



An
Bord
Pleanála

Inspector's Report PL06D.247248

Development	Demolition of a disused Methodist meeting hall and replace it with a house and associated site works.
Location	104 Roebuck Road, Clonskeagh, Dublin 14
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D16A/0467.
Applicant(s)	Ballyprior Properties.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Ballyprior Properties.
Observer(s)	1. Robert and Josephine Ryan.
Date of Site Inspection	09.12.2016
Inspector	Fiona Fair.

1.0 Site Location and Description

- 1.1. The application site, with a stated 0.042 ha, is located on the northern side of Roebuck Road in Clonskeagh Dublin 14.
- 1.2. The site encompasses a single storey detached vacant building (stated GFA 85 sq m. 5.87m in height) which was formerly in use as a Methodist Meeting Hall. It is stated on file that the Methodist Meeting Hall was constructed in the 1930's. A photographic survey of the building has been submitted with the appeal documentation.
- 1.3. The site is bounded to the north by Roebuck Road, to the east by No. 106 Roebuck Road and to the west by 102 Roebuck Road. The dwellings to the east and west comprise substantial two storey detached dwellings on large sites.
- 1.4. The appeal site has a frontage of some 7.8m onto Roebuck Road No. 104 Roebuck Road, the subject appeal site, is set back approx. 5.5m from the established building line of the adjoining dwellings fronting onto Roebuck Road. The site is well defined by a stone wall some 1.2m high to the front with pedestrian gateway and with c.1.3 - 1.8m high stone boundary walls and mature planting to the rear.

2.0 Proposed Development

2.1. Permission for:

- Demolition of existing disused Methodist meeting hall
- Construction of a new two storey four bedroom dwelling house,
- New vehicular Access onto Roebuck Road
- Associated drainage and site works

Inspectors Note: Revised plans and drawings were submitted with the Appeal. The proposed dwelling has been reduced from a GFA of 222 sq. m to 213 sq. m. This includes a reduction of 11 sq. m at first floor.

3.0 Planning Authority Decision

3.1. Decision

Planning permission refused. The reasons for refusal state:

‘Having regard to the proposed height and length of the two-storey elements combined with the proximity of the proposed dwelling to the adjoining dwellings, it is considered that the proposed dwelling would lead to overshadowing and would be overbearing of the adjoining dwelling to the east, No. 106, would be overbearing of the adjoining dwelling to the west, No. 102, would seriously injure the residential amenities of No.s 102 and 106, and therefore would not comply with the zoning objective on the site Objective ‘A’-‘To protect and/or improve Residential Amenity’ of the 2016-2022 County Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area’.

2. ‘Having regard to the proposed scale and massing of the proposed development, the proposed development would not comply with Section 8.2.3.4 (vii) Infill of the 2016-2022 County Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area’.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planning Report: The planning report supports the draft decision to refuse planning permission. It raises serious concerns with respect to negative impact of the proposed dwelling on the residential amenity of adjoining dwellings, no. 102 and 106.

3.2.2. Other Technical Reports

- Drainage Planning Report: No objection subject to conditions
- Transportation Planning Report: No objection subject to conditions

3.3. **Third Party Observations**

Observation / Objection received concerns raised are similar in nature to those raised in the observation on file, summarised below.

4.0 **Planning History**

None

The planning report on file refers to pre planning discussions held in May 2016 regarding the proposed development, Ref. PAC/155/16.

5.0 **Policy Context**

5.1. **Development Plan**

The operative plan for the area is the Dún Laoghaire-Rathdown County Council Development Plan 2016 - 2022. The site is located in an area where the land use zoning objective is 'A' – to protect and/or improve residential amenity'

The following Sections of the County Development Plan are of relevance:

Section 8.2.8.4 (i) Private Open Space for Houses.

Section 8.2.3.4 (vii) Infill

Section 8.2.3.4 (xiv) Demolition and replacement dwellings

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- Revised Plans, Shadow Analysis, Photographic survey and O.S Maps have been submitted with the first party appeal.
- The existing structure while not a two storey structure is higher than normal for a single storey structure with a height of some 5.87 m
- The pitched roof section of the existing building extends approx. 11.8m to the rear of the two storey element of no. 106, with a separation distance of 2.683m

- Sun Shadow Analysis has been submitted for the existing situation on the ground. It is submitted that from this analysis that the existing structure casts afternoon and evening shadows over the garden area of no. 106 to differing extents throughout the year.

