



An
Bord
Pleanála

Inspector's Report PL29S.247133

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| Development | Permission is sought for revised design of part two storey Mews House (Reg Ref 3871/14). |
| Location | 12a Synge Street, Dublin 8 |
| Planning Authority | Dublin City Council. |
| Planning Authority Reg. Ref. | 3033/16. |
| Applicant(s) | Brendan O' Hagan. |
| Type of Application | Permission. |
| Planning Authority Decision | Grant. |
| Type of Appeal | Third Party |
| Appellant(s) | Dr Veronica Chan. Brian and Mary Carr |
| Observer(s) | Máirtín Mac Colgáin. |
| Date of Site Inspection | 15 th of November 2016. |
| Inspector | Karen Hamilton. |

1.0 Site Location and Description

- 1.1. The subject site is a garage located along Synge Place to the north of Portobello and west of Camden Street. The site is to the rear of protected structure at No 12 and No13 Harrington Street and to the east of a protected structure No 36 Synge Place. The site has been referred to 12a Synge Street in the appeal although the correct address for the subject site is 12a Synge Place as per the advertised development descriptions and the OS maps. The southern boundary wall along Synge Place includes a large steel gate and the remainder are 2m high block walls.
- 1.2. The subject site is 0.036ha and is 12m in width along Synge Place and 30m in depth.

2.0 Proposed Development

- 2.1. The proposed development includes amendments to a previously granted mews dwelling under 3781/14 to include:
 - A reduction in the floor space from 108.7m² to 89.5 m².
 - An amendment to the site boundary.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission. Conditions of note include the following:

- C. 3 requires amendments to building depth to the rear and garden size,
- C. 4 requires additional internal storage of 4m².

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report from the area planner may be summarised as follows:

- The smaller design is acceptable and complies with the zoning.

- Issues with regard separation distance from the previous permission where considered.
- Concerns raised by third parties in relation to discrepancies in the drawings and residential amenity where noted. The sunlight availability analysis was assessed.

3.2.2. **Other Technical Reports**

Roads and Traffic Planning Division- No objection subject to conditions

Drainage Division- No objection subject to conditions.

3.2.3. **Third Party Observations**

Three observations relating to the impact on residential amenity, discrepancies on drawings and the development plan standards for mews dwellings.

4.0 **Planning History**

3871/14

Grant of permission for part two storey mew dwelling, 12a Synge Place.

Enforcement E1063/16

Breach of planning permission with regard size of unit.

5.0 **Policy Context**

5.1. **Architectural Heritage Guidelines for Planning Authorities, 2004.** Development guidelines for Protected Structures and Areas of Architectural Conservation.

5.2. **Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’** (DEHLG, 2007).

Section 5.3.2: Space requirements and room sizes: 2 bed units have a target gross floor area of 70m², living space of 13m², aggregate living room 20m² and internal storage area 3m².

5.3. **Dublin City Development Plan 2016-2022**

The site is located in **Z1** “*To protect, provide and improve residential amenities*”

The site is located to the rear of protected structure at No 12 Harrington Street and adjacent to protected structure at No 36 Synge Place therefore the following policies and guidance are considered to be relevant.

Policy CHC2: To ensure that the special interest of protected structures is protected.

11.1.5.3 Protected Structures - Policy Application. The design, form, scale, height, proportions, siting and materials of the new development should complement the special character of the protected structure. The traditional proportionate relationship in scale between buildings, returns, gardens and mews structures should be retained.

Appendix 24: Protected Structures and Buildings in Conservation Areas.

Mews Dwellings

Section 16.10.16 Stone/brick coach houses on mews laneways are of national importance and there is a requirement to retain and conserve all surviving examples, particularly in relation to their form and profile. Development is confined to single family units, two storeys in height. There is a need to provide one off street carpark. Minimum rear open space must have a width of 7.5m and 15 m² per bed space. Minimum distance of 22m from rear building.

6.0 The Appeal

6.1. Grounds of Appeal

Two submissions have been received from adjoining residents along Harrington St. The grounds of appeal can be summarised as follows:

- Discrepancies on the drawings: There is no large shed projecting over the top of the boundary and the dimensions are incorrect. The windows of an apartment to the rear of 12 Harrington St are located on the boundaries of the site.
- Overlooking: The rear window for the proposed living room on the first floor will overlook into the bedrooms and rear amenity space of No 12 Harrington Street. The first floor was occupied by bedrooms in 3871/14.

