow as a shared right of way. Contiguous Elevations have also been submitted.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 14th of July 2016 Dublin City Council granted permission for the proposed development subject to 12no. conditions. These are relatively standard having regard to infrastructural and construction related issues. The following are of note:

- Condition no.2 provides for development contributions.
- Condition no.3 refers to a reduction in ridge height.
- Condition no.4 provides that the house shall be used as a single dwellinghouse only.
- Condition no.7 provides for Archaeological monitoring.

3.2. Planning Authority Reports

3.2.1. Planners Report

The Planner had regard to the locational context of the site, planning history and policy. They noted that no submissions were made. The proposed development is located on a site the subject of a previous planning permission for a dwelling which was never constructed. That proposal was assessed under the DCDP 2005-2011. The current proposal has been assessed under the policies and objectives of the 2011-2017 Plan and they consider it to be in character with the area, provided that the ridge height is reduced to 6.5m. Having regard to the overall design approach and taking into account the change to the ridge height, they considered that the proposed development is acceptable.

3.2.2. Having regard to the nature and scale of the proposed development and the established pattern of development in the area, they considered that the proposed development would not seriously affect the character and setting of the dwellings along Londonbridge Road and would not have a serious negative impact on the residential amenity of adjoining residential properties zoned Z2, residential conservation area.

3.2.3. Other Technical Reports

The City Archaeologist

They noted that the proposed development is within the Zone of Archaeological Constraint for the Recorded Monument DUO18-054 (Irishtown settlement), which is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994. They recommend conditions regarding archaeological monitoring.

Engineering Department – Drainage Division

They have no objection to the proposed development subject to recommended conditions. These include that a comprehensive site survey is needed to establish all drainage services that maybe on the site, design of the drainage system, compliance with current standards and incorporation of SUDS. Also that an appropriate flood risk assessment be carried out in accordance with OPW Guidelines.

Roads and Traffic Planning Division

They have regard to the relevant planning history and note that Condition no.6 of Reg.Ref.3031/11 referred to the on-site parking layout and turning area.They do not object to the current proposal and recommend that permission be granted subject to conditions.

4.0 Planning History

- 4.1.1. Reg.Ref.3031/11 – Permission granted subject to conditions by DCC for removal of shed/builders yard and construction of house at the rear of no.2 Londonbridge Road. This was the subject of a First Party S48 Appeal – Condition no.9 relates. As this was a contributions appeal the assessment in Inspector’s Report was confined to the condition that was the subject of this appeal. The Board in their decision (Ref.PL29S.239679 relates) considered that the Development Contributions Scheme had been correctly applied and retained but amended the wording of this condition. A copy of this Decision is included with this this file.

5.0 Policy Context

5.1. Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009

These seek to encourage high quality sustainable residential development, urban form and design. They are concerned to promote a sequential approach to development and to create an overall design framework with linkages to the existing developed area. They support Local Area Plans and the phasing of development, also having regard to the availability of infrastructure. Regard is had to the availability of community facilities, public transport and the quality of open space. Chapter 3 concerns the role of design and has regard to the context and quality of the development proposal. Chapter 4 provides for planning for sustainable neighbourhoods and has regard to public open space, traffic safety, drainage issues etc. Chapter 5 refers to Cities and Larger Towns (i.e towns with 5,000 or more people) and provides the criteria for appropriate locations for higher density developments. Section 5.9 refers to Inner suburban/infill sites and has regard to residential infill. In determining the appropriate density in residential areas whose character is established by their density or urban form, a balance must be struck between reasonable protection of amenities and privacy of adjoining neighbours, the protection of established character and the need to provide residential infill. Chapter 7 concerns the home and it's setting and discusses issues such as daylight, sunlight, privacy, open space and communal facilities.

Regard is had to the accompanying DOEHLG 'Urban Design Manual-A best practice guide 2009' and to the 12 criteria to promote quality sustainable urban design discussed in this document. Regard is also had to the application of these criteria, which are divided into three sections: Neighbourhood/ Site and Home reflecting the sequence of spatial scales and order of priorities that is followed in a good design process.

5.2. Dublin City Development Plan 2011-2017

This is the document that regard was had to in the course of this application and in the documentation submitted including the assessment in the Planner's Report. It

provides details of planning policies and objectives and provides the land use zonings. Chapter 15 provides the Zoning Principles. The site is within residential Z2 zone i.e – *To protect and/or improve the amenities of residential conservation areas.*

Chapter 17 includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design.

Section 17.9.1 provides the Residential Quality Standards including having regard to Houses. Section 17.9.5 refers to Backland Development and 17.9.7 refers to Infill Housing

Table 17.1 provides the Car Parking Standards for Various Land-Uses and Table 17.2 the Cycle Parking Standards.

5.3. Dublin City Development Plan (2016-2022) – Interim Publication

This Plan was adopted by Dublin City Council at a Special Council meeting on 23rd September 2016. The Plan came into effect on 21st October 2016. It replaces the 2011-2017 City Development Plan. It sets out policies and objectives to guide how and where development will take place in the city over the lifetime of the Plan. It aims to provide an integrated, coherent spatial framework to ensure the city is developed in an inclusive way which improves the quality of life for its citizens, whilst also being a more attractive place to visit and work.

