



An
Bord
Pleanála

Inspector's Report PL29S.247286.

Development	Demolish building and erect a three storey apartment building to include two apartments.
Location	71 Pleasants' Place, to the rear of 71 Camden Street Lwr, D2.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	2311/16.
Applicant(s)	Yvonne Coffey.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	Alison Dwyer.
Observer(s)	None.
Date of Site Inspection	15 th of December 2016.
Inspector	Karen Hamilton.

1.0 Site Location and Description

1.1. The site contains a large two storey commercial building and fronts onto Pleasants Place, a narrow one-way street connecting Gantham Street to the north and Pleasants Street to the south, and backs onto 71 Camden Street, in Dublin 2. There is a mix of residential and commercial along Pleasants Place. There is a dwelling attached to the south and a carpark to the north serving a public house.

2.0 Proposed Development

2.1. The proposed development includes the following:

- Demolition of an existing two storey warehouse and office building (50m²);
- Construction of a three storey apartment building, with set back on the second floor, accommodating the following:
 - Vehicular and pedestrian access directly off Pleasant Lane,
 - A one-bedroom apartment on the second floor (74m²),
 - A two-bedroom apartment over the ground and first floor (103m²).

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission. Condition of note includes the following:

- C 3 which requires details and samples of proposed screening of the private open space to be submitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission. Further information was requested to ensure apartment sizes compliance with the minimum DECLG standards, provision of adequate open space provision and appropriate

screening for the rood terrace. Clarification of further information was requested in relation to clarify the quantum and design of the private amenity space on all levels.

3.2.2. Other Technical Reports

Drainage Section- No objection subject to conditions

Roads and Traffic Planning Section- No objection subject to conditions.

Irish Water- No report received.

3.3. Prescribed Bodies

Transportation Infrastructure Ireland-No objection subject to a condition relating to the Metro North Section 49 Levy Scheme.

3.4. Third Party Observations

One objection was received. The issues raised relate to the impact on residential amenity and are reflected in the grounds of appeal.

4.0 Planning History

The subject site

3995/15

Permission refused for the demolition of a two storey warehouse and office building and construction of a three- storey apartments building for reasons of substandard private open space and impact of a three storey building on the residential amenities.

71 Camden Street

2908/15

Permission granted for the retention of a restaurant on the ground and first floor.

5.0 Policy Context

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

Section 5.3.2: Space requirements and room sizes

5.2. Development Plan

Dublin City Council Development Plan 2016-2022

The zoning objective on the site is Z1 *“To protect, provide and improve residential amenities”*

5.2.1. Apartment development

Section 16.2.2.2 Infill Development. Gap sites shall respect the plot size and surrounding area

Section 16.10.1 Residential Quality Standards – Apartments Private Open Space

At ground floor level, private amenity space shall incorporate boundary treatments appropriate to ensure privacy and security. Where balconies or terraces are provided, they should be functional, screened with opaque material, have a sunny aspect, and allow all occupants to sit outside, including wheelchair users. They should also minimise overshadowing and overlooking. The primary balcony should be located adjacent to the main living areas to extend the apartments’ living space. The minimum depth of private amenity open space (balcony or patio) shall be 1.5m and the minimum size shall be as follows:

Minimum area for Private Open Space

- Studio unit: 4 sq.m.
- 1-bedroom unit: 5 sq.m
- 2-bedroom unit: 7 sq.m.
- 3-bedroom unit: 9 sq.m.

Balconies with access from multiple rooms may enhance the amenity of an apartment.

5.2.2. The front of the site, which is not the subject of this application, at 71 Camden Street, is included within an Architectural Conservation Area therefore the following policy and guidance apply.

CHC4: To protect the special interest and character of all Dublin’s Conservation Areas (Section 11.1.5.4).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by the owner of the adjacent residential property at No 70 Pleasants Place and the main issue raised in the grounds of appeal refers to:

- Condition 3 “*Prior to commencement of development the Developer shall submit details and samples of the proposed screens to the private open space for the written approval of the Planning Authority*”. The inclusion of this condition removes the possibility of any further public observation.
- Concerns were raised regarding privacy and security issues arising from the balcony.