Re-Design / Impact Upon Amenity

- Propose that the footprint of the new house be reduced to match that of the existing structure.
- Propose that the first floor plan be reduced in depth to match the existing building depth.
- By omitting the pitched roof of the rear first floor section and replacing it with a flat roof section to the same height as that of the existing building the overall scale and mass will be reduced and therefore there would be no change to the residential amenity of no. 106 Roebuck Road.
- No. 102 has a shallower two storey footprint than the proposed dwelling, the revised positioning of the proposed dwelling will ensure that the two storey pitched roof section will be 2.5m beyond the line of the nearest 2 storey section to the rear of no. 102
- The proposed building will be set back from the boundary by 1.0m for a reduced distance of 12.5m which is the same extent as the existing structure and by reducing the scale and height to match that of the existing structure there would be no overbearing impact.
- The proposed inset balcony to the rear of the first floor has been removed.
- The proposed FFL is lowered 450mm below the existing level to minimise impact.

Finishes

- It is intended that the front elevation would be finished in selected clay brick with panels of render to rear and side elevations.

Compliance with Policy

- Contend that the redesigned proposed dwelling complies with Section 8.2.3.4 (Vii) of the 2016 – 2022 DLRDCDP

Significance of the Building

- Full Survey of the existing hall incl. photographic survey. It is submitted that the building is extremely basic in detail with little or no architectural merit.
- While the meeting hall has been used up to 2015 there is no evidence available as to who may have used the meeting hall.
- An investigation into whether there are examples of other similar buildings in existence has found no evidence of any such buildings.
- Policy AR5 Building of Heritage Interest and Policy AR8 Twentieth Century Buildings / Estates do not apply in this case given the small insubstantial nature of the existing meeting hall.
- The existing building is a small meeting hall built in early 1939 – 1940 investigation of the older OS maps of the site show no evidence of any earlier buildings, religious or otherwise on the site.

Other Issues Raised

- Copy of OS maps attached for reference
- Lease / title documents for the meeting hall indicates that the building together with two number houses was built, in 1939 – 1940, with the sole permitted use as a meeting hall.

6.2. Planning Authority Response

Response received it is summarised as follows:

- It is noted that amendments have been made to the proposal post decision by the p.a.
- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the planning authority, would justify a change of attitude to the proposed development.

6.3. Observations

6.3.1. An observation was received from Robert and Josephine Ryan, owners of 106 Roebuck Road, it is summarised as follows:

- A new application for planning permission is required
- Query the appropriateness of An Bord Pleanala being asked to rule on the submitted revised proposal
- Revised proposal does not adequately address the issues of concern.
- Any new design should go through the proper planning process.
- Comments on Original Proposal as Assessed and refused by DLRDCC
 - Loss of residential amenity to 106 Roebuck Road through overdevelopment
 - Bulk, height and proximity will have an overbearing physical presence on 106
 - Overshadowing of 106
 - 161% increase in GFA
 - Increased height will result in the owners of 106 Roebuck losing the natural light and sky view from side window within their kitchen / family room and also from skylight window
 - Loss of privacy
 - Existing side windows in the meeting hall are high to prevent overlooking. All windows and door at ground floor level on the eastern elevation must be fitted with obscure glass.
 - First floor balcony will result in loss of privacy to 106
 - The meeting hall was in use, incl. Sunday church services, until the recent sale of the building and has been sufficiently maintained by the previous owner for such use.
- Observations in relation to the revised scheme as submitted to An Bord Pleanala.

- Loss of residential amenity through overdevelopment
- The current eaves height of the meeting hall shall be raised by 1.2m along the side of 106 Roebuck Road and ridge raised by 1.5m resulting in the loss of natural light and sky views from side window of 106
- Revised proposals for a flat roof with parapet top will raise the eaves height by 700mm over and above what was originally proposed, thereby increasing rather than reducing the overbearing physical presence of the building.
- The proposal increases the ground floor area by 34 sq. m to 119 sq. m
- The revised ground floor area shall be greater than the earlier submitted scheme which was refused by the p.a.
- The Spring Equinox (1300 hrs), Summer Solstice (1700 hrs) and Autumn Equinox (1300 hrs) diagrams all indicate that the proposal casts a greater shadow over 106 Roebuck Road than the existing meeting hall.
- Overlooking shall result from the proposed large side window to the living/dining room to the rear garden of no. 106 Roebuck Road as the party boundary wall varies in height and the trellis does not provide any visual blockage between the properties.
- The original proposal indicated obscure glass to the landing window at first floor, with clear glazing to the ground floor hallway. The revised scheme has no indication of obscure glass to either window and therefore 106 will be overlooked, resulting in loss of privacy.
- The meeting hall was used for religious services twice every Sunday and there was a notice board on the front wall indicating the times of service.
- The vendor of the hall was the Pastor and further information required may be obtained from him.

