



An  
Bord  
Pleanála

## Inspector's Report PL29S.247771

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<b>Development</b>	Two apartments with dormer windows and balconies in the roof space of an existing building & internal alterations.
<b>Location</b>	Junction of St Laurence Road and Chapelizod Hill Road, Dublin 20.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3500/16
<b>Applicant(s)</b>	Peter & Loretta Schmidt
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	27 <sup>th</sup> March 2017
<b>Inspector</b>	Karla Mc Bride

## 1.0 Site Location and Description

The appeal site is located in Chapelizod on the west side of Dublin and the surrounding area is predominantly residential in character. The site is located on the corner of Chapelizod Hill Road and St Laurence Road (Liffey Terrace) on the west side of the River Liffey. The site is occupied by a recently constructed 2-storey "L" shaped building which comprises ground floor retail and restaurant units with residential uses over. The site boundaries are defined by walls and vehicular access is off Liffey Terrace to the NE. The site is bound by existing residential uses comprising 2-storey terraced houses to the N, S and E, and apartments to the W. Photographs and maps in Appendix 1 describe this relationship in more detail.

## 2.0 Proposed Development

Permission is being sought to provide 2 x 1-bed units in the roof space of the existing 2-storey building which contains two apartments (Nos.1 & 2) at first floor level:

- No.3 would be c.62sq.m, and 10.5m wide, c.5-8m deep & 1.6-2.4m high.
- No.4 would be c.50sq.m, and 9m-2m wide, c.2m-5m deep & 1.2-2.4m high.
- The units would be lit by a mix of windows, dormer windows and roof lights.
- Private amenity spaces would be provided by way of balconies.
- Internal alterations to the first floor staircase.
- Associated site works including a bicycle rack within the car park with no change to existing vehicular access arrangements.

The floor areas, internal dimensions, dormer windows and balconies have been slightly altered in the FI and appeal submission.

## **3.0 Planning Authority Decision**

### **3.1. Further Information**

The applicant was required to submit the following information:

1. A schedule for the existing and proposed uses including floor area and private open space data.
2. Section drawings for each room to demonstrate that they meet minimum floor to ceiling height requirements as per s.3.14 the Sustainable Urban Housing Design Standards for Apartments-Guidelines for PAs (DoECLG 2015).
3. Consider the provision of fixed vertical windows (not roof lights) for each habitable room, the orientation of these rooms, and the potential for overlooking to the rear from the proposed dormer windows.

### **3.2. Decision**

The PA decided to refuse permission for 2 reasons which are summarised below:

1. Proposal would be substandard with regard to the minimum provision of private open space, communal open space and storage space for each of the units as set out under Section 16.10.1 (Residential Quality Standards- Apartments) of the DCDP 2016-2022 and the DoECLG 2015 Sustainable Urban Housing Design Standards for Apartments. The proposal would seriously injure the residential amenity of potential residents.
2. Proposal would provide either habitable rooms lit and ventilated solely by roof lights, contrary to Section 16.10.1 of the DCDP 2016-2022 or, as proposed as a modification following submission of FI, would provide habitable rooms which directly overlook nearby residences. The proposal would be detrimental to the amenity of potential residents and would seriously injure the amenity of existing residents.

### 3.3. Planning Authority Reports

Planning Officer: Recommended refusal following the receipt of FI.  
Drainage Division: No objection subject to conditions.  
Roads and Traffic: No objection subject to conditions.

### 3.4. Prescribed Bodies

Application circulated with no submissions received.

### 3.5. Third Party Observations

None received.

### 3.6. Planning History

**Reg. Ref. 4783/04:** Permission refused for the demolition of the existing buildings (2-8 St Laurence's Road) and the erection of a 3-storey block containing 3 ground floor retail units and 5 first and second floor apartments. Decision upheld under PL29S.210115 for two reasons related to: - out of character with the area and injury to amenity; and overdevelopment with inadequate provision of private open space.

**Reg. Ref. 2156/06:** permission granted for the demolition of the existing buildings and the erection of a 2-storey block containing 2 ground floor retail units and 3 first floor apartments (reduced to 2 units by Condition no.2 of PL29S.218599).

**Reg. Ref. 5237/08:** permission granted for the change of use from retail to restaurant (takeaway & delivery element omitted by Condition no. 3 of PL29S.233503 which required the provision of a seated restaurant only).

**Reg. Ref.3223/13:** permission refused for 2 reasons for the retention of the takeaway & delivery element and amended operational hours; internal layout; external front signage; external rear ductwork; and front doors to restaurant.

