



An
Bord
Pleanála

Inspector's Report 29N.247931

Development	Demolition of an existing warehouse and the construction of a single dwelling and integrated garage and all associated site works
Location	6B, Everton Avenue, Cabra, D7.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	Web 1324/16
Applicant	Stephanie and Graham O'Sullivan
Type of Application	Permission
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant	North Circular Road Area Residents Group
Date of Site Inspection	30 th March 2017
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1. The site is located to the rear of Everton Avenue, Cabra, D7. Currently occupied over its entire extent by a large high shed made up of several visible divisions and in part two storeys. The site is wedge shaped with its long axis running north-east south-west, wider at the eastern end; with laneways along most of its perimeter. Coal Lane runs in a south-eastern direction, from Everton Avenue, separating the site from the rear of residential properties on Old Cabra Rd turning at an acute bend at the eastern corner of the subject site, to run south-westwards where it separates the site from the rear of residential properties on North Circular Rd. Along the subject site, the lane provides vehicular access to the rear of properties, but north-eastward and south-westward extensions to the laneway provide only pedestrian access to the rear of properties.
- 1.2. At the north-western corner of the subject site a pedestrian laneway extends off Coal Lane, and forms most of the north western boundary, providing pedestrian access to residential properties on Everton Avenue, but not to the subject site.
- 1.3. Apart from these laneways the site bounds the rear of property on Everton Avenue and at its narrow western end there is a shed on the boundary, which may be associated with an adjoining residential property on Everton Avenue.
- 1.4. The site is given as 282 m².

2.0 Proposed Development

- 2.1. The proposed development is the demolition of an existing warehouse and the construction of a single dwelling and integrated garage and all associated site works
- 2.2. The proposed development faces north east with a gated courtyard entrance, within which there is provision for the manoeuvring and parking of one car. The Board has before it, two sets of plans. The first, submitted with the application on the 17th August 2016 shows an L shaped kitchen, dining, and living room area running along the north western boundary and extending at the western end to the south eastern boundary, with three narrow windows to the pedestrian laneway, an entrance doorway and glazing to the entrance courtyard; and glazing and access also to two sides of a second smaller walled in courtyard which adjoins Coal Lane (to the south

east). Within the living room there is a narrow stair to a small study above. At ground floor there is also an entrance hallway, an en-suite bedroom, a garage and plant room and stairway. At first floor the main stair serves an L shaped area adjoining the entrance courtyard and bounding Coal Lane, which is to the north-east and south-east. This first floor area is split level with two bedrooms, a bathroom, utility and balcony, and a playroom. There are windows opening south eastwards to Coal Lane, glazing on the north-eastern boundary along Coal Lane and windows and glazing over the entrance courtyard; and also facing south-westwards over the ground floor roof and smaller courtyard area. Further south west beyond the smaller courtyard, there is a second, small, first floor area: a study, served by a separate stair from the living area; which was referred to above. A tank room is identified on drawings above the main first floor area.

- 2.3. In revised drawings, submitted 12/12/16, following a request for further information, the ground floor area remains as previously described, with changes to the first floor area. The smaller 'study' area is omitted. The other first floor area has been reduced in extent so that it occupies only the eastern corner of the site where a split level floor accommodates two bedrooms a bathroom and a small utility room and a small screened balcony. A tank of less than 1m height occupies the roof above.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant planning permission subject to conditions, including condition no 1: compliance with the documentation including the plans submitted on 12/12/16; no. 2: the roof(s) shall not be used as terraces / accessible open space areas; no.3: a 1.8m high screen (glazed opaque fixed screen) shall be provided for a length of 2m along the north-western parapet at the southern courtyard projecting from the side wall of bedroom no. 3.