7.0 Assessment

I consider the key issues in determining this appeal are as follows:

- **Revised Plans**
- **Overdevelopment / Impact Upon Residential Amenity**
- **Appropriate Assessment**

7.1. Revised Plans

- 7.1.1. The applicant is seeking permission to demolish the existing Methodist meeting hall (with a stated GFA 85 sq m and height of 5.87m) and replace it with a house. The planning authority has refused permission for two reasons, set out in detail in section 3.0 of this report, above.
- 7.1.2. The notification of decision to refuse planning permission considered that the proposed height and length of the two storey elements combined with the proximity of the proposed dwelling to the adjoining dwellings would lead to overshadowing and overbearing to adjoining dwellings 102 and 106 resulting in serious injury to residential amenity, thereby, being contrary to the land use zoning objective 'A'. The second reason for refusal considered that the proposed scale and massing would be contrary to section 8.2.3.4 (Vii) Infill of the 2016 – 2022 DLRDCDP.
- 7.1.3. The site area is stated as 0.042 ha. It is acknowledged that the site with dimensions of 7.8m in width x 53.2m in depth is narrower than the adjoining plots. It is also acknowledged that the appeal site is zoned with the land use objective 'A' and that there is an existing disused building on the site. The existing building is, I note, not a protected structure. The planning authority have raised the significance of the building as an issue of concern and advise that in any subsequent application the applicant should consider in greater detail the architectural, historical, social and cultural interest of the building. Survey information and architectural assessment of the building submitted indicates that the building is of no architectural, historical or cultural significance, this I note is not disputed by the planning authority. Given the information on file I consider the proposal to demolish the existing vacant and

unused structure and its replacement with a habitable structure is reasonable and acceptable in principle.

7.1.4. The First Party in their appeal requests that the Board consider a slightly revised design, from that considered by the planning authority, which seeks to overcome issues of overlooking, overshadowing and overbearing for adjoining properties. A revised schedule of drawings has been submitted with the appeal. The revised design put forward by the applicant is as follows:

- The footprint of the new house reduced to match that of the existing structure. Originally a dwelling with overall GFA 222 sq. m comprising 105 sq. m at first floor and 117 sq. m at ground floor, revised proposal comprises a dwelling with a GFA of 213 sq. m comprising 94 sq. m at first floor and 119 at ground floor.
- The first floor plan is reduced in depth (from 21.6 to 18.2m) to match the line of the existing building depth – regard is had the forward move of building line.
- Omission of the pitched roof of the rear first floor section and replacing it with a flat roof section to the same height as that of the existing building.
- The two storey element of the proposed dwelling will extend approx. 7m to the rear of the two storey element of no. 102 which is exactly the same line as the existing structure
- The revised positioning of the proposed dwelling (forward in line with established building line) will ensure that the two storey 'pitched roof section' will be 2.5m beyond the line of the nearest two storey section to the rear of number 102 and 4.8m to the rear of the two storey element of number 106
- The proposed dwelling will be set back from the eastern site boundary with number 106 by 1.0m
- The proposed balcony to the rear at first floor, off the Master bedroom, has been omitted.
- The proposed floor level is to be lowered by 450mm below the existing FFL

7.1.5. I note the first party have not submitted revised public notices. Regard being had to Section 132(1) of the Planning and Development Acts 2000-2006 it is my opinion the

revisions put forward by the applicant are not too significant a deviation from that considered by Dun Laoghaire Rathdown County Council, regard being had to proposed height, design, scale and nature of the proposal. I am of the opinion that the revision is such that revised public notices are not required. The third party in this case, is aware of the amendments proposed, and have made an observation on the revised plans. Therefore, third party rights are not infringed. I have therefore had regard in my assessment to those amended proposals submitted with the appeal.