## 4.0 Policy Context

### 4.1. Sustainable Urban Housing Design Standards for Apartments-Guidelines for Planning Authorities (DoECLG 2015)

Section 3 of the Guidelines contains Apartment Design Standards that have been incorporated into Section 16.10.1 (Residential Quality Standards-Apartments) of the Dublin City Council Development Plan 2016 to 2022 (summarised below).

### 4.2. Dublin City Council Development Plan 2016 to 2022

#### Zoning objective:

The proposed development would be located within an area covered by the “Z1” zoning objective in the Development Plan which seeks to “To protect, provide and improve residential amenities.”

The proposed development would be located adjacent to an area covered by the “Z2” zoning objective in the Development Plan which seeks to “To protect and/or improve the amenities of residential conservation areas.”

#### Heritage:

Protected Structures:	The Bridge Inn Pub is located opposite.
Architectural Conservation Areas:	The site is located in the Chapelizod ACA.
Conservation Areas:	The site is located on the SW edge of a CA that covers the Phoenix Park, Chapelizod Village and the River Liffey.

**CHC4:** To protect the special interest and character of all Dublin’s Conservation Areas (11.1.5.4). Development within or affecting all conservation areas will contribute positively to the character and distinctiveness; and take opportunities to

protect and enhance the character and appearance of the area and its setting, wherever possible.

### **Section 16.10.1 (Residential Quality Standards-Apartments)**

#### **Minimum dimensions for 1-bed units:**

Floor area:	45sq.m.
Living/dining/kitchen:	23sq.m. & 3.3m wide
Double bedroom:	11.4sq.m. & 2.8m wide
Storage areas:	3sq.m
Ceiling Heights:	2.4m
Private Open Space:	5sq.m & 1.5m deep balconies extending from living area
Communal Open Space:	5sq.m. per 1-bed unit (7sq.m per 2-bed unit)

**Aspect/Natural Lighting/Ventilation/Sunlight:** living rooms & bedrooms should not be lit solely by roof lights, and all habitable rooms must be naturally ventilated and lit.

#### **Car parking standards - Area 3 (Map J & Table 16.1)**

- 1.5 spaces required per residential unit
- 1 cycle space per residential unit

#### **4.3. Natural Heritage Designations**

The following NPWS designated areas are located within a 5km radius of the site:

- South Dublin Bay SAC (Site code: 000210)
- South Dublin Bay & River Tolka Estuary SPA (Site code: 004024)
- South Dublin Bay pNHA (Site code: 000210)

## 5.0 The Appeal

### 5.1. Grounds of First Party Appeal

#### Reason no.1:

- The revised layout drawings indicate slight amendments to the private open space in the form of balconies for the two apartments.
- Unit no.3 now has a 6.91sq.m. balcony to the rear with direct access off the living room, located within the footprint of the building with a 600mm projection and a 1.8m high opaque screen; no.4 has a 7.46sq.m. balcony to the front; and both balconies exceed the 6sq.m. minimum requirement.
- Unit no.3 now has a 3sq.m. storage room with additional storage in the entrance hall (1sq.m. & 2sq.m); no.4 now has a 3.5sq.m. storage room with additional storage in the entrance hall (1sq.m. & 2sq.m); and both storage areas exceed the 3sq.m. minimum requirement.

#### Reason no.2:

- The internal layouts have been altered to ensure that the dormer structures are capable of providing an adequate level of light, ventilation and means of escape for both units without compromising the privacy of neighbouring properties.
- The dormer window at no.3 has been designed at an angle to direct the view to the S where the closest house is c.20m away and the main panel will comprise fixed opaque glass to allow light in but prevent overlooking; the dormer window at no.4 has been redesigned as a single structure with fixed opaque glass to allow light in but prevent overlooking; each of the dormers will have a side opening panel for light, ventilation and escape.

**Other matters:**

- No Third Party or interdepartmental objections.
- The revised proposal now compiles with the requirements of S.16.10.1 of the DCDP and DoECLG 2015.
- No adverse impacts on the residential amenity of future occupants or neighbouring properties.

**5.2. Response submissions**

No submissions from Prescribed Bodies, no Observations received, and no further concerns raised by the Planning Authority.



## 6.0 Assessment

The main issues arising in this case are:

- Principle of development
- Visual amenity and heritage
- Residential amenity
- Other issues

### 6.1. Principle of development

The appeal site is located within an area covered by the “Z1” zoning objectives in the current Dublin City Council Development Plan which seeks to “To protect, provide and improve residential amenities” and the proposed development would be compatible with this objective, subject to compliance with other requirements.