- Open Space: The requirements of the development plan for mews dwellings cannot be met.
- Separation Distance: The distance of 8.8m from opposing windows is not sufficient to protect privacy.
- Car parking: The car parking space is substandard.
- Protected Structure: The proposed development would have an impact on the protected structures.

6.2. Applicant Response

O' Mahoney Pike Architects have submitted a response to the third party appeals on behalf of the applicant. This submission may be summarised as follows:

- A recent planning permission has been granted on the site, Reg Ref 3781/14. and the mews dwelling has been redesigned to reduce the overall scale so as to be in keeping with the site boundaries.
- Separation distance: Condition No 3 requires an additional modification of design to increase the separation distance from No 12 and 13 Harrington St, the distance will be 22.2m as illustrated on a map.
- Overlooking: The design of the dwelling is compliant with 3781/14 and there would be no objection to frosted glazing to a height of 1.5m in the first floor windows. The apartment to the rear of No 12 is subject to enforcement action EO163/16 "*The garden shed at the rear of 12 Harrington Street, Dublin 8 is an occupied dwelling without benefit of planning permission*".
- Open Space: The development plan allows for smaller innovative open spaces.
- Zoning: The proposal complies with the zoning objective and development plan guidance.

6.3. Planning Authority Response

No response was received from the planning authority.

6.4. Observations

One observation was received from the owners of No 36 Synge St and may be summarised as follows:

- The grounds of appeal submission are noted and supported.
- The previous grant of permission 3781/14 could not commence as the drawings were incorrect. The current grant of permission refers to incorrect measurements; therefore, the validity is questioned.
- There will be overshadowing on the property.
- A condition to reduce the depth of the unit has been included to achieve the separation distance.
- The car parking space is ineffective.
- The private open space does not comply with guidance for mews dwellings.

6.5. Further Responses

Further responses to the applicant's submission were received from both appellants and the observer and these issues may be summarised below:

- The proposal to include frosted glass up to 1.5m will not prevent any overlooking as there is still line of site. The use of the first floor should be for bedroom space.
- Following a site inspection in September 2016, Dublin City Council are satisfied there is no unauthorised development in No 12 Harrington St.
- The admission by the applicant that the site is indeed smaller should render the proposed development invalid as minimum standards cannot be met and should be refused.
- The reference to grant of permission 3781/14 is irrelevant as this cannot be constructed.

7.0 Assessment

7.1. The following assessment has regard to the revised plans submitted with the appeal and circulated to all parties which includes the provision of 1.5m of frosted glazing on the first floor window along the northern elevation. The main issues of the appeal can be dealt with under the following headings:

- Principle of development.
- Residential Amenity.
- Development Standards.
- Built Heritage.
- Other Matters.
- Appropriate Assessment

Principle of Development

7.2. The proposed development includes the construction of a mews dwelling. The site is zoned for residential development in the current development plan and therefore subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

Residential Amenity

7.3. No 12 Synge Place is a small plot of land which fronts onto an access road, Synge Place and is to the rear of No 12 Harrington Street. Synge Place leads into a residential development which comprises of a 4 storey apartment building and terrace dwellings. The proposed development is for a two storey mews type dwelling (81m²) fronting onto Synge Place. A previous grant of permission (3781/14) could not be implemented due to inaccurate site survey dimensions. This proposal is for a smaller unit and reconfiguration of internal layout. The grounds of appeal argue that the proposed development still cannot be implemented, does not meet the development standards and has a negative impact of the residential amenity. I will address the impact on residential amenity in the first instance.

Overlooking: The living space for the proposed dwelling is on the first floor with windows on north and south elevations. Section 16.10.16 of the development plan

requires opposing windows of mews dwellings and main dwellings to be a minimum of 22m. The planning authority conditioned a 1m reduction in depth over both levels. No. 12 Harrington Street has no rear windows on the two storey rear return. There is a separate single storey rear return with a ground floor window approx. 8.2m from the rear of the proposed development. The applicant submits this is an unauthorised residential unit which is contested by the appellant. This aside, I note the proposed inclusion of frosted glazing on the lower portion of the first floor rear window for the proposed development. Based on the location of the window 22.5m from the first floor windows on No. 12 and the amended first floor location, I do not consider the proposed development would cause any overlooking which would have a serious negative impact on the residential amenity of No. 12 Harrington Street.

No. 36 Synge Street is located along the western boundary of the subject site and has two first floor bedroom windows to the rear. There are no first floor windows proposed along the western elevation. The flat roofed first floor of the proposed location is set back from No. 36 by 8m. Therefore, based on the orientation of the site and the proposed design I do consider the proposed development would cause any overlooking or overshadowing which would have a serious negative impact on the adjoining residential amenity of No. 36 Synge Street.