The policies and objectives in this plan promote intensification and consolidation of Dublin city, all of which lies within the metropolitan area. This is to be achieved in a variety of ways, including infill and brownfield development; regeneration and renewal of the inner city; redevelopment of strategic regeneration areas; and the encouragement of development at higher densities, especially in public transport catchments. As per Section 5.5.7 the following housing policies apply:

QH21: To ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity, in accordance with the standards for residential accommodation.

QH22: To ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.

14.8.2 Residential Neighbourhoods (Conservation Areas) – Zone Z2 - This notes that: *Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale.*

Chapter 16 provides the Development Standards and refers to Design, Layout, Mix of Uses and Sustainable Design.

Regard is had to Respecting and Enhancing Character and Context and Sustainable and Inclusive Design. This includes Sustainable Open Space and Urban Drainage systems and Design for a Safer Environment.

Section 16.2.2.2 refers to Infill Development and allows for uniformity and variation respecting and complimenting the character of the area.

Section 16.10.8 refers to Backland Development and provides that Dublin City Council will allow for the provision of comprehensive backland development where the opportunity exists. Backland development is generally defined as development of land that lies to the rear of an existing property or building line. Applications will be considered on their merits.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Jong Kim of AKM Consultants has submitted a First Party appeal on behalf of the applicant. He asks the Board that the decision to grant permission with conditions be upheld but that Condition no.3 be removed. He has regard to the locational context of the site, planning history and policy and to the differences between this application and that previously granted in Reg.Ref.3031/11. The grounds of appeal include the following:

- They have regard to Condition no.3 and consider that the proposed dwelling has no adverse visual impact on the area.
- They note that the permitted height under Reg.Ref.3031/11 is 7.5m in height and ask the Board to consider the planning history and permitted development on the site. The proposed visual impact will be no greater.

- The adjoining buildings and dwellings (Garda Station and Gospel Hall and permitted dwellings) are higher than the approved dwelling.
- The proposed dwelling will not be visually prominent from the public street.
- There are no overshadowing concerns relative to the proposed height.
- The proposed dwelling is set back from the Londonbridge Road by 37m.
- The proposed dwelling is sufficiently separated from the existing dwellings.
- The condition to reduce the height of the dwelling will cause major construction difficulties.
- They provide a list of construction difficulties that will occur. They ask the Board to consider the attached drawing showing the elevation and section of the dwelling reduced in height by 1m.
- The proposed dwelling does not have any adverse impact on the character of area. They consider that it is sensitive to adjoining properties and makes a positive contribution to the Z2 land use zoning.
- The proposal fully complies with the DCDP 2011-2017 policies and objectives and in relation to infill dwellings.
- The proposal presents a high standard of design and residential amenity.
- It is sufficiently separated from existing properties and does not cause overlooking or loss of privacy.
- It has regard to the character of the area with regard to overall adjoining heights, parapet levels, proportions, materials and surrounding buildings.
- Having regard to the nature and scale of the development and the context of the area, they consider that the proposed development will not seriously injure the amenity of property in the vicinity and accords with the DCDP and the proper planning and sustainable development of the area.

6.2. Planning Authority Response

- 6.2.1. Dublin City Council have reviewed the grounds of appeal and consider that Condition no.3 is an appropriate amendment to the ridge height that will protect the setting and

character of a conservation area. They request that the decision of the P.A be upheld and the ridge height be reduced to a maximum of 6.5m for the proposed development.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. It is considered that the principle of constructing a house on this site has been accepted in the previous permission Reg.Ref.3031/11 refers. As noted in the History Section above there was a Section 48 appeal to the Board relative to this permission Ref.PL29S.239679 refers. As referred to by the Planner that application was considered under the 2005-2011 DCDP, the current application was submitted and considered by the Council under the 2011-2016 DCDP and is now being considered by the Board relative to the the policies and objectives of the new DCDP 2016-2022 which are now inforce.
- 7.1.2. As shown on Map F of the Dublin City Development Plan 2016-2022 the site is within the Z2 residential conservation area zoning where the objective is: *To protect and/or improve the amenities of residential conservation areas*. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. Section 16.2.2.2 refers to Infill development and includes: *To ensure that infill development respects and complements the prevailing scale, architectural quality and the degree of uniformity in the surrounding townscape*. It is of note that the site, which is to the rear of no.2 Londonbridge Road appears as backland development. Section 16.10.8 refers to Backland Development and notes that while there can be issues that such applications will be considered on their own merits.
- 7.1.3. It is noted that the development originally granted permission in Reg.Ref.3031/11 has not been constructed. The issue in this case is whether the proposed development and in particular the ridge height, which is the subject of Condition no.3 of the Council's permission and this appeal, will have any greater impact that that previously permitted.