7.2. Overdevelopment / Impact Upon Residential Amenity

- 7.2.1. Regard is had to concerns raised by the third party in particular with respect to over development, loss of light, overshadowing, overbearing and overlooking. I note that the proposals for a flat roof with parapet top will raise the eaves height above what was originally proposed and that of the current eaves height of the meeting hall. However, having regard to all of the information before me, and having conducted a visit of the site and its environs, I am of the opinion that the revised scale, mass and design of proposed development, as per the drawings submitted to The Board, is acceptable in the context of existing permitted development. This is a detached infill site which is well contained both physically with high walls and visually.
- 7.2.2. The reduced scale of the proposed development is not excessive in its context. The amended proposal complies favourably with section 8.2.3.4 (VII) of the 2016 – 2022 County Development Plan which states ‘new infill development shall respect the height and massing of existing residential units’. The ridge height of the proposed dwelling is lower than both adjoining houses 102 and 106. The new dwelling, with a GFA of 213 sq. m, respects the established building line and the rear section of the proposed house has been revised to align with the footprint of the existing building.
- 7.2.3. In particular regard is had to the Shadow Analysis submitted for the Spring Equinox (March 20th at 0900, 1300 and 1700), Summer Solstice (June 20th at 0900, 1300 and 1700), Autumn Equinox (September 22nd at 0900, 1300 and 1700) and Winter Solstice (December 21st at 0900, 1300 and 1700) for the existing scenario and for the proposed development. While the third party notes that a greater shadow would be cast by the proposed development over 106 Roebuck Road should the proposed

development be permitted, I am of the opinion that the degree of shadow cast is not such a deviation from the existing situation such that the proposal would diminish residential amenity to a significant or material degree to warrant a refusal of planning permission in this regard.

- 7.2.4. There are currently no views into / from adjoining rear gardens from ground level. I do not agree with the third party that overlooking would arise from ground floor windows. I have no concerns with respect to overlooking from non-habitable hall, bathroom and en-suite obscure windows proposed at first floor level. I recommend, however, that the proposed 'opaque glass' window serving the master bedroom on the western gable elevation be omitted by way of condition.
- 7.2.5. The appeal site is inimitable and each planning application is accessed on a case by case basis. I consider that the revised design, comprising reduced scale and height of the proposed development taken together with existing development on the site and in the vicinity, the size of the site and screening is such that the proposal would not give rise to overdevelopment of the site, would not be visually incongruous or diminish residential amenity so as to warrant a refusal of permission.

7.3. Appropriate Assessment

- 7.3.1. Overall I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature of the proposed development, urban location and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

- 8.1.1. I recommend that the decision of the planning authority be overturned and planning permission be Granted to the proposed development.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the land-use zoning of the site 'residential', the existing pattern of development on the site and in the vicinity it is considered that subject to compliance with the conditions set out below, the amended development, as submitted to the Board on the 12th September 2016, would not seriously injure residential amenity of property in the vicinity. 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, as amended by the further plans and particulars submitted to An Bord Pleanála on the 12th September 2016, 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. (a) The proposed 'opaque glass' window serving the master bedroom on the western gable elevation shall be omitted.

(b) The en-suite, bathroom, stairwell and hall windows at first floor on the eastern and western elevation shall be glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property

3. The external finishes of the proposed development shall be as indicated on the plans and drawings submitted.

Reason: In the interest of the visual amenity.

4. Water supply and drainage arrangements, including the attenuation and 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. (i) The new 3.5m wide vehicular entrance shall be centred along the front boundary of No. 104 Roebuck Road

(ii) The gates for the proposed new vehicular entrance shall comprise bi-folding gates or bi-parting sliding gates to avoid conflict with future vehicles using the proposed new driveway / parking area.

(ii) The footpath in front of the new driveway vehicle entrance shall be dished and strengthened at the developer's expense in accordance with the requirements of the Roads Maintenance and Roads Control Section of the planning authority.

Reason: In the interest of traffic safety.

6. That all necessary measures be taken by the contractor, including the provision of wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

7. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 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 residential amenities of property in the vicinity

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall

provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

9. 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.

Fiona Fair

Planning Inspector

13.12.2016