### 6.2. Visual amenity and heritage

The appeal premises occupies a prominent corner location at the junction of Chapelizod Hill Road and St. Laurence Road on the W side of Chapelizod Village, in close proximity to the Anna Liffey Bridge. The recently constructed building is located within the Chapelizod Village Architectural Conservation Area, opposite The Bridge Inn Public House which is a Protected Structure, and beside a “Z2” Residential Conservation Area which comprises a terrace of 2-storey Edwardian houses. It is also located on the SW edge of an extensive Conservation Area that covers the Phoenix Park, sections of the River Liffey and most of Chapelizod Village.

The existing 2-storey red brick building has a slated pitched roof that curves around the corner of Chapelizod Hill Road and St. Laurence Road, and it adjoins the neighbouring terrace of 2-storey red brick houses to the W along Chapelizod Hill Road. The existing frontage contains a range of windows, balconies and entrance doors of various sizes at ground and first floor levels. The three first floor balconies

project beyond the front elevation whilst the large corner window curves around in line with the roof profile.

Planning permission is being sought to provide two additional apartments in the existing roof space. The proposed works would include the installation of several windows, dormer windows, balconies and roof lights in the existing front and rear elevations and roof planes. The openings would be rectangular in configuration and the sizes would vary and some (but not all) of the openings would be located above the existing first floor balconies and windows. The proposed development has been amended by way of the Further Information and the appeal submission. The proposed amendments would result in some of the roof lights in the rear roof plane being replaced by dormer windows along with a large increase in the scale and depth of the dormer structure in the N corner of the front roof plane. I have no doubt that the number, size and location of the proposed openings (before and after the modifications) would give rise to an asymmetrical and cluttered appearance.

Having regard to the prominent corner position of the existing building and its location within a sensitive architectural heritage area, and to the design and layout of the existing building, with particular regard to the contrast between the detailed fenestration arrangements and the plain roof profile, I am satisfied that the proposed roof installations would be visually obtrusive, and they would seriously injure the visual amenities of the surrounding streetscape and the ACA within which the building is located.

### **6.3. Residential amenity**

Planning permission is being sought to provide two 1-bed apartments in the roof space of an existing 2-storey building which is occupied by retail and restaurant use at ground level and by 2 apartments at first floor level.

It is noted that planning permission was refused by the Board under PL29S.210115 for a 3-storey block containing 3 retail units and 5 apartments. The 2 reasons for refusal related to the character of the surrounding area and injury to amenity; and overdevelopment and inadequate private open space. Permission was subsequently granted for a 2-storey building on the site, although the Board reduced the number of apartments from 3 to 2 under PL29S.218599.

Following the receipt of Further Information in relation to floor area and private open space data; compliance with minimum floor to ceiling height requirements; and proposals to deal with windows, orientation and overlooking; the planning authority decided to refuse permission for two reasons. These reasons related to substandard provision of private open space, communal open space and storage, all of which would seriously injure the residential amenity of potential residents; and the poorly lit and ventilated units which would injure the amenities of future occupants, whilst the proposed FI modifications to the windows would overlook and injure the amenity of neighbouring residents.

**Original proposal:**

Under the original proposal, unit no.3 would be c.62sq.m with a c.1.6m to 2.4m floor to ceiling height, and it would be lit by a series of roof lights with a window in the front and rear elevations and a small balcony to the rear. No.4 would be c.50sq.m with a c.1.2m to 2.4m floor to ceiling height, and it would also be lit by a series of roof lights with a dormer window in the front roof plane and a small balcony. A second dormer window and balcony located in the approximate centre in the front roof plane would provide light to a shared lobby.

**Further information modifications:**

The Further Information response identified the area of each unit that would have a floor to ceiling height in of 2.4m which included a substantial proportion of the main living areas and bedrooms. Under the proposed FI modifications, the roof lights in the rear roof plane of the bedrooms in unit no.3 and no.4 and the living room at unit no.4 would be replaced with 3 dormer windows. The balcony to the rear of unit no.3

and the dormer in the front roof plane of unit no.4 would be slightly enlarged to provide c. 4.49sq.m. and c. 4.29sq.m of private open space respectively. There would be no change to the dimensions of the second dormer and balcony in the front roof plane.

### **Assessment of original and modified proposals:**

Having examined the original proposal and the FI modifications, I would concur with the concerns raised by the planning authority in relation to the potential impact of the proposed development on the residential amenities of future occupants and on the neighbouring properties to the rear. The proposed units would be substandard in relation to the under provision of private and communal open space and storage, the predominance of roof lights and the absence of an appropriate means of escape in the event of a fire. The applicant has demonstrated that the floor to ceiling height would be 2.4m over a large proportion of the floor area. However, it is noted that a significant proportion of the floor to ceiling height would be under 2m having regard to the steeply sloping nature of the roof pitch. Therefore, the amount of useable floor space would be substantially less than the 62sq.m and 50sq.m proposed for unit no.3 and no.4 respectively. The proposed additional dormer windows in the rear roof plane would overlook the neighbouring properties to the rear along Chapelizod Hill Road which are located in close proximity to the existing building.