3.2. Planning Authority Reports

- 3.2.1. Planning Report:

- 3.2.2. The first planning report dated 20/09/2016 recommended requesting further information on 4 points: 1) expressing the planning authority's concern that the proposed house, due to its overall height, scale and massing does not respect the established pattern and character of development in the area and requesting the applicant to address these concerns. Seeking a significant reduction in the overall height of the 7.5m structure, the omission of those elements of the proposal in close proximity to Everton Avenue: the study / void and the playroom; and that any modified scheme should be accompanied by a new shadow analysis. 2) requesting sections, through the development from each of the surrounding streets; 3) stating the planning authority's concerns about the potential for undue overlooking of adjacent residential property and concerns regarding the extensive and elevated glazed areas to the first floor playroom / bedroom/ landing such as to have an overbearing impact on neighbouring property; and 4) stating the use of the proposed green roof as an open space would be detrimental to the residential amenity of the area. The request issued.
- 3.2.3. The report also notes that the development is acceptable in principle, that as infill housing (17.9.7 of the plan) it should have regard to the existing character of the street. The contemporary courtyard lane-based dwellinghouse would be an appropriate design response to this restricted site. Because of its restricted backland nature, surrounded by houses in close proximity on all sites, the overall scale, height and massing of the structure should be modified to provide a structure which would be subordinate but in keeping with adjacent property. This can be done by reducing the height of the structure and omitting elements of the first floor. The full length clear glass windows, proposed along the south west elevation of the larger first floor element, to provide light to a play room and bedroom and landing space, is of concern notwithstanding the fact that oblique views would be available from these windows. The amount of the glazing is so extensive and elevated that it could have an overbearing / invasive impact on neighbouring property. The provision of a house at this site would enhance the laneway safety and security to the rear of North Circular Road. Zoning Z1 to protect, provide and improve residential amenities.
- 3.2.4. The second planning report, dated 17/1/2017, recommending permission subject to conditions, refers to the reduction in the height of the overall structure and its scale and massing with the omission of some first floor elements. The resubmitted shadow

analysis demonstrates that the revised proposal improves in some cases the overshadowing situation for existing houses over that which currently exists. The study also highlights that the resultant structure would not result in undue overshadowing of property to the north west of the site and is considered acceptable.

3.2.5. The sections show that the revised proposal is now more appropriate and would not impinge unduly on the residential amenities of adjacent property. The applicant has responded to concerns regarding overlooking. The methods proposed to prevent undue overlooking: screened windows – include side fixed timber shutters that open 150mm which are required for ventilation and fire escape; the first floor balcony screen is designed to avoid overlooking; windows which may over look will be opaque. Detailed plan and elevation drawings indicate the level of anticipated overlooking. The planner's report comments that opaque glass it to be used to prevent overlooking to the north east (Old Cabra Rd) and to the south west (NCR) 2 no. glass panels. The screened side windows and the side balcony would only allow limited viewing and are for ventilation and fire escape. The main concern in relation to overlooking is from bedroom 3 towards the rear of houses on Everton Ave. Overlooking of these properties would be blocked by the built form of the sitting room element of the extension and by the built form of the single storey extension located along the north western side of the site. It is considered that in order to avoid any perceived overlooking that a 1.8m high screen glazed opaque fixed screen should be provided abutting bedroom no. 3 for a distance of 2m along the northern parapet of the southern courtyard. It is considered that with these changes undue overlooking can be overcome.

3.2.6. The applicant has confirmed that the green roof will not be used as a terrace.

3.2.7. Other Technical Reports

Engineering Department - Drainage – conditions

Roads and Traffic Planning Division - an e-mail report is referred to in planner's report

3.2.8. Observations

3.2.9. Observations made to the planning authority have been read and noted.

4.0 Planning History

PL29N.229007, planning authority reg. ref. no. 1626/08 – permission refused for demolition of an existing warehouse storage facility, subdivision of site and construction of 3 no. two-bed, two-storey maisonette dwellings.

5.0 Policy Context

5.1. **Dublin City Development Plan 2016-2022** is the operative plan. Relevant provisions include:

The site is zoned Z1: to protect, provide and improve residential amenities

16.2.1.2 sustainable design – sustainable urban drainage - incorporating green roofs and raised courtyards.

16.2.1.3 inclusive design.

16.2.1.4 Design for a safer environment - active frontages ensures natural surveillance.

16.2.2.2 infill development – gap sites within existing areas of established urban form – it is particularly important that proposed development respects and enhances its context and is well integrated with its surroundings.

5.2. **Natural Heritage Designations**

None relevant.