7.2. Design and Layout and regard to that previously granted

- 7.2.1. Having regard to the Site Layout Plan and the application form it is noted that the area of the site has been reduced from 320sq.m in Reg.Ref.3031/11 to 307sq.m in the current application. This allows for a more compact rear garden area for no.2 Londonbridge Road and a more even subdivision of the site.
- 7.2.2. The previous application referred to the removal of shed/builders yard that was formerly on the site. This use has now ceased and the shed remains in a derelict condition. The site is overgrown with shrubs and trees along the boundaries. There is a block wall along the rear boundary with no.2 Londonbridge Road which provides the subdivision of the site.
- 7.2.3. The laneway provides access to the site and rear access to the houses in the adjoining terrace of 3 houses, nos.4 and 6 Londonbridge. It is not gated and is grassed and appears little used. It provides access to the London Road. There is a high wall along the boundary to the garda station to the east. The current Site Layout Plan shows on site parking for two cars at the southern end of the site adjacent to the rear boundary and side entrance to no.2 Londonbridge Road. These are accessed via the c.3.9m width lane.
- 7.2.4. As shown on the Site Layout it is proposed that the dwelling house be in two separate two storey sections linked by a single storey element. This allows for a west facing courtyard and small rear garden area at the northern end of the site. The proposed house type is similar to that previously permitted. The application form provides that the floor area of the proposed dwelling is 184sq.m which is less than the previously permitted floor area of 210sq.m. The overall length of the proposed build has been reduced from c.18m to c.17m. This provides for a slightly reduced courtyard area (now c. 24sq.m) but allows for an increased rear garden area (now shown c.37sq.m). This will allow for more screen planting along the northern site boundary with the access lane.
- 7.2.5. It is of note that the ridge height shown on the previous plans is 7.56m which is the same as that shown on the current plans. However there are some changes to the design of the roof and as shown on the Sections and Contiguous Elevations, the parapet element previously included has now been omitted. This appears to add to the overall massing of the roof.

7.3. Regard to Condition no.3

7.3.1. In this case it is noted that there is no Third Party Appeal or Observations. Section 139 of the Planning and Development Act 2000 as amended would apply as this relates only to appeals against conditions. Section 139 (c) provides that where: the Board is satisfied, having regard to the nature of the condition or conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted. Therefore it is considered that taking into account the particulars of this case and the documentation submitted that the application does not need to be considered de novo.

7.3.2. Condition no.3 is the subject of the First Party Appeal and is as follows:

The proposed ridge height shall be reduced to a maximum of 6.5 metres. Drawings indicating this revision shall be submitted to the Planning Authority for written agreement prior to the commencement of development.

Reason: In the interests of visual amenity.

7.3.3. The Council considered that the ridge height should match that of no.2 Londonbridge Road and that there is no justification for the height to exceed that of this property having regard to visual amenity in the Z2 residential/conservation zoning. They recommended that it be conditioned that the height be reduced to 6.5m to match that of no.2 Londonbridge Road. In their response to the grounds of appeal they consider that Condition no.3 is an appropriate amendment to the ridge height that will protect the setting and character of a conservation area.

7.3.4. It must be noted that the site while in the Z2 zoning is not specifically within a Conservation Area. As per Section 14.8.2 of the current plan: *The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and nonprotected.* Therefore protection of the visual character of the area is of importance in this land use zoning.

7.3.5. The appellant's concerns regarding construction issues relative to the reduction in ridge height are noted. In view of the backland nature of this site, the proposed dwelling house, to the rear of no.2 Londonbridge Road will not be particularly visible in the streetscape. In this respect regard is had to the Contiguous Elevation which

shows that the roof of the proposed dwelling will be c.1m higher than that of the terrace nos, 2,4 and 6 Londonbridge Road. This was similarly shown in Reg.Ref.3031/11, although in view of the alterations to the roof i.e the omission of the parapet element, there is an increase in the overall massing. It is noted that in both cases the proposed dwelling house is to be set back 22m from the rear of no.2 Londonbridge Road.

- 7.3.6. Therefore it is considered that having regard to the fact that the overall ridge height has not been changed and to the set back distance, the visual impact of the current proposal when seen from the Londonbridge Road will not be significantly different than that previously permitted.

7.4. Appropriate Assessment

- 7.4.1. It is considered that having regard to the nature and scale of the development which is for domestic/residential purposes in a fully serviced suburban location, and to the nature of the receiving environment, that no appropriate assessment issues arise.

8.0 Recommendation

It is recommended that condition no.3 be removed from the Dublin City Council permission Reg.Ref.2927/16.

9.0 Reasons and Considerations

Having regard to the pattern of development in the vicinity and the planning history of the subject site, in particular Reg.Ref.3031/11, it is considered that the proposed change of house type does not represent a material alteration to the design and layout or ridge height of that previously permitted. Therefore, also taking into account the separation distances between the site and no.2 Londonbridge Road, the ridge height of the proposed development will not adversely effect visual amenity or the character of the streetscape in this Z2 residential/conservation area.

Angela Brereton,
Planning Inspector,
1st of November 2016