### **Appeal modifications:**

The applicant sought to address the planning authority's two reasons for refusal in their appeal submission. The internal layout has been reconfigured to provide additional storage space and private open space, and enlarged dormer structures to provide additional natural light and ventilation, as summarised in section 5.1 above. The floor area of unit no.3 has been reduced from 62sq.m to 60.58sq.m. and the floor area of unit no.4 has been increased from 50sq.m. to 56sq.m.

### **Assessment of appeal modifications:**

The storage space in both units is considered acceptable. The balcony to the rear of unit no.3 and the dormer window and balcony to the front of unit no.4 would be enlarged to provide c.6. 91sq.m and c.7. 46sq.m of private amenity space respectively which exceeds the 6sq.m. minimum Development Plan requirement. The balcony to the rear of unit no.3 would be fitted with a 1.8m high opaque screen to protect the neighbouring properties from being overlooked which is considered acceptable. However, the balcony to the front of unit no.4 would extend further into the roof profile which would have adverse consequences for the visual amenities of the building and the surrounding area, as assessed in section 6.2 above, which would not be acceptable.

The dormer window to the rear of unit no.3 has been redesigned so as to direct the view in a southerly direction away from the neighbouring houses which is considered acceptable in terms of preventing overlooking and protecting residential amenity.

The dormer window to the rear of unit no.4 has been redesigned as a single c.5.8m wide and c.2m high structure with fixed opaque glass in each of the two corner windows. This arrangement would allow for more light and ventilation as well as a means of escape. However, the use of opaque glass in a window to a habitable room would not contribute to a high quality of amenity for future occupants and its permanent retention would be difficult for the planning authority to enforce. The proposed dormer structure would also be visually obtrusive when viewed from along Chapelizod Hill Road to the rear which is not acceptable.

The issue of inadequate communal open space has not been adequately addressed.

Concerns in relation to the amount of useable floor space within the units as a consequence of substandard floor to ceiling heights, as previously highlighted, remain unresolved as a significant proportion of the floor area would be located below a 2m high ceiling.

## **Conclusions:**

Having regard to all of the foregoing, the proposed development, as modified, would provide for a substandard level of accommodation which would have an adverse impact on the residential amenities of future occupants and neighbouring properties, and it would constitute an overdevelopment of the site.

### **6.4. Other issues**

**Appropriate assessment:** Having regard to the long established built up character of the area and the separation distance with the nearest European site, the proposed development would not affect any SACs or SPAs in the wider area.

**Access and car parking:** The proposed level of car parking is acceptable and there would be no change to the existing vehicular access arrangements.

**Environmental services:** The proposed arrangements are considered acceptable subject to compliance with the requirements of Irish Water, the planning authority.

**Financial contributions:** Compliance with the Council's S.48 Scheme is required.

**Flood risk:** The proposed development, which would be located within an existing building would not give rise to any additional flood risk.

### **7.0 Recommendation**

I recommend that planning permission be should be refused for the following reasons and considerations.

## 8.0 Reasons and Considerations

1. Having regard to the provisions of the Sustainable Urban Housing Design Standards for Apartments-Guidelines for Planning Authorities (DoECLG 2015) and the Dublin City Development Plan, 2016 to 2022, the proposed development would fail to provide an acceptable standard of accommodation to serve the future occupants of the two apartments. Furthermore, the proposed dormer window structures would seriously injure the residential amenities of neighbouring properties by way of overlooking, perceived overlooking, overbearance and visual intrusion. The proposed development would also constitute an overdevelopment of a restricted corner site and it would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the provisions of the Dublin City Development Plan, 2016 to 2022, the prominent corner position of the existing building which is located within an Architectural Conservation Area, opposite a Protected Structure and adjacent to an area covered by the “Z2” zoning objective which seeks “To protect and/or improve the amenities of residential conservation areas”, the design and layout of the existing building, and to the scale, extent and location of the proposed roof lights, windows, balconies and dormer window structures, it is considered that the proposed development would be visually obtrusive, it would seriously injure the visual amenities of the surrounding streetscape, Architectural Conservation Area and adjoining Residential Conservation Area. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.

Karla Mc Bride

Senior Planning Inspector

28<sup>th</sup> March 2017