6.0 The Appeal

6.1. **Grounds of Appeal**

6.1.1. The North Circular Road and Area Residents Group c/o Eileen Lynch, have appealed the decision to grant permission. The grounds of appeal includes:

- They accept the principle of a single family house on the site.
- They consider the proposal excessive.

- The existing residential amenity of the surrounding family homes NCR/south perimeter, Old Cabra Rd / south-east perimeter would be seriously diminished. The structure is bulky, excessively high, an extra 3.5m to existing, height up to twice the width of the lane, with an overpowering effect on the back lane, gardens and houses: NCR 173, 175 and 177.
- The impact of piling of the south eastern corner.
- Reduction in property value
- Drgs web ref 1322/16 and web ref 1324/16, show the south east elevation to be 7.45 and 7.25m high. The further information response states that it is 6.6m high at the parapet, with water tank above. As seen against the skyline from NCR and Old Cabra Rd. it will appear 7.25m in height.
- The 2 storey flat roof is well above the eaves of the adjacent 2 storey returns, showing no regard to existing.
- Old Cabra Rd. homes have first floor windows in rear walls, main house and return, with direct consequences for visual intrusion, loss of privacy and overshadowing.
- The 1.8m high x 2m wide fixed screen is a structure impacting on Everton Ave. There is much more proximate overlooking of NCR. Bedroom 3 has a glazed wall overlooking NCR. Such a screen should be on the SE boundary of the courtyard or opaque glazing for the bedroom.
- No consideration has been given to the modifications proposed by observers.
- The Board is requested to consider same.
- To consider the bulk and height of development.
- To consider if quantum at south east corner is appropriate where it will reduce residential amenities and value of property.
- The site is not suitable for a two storey development.
- The first floor should be removed.
- Their original objection still stands.

- Lighting bedroom with opaque glass planks is a totally unsatisfactory means of lighting a bedroom. They question the intended use of this room.
- They request that permission be refused for bedroom 2, the utility room and water tank be removed, or bedroom 2 and the utility room be relocated to the ground floor courtyard; and they refer in this regard to sketches provided, and also to a single storey courtyard house at another address, given as an example.
- They offer for the Board's consideration suggested conditions for inclusion in any grant of permission for a reconfigured development.

6.2. Planning Authority

6.2.1. The planning authority has not responded to the grounds of appeal.

6.2.2. First Party

6.2.3. The First Party has responded to the grounds of appeal, including:

- The tank room is suitably sized for water storage.
- The proposed heights are related to eaves and ridge heights. The gable end returns are the immediate neighbouring structures. The heights have regard to these elements.
- The design is an appropriate and successful response to the challenges on the site.
- The further information response describes the impact of the proposed building on adjoining properties. The condition requiring a shield is unnecessary; but they are prepared to accept it.
- They don't accept the observer's sketches. Their design is the result of a thorough analysis of the site, etc.
- The proposed massing reflects the existing massing on the site. The two storey element on the south east corner coincides with the existing two storey gabled element on this corner. The existing two storey element is 6m at ridge and 5m at eaves. The proposed two storey block is 6.6m at the laneway parapet.

- Re. policy QH21, the design accommodates the requirements of the development plan re internal and external open space
- Re. policy QH22, the design has due regard to the character and scale of adjoining properties.
- The use of translucent glass panels, combined with the opening timber shutters on the north façade, and the ventilation from the enclosed balcony, is suitable for their requirements in bedroom 2. No objections were raised by the residents of Old Cabra Road (adjacent to bedroom 2) despite references in appellants' submission.
- Proposed use is as a single family dwelling.
- Re. traffic - no objections from the Roads Section were raised.
- The single storey courtyard house given in the example is not suitable for a family home.
- The sketches submitted constitute an inadequate design response, poorly designed, incorporating unreasonable space planning, inadequate open space and car parking provision.

The response addresses each of the suggested conditions.

7.0 **Assessment**

- 7.1.1. The issues which arise in relation to this appeal are appropriate assessment, the principle of the proposed development, visual amenity, residential amenity, the proposed alternative design sketches and condition no. 3 and the following assessment is dealt with under these headings.

7.2. **Appropriate Assessment**

- 7.2.1. 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.