6.2. Applicant Response

The agent on behalf of the applicant has responded to the grounds of appeal as follows:

- Drawing No 16.6.07A (further information) included details of the privacy screen.
- The drawing illustrates a screen at 1.6m in height and is located 1.2m from the southern boundary.
- The boundary ensures that any activity from the private amenity space will have no impact on any adjoining property.

6.3. Planning Authority Response

No response received.

6.4. Observations

None received.

7.0 Assessment

I am satisfied that the principle of the residential use at this site is acceptable and the revised plans comply with the development plan standards with respect to apartments size, car parking and design. Therefore, the main issues of the appeal can be dealt with under the following headings:

- Impact on Residential Amenity.
- Other Matters
- Appropriate Assessment

7.1. Impact on Residential Amenity.

The proposed development includes a three storey residential development with garden on the ground floor and balconies on the first and second floor. There is a two storey residential dwelling attached at the south of the site with a recessed balcony on the first floor facing onto Pleasants Lane. The grounds of appeal argue Condition 3 is not reasonable as it does not allow for submissions which may have an impact on the residential amenity.

I have assessed the proposed balconies and the impact on the private amenities of the adjoining dwelling and I consider there are two aspects, the first is the design and location of the balconies and the second is the inclusion of Condition No 3. I have assessed each of these below.

- 7.1.1. Design and Location: Section 16.10.1 of the development plan provides guidance on the design, size and location of private amenity space for apartments and requires screening with opaque materials.

The boundary treatment of the private amenity space facing the rear of 71 Camden Street includes a 2m high timber fence on the ground floor and a 1.2m clear glazed guard for the first and second balconies. I note the inclusion of obscure glazing for the windows on the commercial building at No 71 Camden Street and the recessed nature of the proposed upper floor balconies. I do not consider the location or design of these open spaces would have a negative impact on any residential amenities although I consider the use of materials on the first and second floor balconies

should be opaque, as per the requirements of the development plan, and I consider this could be conditioned

The boundary treatment of the first-floor balcony facing Pleasant Place is a 1.2m high clear glazed guard and the second floor is a 1.6 m high timber fence with additional planters along the south and 1.2m high block wall to the north and west. The location of the first-floor balcony of the appellants dwelling to No 70 Pleasants Place is located below the second floor balcony and 1.2m from the boundary. Based on the location of the proposed second floor terrace I do not consider the height of the proposed 1.6m boundary treatment sufficient boundary to prevent any overlooking on the adjoining private amenity space, although I consider the use of an opaque screen would ensure compliance with the development plan and I consider this could be conditioned.

- 7.1.2. Condition No 3: states “*Prior to commencement of development the Developer shall submit details and samples of the proposed screens to the private open space for the written approval of the Planning Authority*”. I note drawing 16.07.07A was submitted as significant further information and indicates a 1.6m high timber screening with planters for the southern boundary treatment on the second-floor balcony. These details were advertised as significant further information and further submissions were invited at this stage and I consider the appellant had the opportunity to make a submission. I consider there is sufficient information contained in the submitted plans to make decision on the boundary treatment and I consider it appropriate to include a condition requesting the submission of specific boundary treatment, as stated above in Section 7.1.1

Other Matters

- 7.2. Transportation Infrastructure Ireland made a submission on the proposed development, requesting the inclusion of a condition relating to the Metro North Section 49 scheme. I note this Section 49 scheme has been retracted and therefore I do not consider it appropriate to include this as a condition.

Appropriate Assessment

- 7.3. Having regard to the nature and scale of the proposed development within a serviced 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 provisions of the current development plan for the area, and the nature and scale of the development proposed, it is considered that subject to the proposed amended condition the proposal would 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 screen wall along the south of the second floor western balcony shall be finished with brick and opaque glazing. All other walls in this balcony shall be constructed in brick to match the brick of the building.
 - (b) The screen walls of the balconies on the first floor of the western balcony and the first and second floor of the eastern balcony shall be finished with opaque glazing.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity

3. 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

4. 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

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Karen Hamilton
Planning Inspector

23rd of December 2016