



An
Bord
Pleanála

Inspector's Report 29N.247093

Development	Construction of a 1 bedroom flat roofed residential dwelling to the rear of No 139 North Strand Road, Dublin 3.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	2979/16.
Applicant(s)	Torrelles Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Appellant(s)	Torrelles Ltd.
Observer(s)	Ann Curran
Date of Site Inspection	12/10/2016 and 20/10/2016
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1. The site is part of the grounds of No 139 North Strand Road, forming part of the rear garden of that property and is also to the rear of No 139A North Strand Road, Nos 57 and 58 Strandville Avenue, Nos 1 and 2 Strandville Place and Nos 1 and 2 Bessborough Avenue.
- 1.2. This part of the north inner city is a densely developed area of terraced housing dating from the late 19th century. The site is enclosed by other dwellings and is accessed via a private shared, gated laneway which provides access to other properties including No 57 Strandville Avenue, adjoining to the south, and properties along North Strand Road.

2.0 Proposed Development

- 3.0 The proposed development is the construction of a 1 bedroom flat roofed residential dwelling to the rear of No 139 North Strand Road, Dublin 3.

The building would be single storey, flat roofed, 8.2m long. The living / kitchen / dining room is lit by a front window to an enclosed area (3.167m maximum depth) and by a door to a courtyard to the rear (1.7m x 2.9m) both of which overlook the rear of properties; and also is also lit by a large rooflight.

- 3.1. Site area 94.6m² floor area 55.3m².

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to refuse planning permission for one reason:

The lack of independent street frontage and reliance on shared laneway for access together with lack of usable open space would comprise substandard development.

4.2. **Planning Authority Reports**

The report of the area planner includes:

Z2 Residential conservation area.

2m storeroom is accessed from both the living room and bathroom; storage provided is 1m².

The Development Plan requires houses in the inner city to have private open space of 5m² of per bedspace, subject to a minimum of 25m². Proposal is stated as providing 25.4m² however most is at the front of the house and would be used as access. It is stated that 31.4m² would remain to the rear of No. 139, a 3 bed with first floor study. The application (for change of use) stated that the house would have 65m² open space but also referred to exempted extensions which were to be carried out. If 6 bedspaces – the requirement is 30m², which appears to be met.

Backland development 17.9.5

17.9.7 the need for access from the laneway is unsatisfactory. The area indicated as open space is access and refuse storage. Separation of 1.5m to be maintained between flanks of dwellings: 3 walls are built to boundaries.

Other Technical Reports

Engineering Department Drainage Division – 7/7/16 – conditions.

4.3. **Third Party Observations**

The planning authority received observations from Darren and Caoimhe Harrison 142 North Strand and Ann Curran 58 Strandville Ave., which can be summarised as follows:

- Insufficient separation distances from other properties.
- Overshadowing
- There was no illegal dumping on the site, photographs supplied, the purpose of the laneway is to provide pedestrian access to rear gardens.
- ROW going straight across the rear of the site to 139A North Strand. Extract of map submitted with application 2651/16 is supplied.
- Out of character with the existing dwellings.
- Description dormer bungalow is inaccurate.
- Devalue properties.
- Additional use of the laneway (2.4m width) would jeopardise the security of adjoining properties.
- No access for emergency vehicles.
- It could be used as an extension to No 139 to accommodate more tenants. Site was originally a back garden and could not be considered vacant or underutilised.
- Any vehicular use of the laneway would be seriously injurious to the adjoining gable walls and downpipes and underground drainage along the laneway.

5.0 Planning History

Subject site

4329/15 – 1 bedroom single storey dwelling refused, 25/2/16.

3263 /15 (appeal no. 245551 withdrawn 24/11/2015) 2 bedroom dormer dwelling, refused, 2/12/15.

Adjacent

3426/15 – change of use of No 139 North Strand to 3 bedroom dwelling.

3333/14 – single storey extension to rear of No 58 Strandville Ave, relocation of access laneway to rear.

1153/13 – single storey extension to No 57 Strandville Ave.

6.0 Policy Context

7.0 Development Plan

8.0 Dublin City Development Plan 2016-2022 is the operative plan.

Relevant provisions include Chapter 16 and Appendix 17

Chapter 16 - Development Standards – 16.10.8 Backland Development - 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. The development of individual backland sites can conflict with the established pattern and character of development in an area. Backland development can cause a significant loss of amenity to existing properties including loss of privacy, overlooking, noise disturbance and loss of mature vegetation or landscape screening. By blocking access, it can constitute piecemeal development and inhibit the development of a larger backland area. Applications for backland development will be considered on their own merits.

9.0 The Appeal

9.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

Development Plan

Policy QH6 to promote development of underutilised infill sites, also QH4 and SC13 to promote sustainable densities. The proposed development provides occupants with a high standard of residential amenity, and does not materially contravene plan policies. Proposed development is Section 17.9.1 compliant. North Strand Road has a variety of house types.