Overshadowing: The proposed development is located to the south of the No 12 & No 13 Harrington Street and west of No 36 Synge Street. There have been no shadow projection drawings submitted with the planning application. The curtilage of No. 12 Harrington Street has been largely on and, as such, the potential for overshadowing on the rear gardens due to the location of the proposed development is limited.

Based on the orientation of the site, the location adjacent to the surrounding units and the height of the building I do not consider there to be any significant overshadowing on adjoining buildings.

Development Standards

- 7.4. The site is located between two dwellings and the proposed development has been submitted following inaccuracies with the site dimensions (3871/14). The grounds of appeal argue that the proposed development cannot meet the provisions set out in

the development plan and therefore cannot be granted. I have assessed the compliance with the main development standards below.

Internal dimensions: The standards for minimum room dimensions are included in “*Quality Housing for Sustainable Communities*”. The gross floor area required for a two bed unit is 70m² with a living area of 28m², aggregate bedroom size 20m² and storage area 3m². C. No 2 of the permission requires the reduction in depth of each floor by 1m each, therefore the proposed development would have a floor space of 81m², living area of 40m² and bedroom approx. 20m². Therefore, I consider the proposed development will meet those minimum room sizes required.

Separation distance: I have addressed the separation distance in paragraph 7.3 above, with regard to overlooking on adjoining properties. I consider the separation distance of 22.5m complies with the requirements of the development plan.

Open Space: Section 16.10.16 of the development plan includes a requirement for rear open space to be 7.5m in depth and 30 m² for a two bed unit. The proposed development includes 27m² rear open space which is 6.5m in depth and the widest point. C. 3 of the grant of permission requires a reduction of the ground floor of 1m to ensure the proposed development complies with the minimum standards. I consider this a reasonable condition, increasing the rear garden space by 5m².

Car parking: Section 16.10.16 requires one integrated space per mews dwelling which has been provided. The proposed integrated car parking space and the proposed entrance respects the site and those other units along Synge Place. I note the report of the Roads Section has no objections. Therefore, I consider the proposed parking to be satisfactory.

Based on the size and the provision of private amenities for the unit, I consider the proposed development complies with the policies and guidance set out in the national guidance and the development plan.

Built Heritage

- 7.5. The subject located to the rear of No 12 Harrington Street and No 36 Synge Street both of which are protected structures. The grounds of appeal argue that the proposed development will have an impact on the setting of the protected structures.

- 7.6. The proposed development is located on a site which may be described as a transition zone between traditional and modern residential units. The current site to the east is a commercial builder's unit and further along Synge Place is a four storey apartment block. The unit will be neither visible from the front of No. 36 Synge Street nor No. 12 & 13 Harrington Street. The proposed unit will have a height of 6m and meet the eaves of No. 36, the unit has a single storey aspect along the west. Policy CHC2 and Section 11.1.5.3 of the development plan provides guidance for development within the curtilage of the protected structure, where the form and features of the protected structure are respected and should complement the special character of the protected structure.
- 7.7. Based on the location of the unit along Synge Street and the proposed staggered height I consider the overall design respects the scale, height or form of the protected structures. Therefore, I do not consider the proposed mews dwelling would have a negative impact on the character and setting of either No 36 Synge Street or No 12 & No 13 Harrington Street.

Other Matters

- 7.8. The proposed development has been resubmitted due to previous inaccuracies with a site survey for 38741/14 and the inability to build the dwelling. The grounds of appeal argue there remains discrepancies with the current proposal. This landownership is not however a planning related matter and is not relevant to the proposed development nor does it have any bearing on my recommendation.

Appropriate Assessment

- 7.9. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance 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 the conservation objectives of any European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations

Having regard to the pattern of development in the vicinity, the scale, form and design of the proposed dwelling and the policies of the current Dublin City Development Plan, it is considered that the proposed development would not seriously injure the residential or visual amenity of the area and would not detract from the character or setting of the adjacent Protected Structures and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - a. The building depth to the rear of the proposed dwelling shall be reduced by 1m on the ground and first floor;
 - b. A minimum internal storage space of 4m² shall be provided in the dwelling;
and
 - c. The proposed first floor window in the northern elevation shall be obscure glazing to a height of 1.5m.

Prior to the commencement of development revised drawings showing the above modification shall be submitted to and agreed in writing with the Planning Authority.

Reason: In the interest of residential amenity.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

4. 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.

5. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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

Karen Hamilton
Planning Inspector

16th of November 2016