7.3. Principle of the Proposed Development

7.3.1. The site is located in an area zoned Z1 in the Dublin City Development Plan 2016 – 2022 with the objective ‘to protect, provide and improve residential amenities’. The proposed change from a workshop storage unit to a dwelling will involve the loss of a workshop storage unit in a location where few such units exist, nevertheless the proposed development aligns with the zoning and is acceptable in principle. The development plan includes policies in relation to sustainable design (16.2.1.2), the proposal incorporates a green roofs; inclusive design (16.2.1.3), the proposal incorporates a ground floor bedroom; and design for a safer environment (16.2.1.4), the proposal provides an active frontage and improves natural surveillance; and is in accordance with these provisions.

In relation to infill development (16.2.2.2), the plan refers to gap sites within existing areas of established urban form. The proposal is for not a gap site such that it would be required to take account of architectural forms, materials and detailing of existing building. It is reasonable that it should respect and enhance its context and be well integrated with its surroundings. I consider that it does so.

7.3.2. In my opinion the proposed development is acceptable in principle.

7.4. Visual Amenity

7.4.1. The grounds refers to the visual impact, bulk and height of the proposed building as seen against the skyline and as seen from the lane. In my opinion the proposed development in either its original form, or its modified form (per further information response) is acceptable and contributes positively to the visual amenities of the area.

7.5. Residential Amenity

7.5.1. The grounds of appeal refers to residential amenity, overbearing impact, loss of privacy and in particular to loss of privacy to Old Cabra Road properties. In relation to Old Cabra Road properties, the first party response states that with the use of translucent glass panels, combined with the opening timber shutters there will be no overlooking, and points out that there have been no objections from residents of Old Cabra Road.

The grounds states that the site is not suitable for a two storey development, and requests the Board to consider if the quantum at south east corner is appropriate where it will reduce residential amenities and the value of property. The response states that the existing two storey element is 6m at ridge and 5m at eaves and the proposed two storey block is 6.6m at the laneway parapet.

7.5.2. In my opinion the increase in height is not significant. The lane is widest at this location and the rear areas of adjoining properties are used for garaging/parking. In my opinion the proposed modified form would not impact unduly on the residential amenities of the area.

7.5.3. **Proposed Alternative Design Sketches**

7.5.4. The grounds states that the alternative proposals made to the planning authority, which included sketches, were not given due consideration and the Board is requested to consider this alternative design. The first party response refers to the first party's qualifications as client and architect, and following long consideration, to put forward the design proposal; and further critiques the sketch proposals. The Board must consider whether the proposal before it is acceptable or unacceptable. Alternatives would only become relevant if the Board considered that the proposed development was unacceptable, and if those circumstances arose the Board could request the first part to address any shortcomings.

7.5.5. I do not consider it a matter for the Board to comment on third party proposals.

7.5.6. **Condition no 3.**

7.5.7. Condition no 3 of the planning authority's decision requires that 'a 1.8m high screen (glazed opaque fixed screen) shall be provided for a length of 2m along the north-western parapet of the southern courtyard projecting from the side wall of bedroom no. 3.'

7.5.8. The report states in this regard that in relation to Everton Ave, overlooking of these properties would be blocked by the built form of the sitting room element of the extension and by the built form of the single storey extension located along the north

western side of the site, but that it was considered that in order to avoid any perceived overlooking a 1.8m high screen should be provided.

- 7.5.9. In my opinion the design provides a safeguard to the privacy of the properties concerned and the use of a glazed screen is unnecessary.

8.0 Recommendation

- 8.1. In accordance with the foregoing assessment I recommend that planning permission be granted for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

Having regard to the zoning of the site, the design, which ensures that the proposed development would not adversely impact on the visual or residential amenities of the area; the beneficial use of an underutilised site and passive surveillance of the laneway which it would provide; it is considered that the proposed development 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, as amended by the further plans and particulars submitted on the 12th day of December 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. The roof areas shall not be used as terraces/accessible open space areas.

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. Site development and building works shall be carried only out between the hours of 07.00 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.

- 5 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 noise management measures, maintenance and repair of the laneway, and the off-site disposal of construction/demolition waste.

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

Planning Inspector

21st April 2017

Appendices

- 1 Map and Photographs
- 2 Extracts from Dublin City Development Plan 2016-2022