17.9.5 SC 13 AH4 standard of Residential Development 55 sq m for a 1 bed 55.3 proposed. All habitable rooms are provided with natural light '20% of floor area'. Open space 2 bedspaces 25 sq m, 25.4 provided. High quality finish. Parking standards are maximum standards. No objection from Roads & Traffic. Proximity to Connolly Station and bus routes. Guidelines on Sustainable Residential Development in Urban Areas, 2008, state that a balance must be struck between the reasonable protection of the amenities and privacy of adjoining dwellings. It will not impinge on amenities of adjoining dwellings. It will meet the standards in Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities, 2007. The site is currently in a run-down state and has been used for illegal dumping. The City Development Plan supports infill housing. Normal planning standards may be relaxed in the interests of ensuring that vacant, derelict and underutilised land is developed.

A precedent has been established by the permitted development Reg Ref 3827/14, a change of use of approved media/artist studio (Reg Ref 3021/13) to a one-bedroom dwelling, at 14a and 14b Victoria Villas, Dublin 3.

Regarding the reason for refusal – the previous two refusals were noted and addressed. S 17.9.1 requirements are met. It is not a back to back dwelling. Other dwellings extend to the boundary. It is not within or adjoining a designated architectural conservation area. It is compliant with policy QH6.

9.2. Planning Authority Response

The planning authority have not responded to the grounds of appeal.

9.3. Observations

Ann Curran 58 Strandville Ave has made an observation on the appeal.

Further to the points made to the planning authority her observation includes:

Inappropriate backland development of residential conservation area Z2.

Overdevelopment of already heavily developed site in terms of the standards set out in the City Development Plan 2011-2017.

Grounds doesn't adequately respond to reason for refusal.

Regarding the current situation on the site – there was no illegal dumping. The owner of No 139 commenced a single storey extension. Photos supplied show, 9th August 2014, before development commenced it was overrun with vegetation due to the owner's failure to upkeep. The photos taken by the first party were taken during the construction of the rear extension. This is not a reason to permit development. It is not vacant or underutilised. Since the decision to refuse, the rear garden has been developed: erection of new fencing to perimeter of the site and sectioning off of the rear garden of No. 139 from this plot at rear, and the erection of another single storey structure. Right of way to no. 139A North Strand Road has been ignored. Since the erection of the new fencing the tenants of No 139 North Strand Road have taken to leaving their domestic waste outside the perimeter of their site in the shared laneway. Regarding precedent, cited in the grounds, re. 14a and 14b Victoria Villas, Dublin 3; this is not an adequate example of a suitable precedent. The area is zoned Z1 not Z2. The siting of the dwelling is at the end of a block of terraced houses and has ample access on three sides of the property. There are no similarities between the two properties.

10.0 Assessment

10.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Residential Amenity
- Appropriate Assessment

Residential Amenity

The reason for refusal was based on the residential amenities of future occupants of the dwelling. The lane is not an attractive access route for occupants as the only means of access to the site. The outlook from the limited number of windows what are to be provided, is either to an enclosed area to the front and to the rear of adjoining properties, or to a very confined enclosed area to the rear. Mention is made in the application documents of windows being provided to achieve a minimum area of 20% of the floor area but there is no evidence of this. There will however be lighting available from skylights.

The provision of private open space, although stated to provide the minimum recommended level is below the minimum level when account is taken of the need to provide access to the building. Refuse storage will be required at the front of the building. The laneway is also used for refuse storage. The views from the area are towards the rear of properties. Thus the private amenity space is seriously deficient in terms of size and usability without being compensated for these deficits by any exceptional quality or outlook. In my opinion the negative impact of poor residential amenity on future residents is a reason to refuse permission.

Concerns have been expressed regarding the impact on the amenities of adjoining residential properties. The existing development in the area is dense and dwellings have been extended to the rear within confined sites such that dwellings are located

close to the boundary of the subject site. The proposed development would also extend close to the site boundaries. However, in such a central urban location, dwellings will inevitably be located close together and I do not consider that the proposed development would impact unduly on the amenities of adjoining residential properties or that this should be a reason to refuse permission.

Concerns have been expressed regarding the impact of the use of the laneway as an access route which could lead to damage to services or the dwellings adjoining. This is largely a matter outside the planning remit; although access for construction is a constraint it should not be a reason to refuse permission.

Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment 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 Recommendation

11.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

12.0 Reasons and Considerations/ Reasons

The proposed development, by reason of the lack of independent street frontage and the reliance on a shared laneway as a means of access to the proposed new dwelling, where views from the dwelling would be to the rear of properties, together with the lack of usable private open space to the rear of the dwelling, would comprise substandard development which would be out of keeping with the pattern of development in the vicinity, and would set a precedent for further developments of

this type which would be contrary to the provisions of the Dublin City Development Plan (2016-2021). The proposal would therefore be seriously injurious to the residential amenities of future occupants and to the proper planning and sustainable development of the area.

Planning Inspector

Date

Appendices

Appendix 1 Map and Photographs

Appendix 2 Extracts from the Dublin City Development Plan 2016 – 2022