



An
Bord
Pleanála

Inspector's Report 29S.248307

Development	Demolition of shed and construction of a two and a half storey, two bedroom dwelling comprising an area of 119 sq.m
Location	6A Church Gardens. Dublin 6.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	2056/17.
Applicant(s)	Frank & Maeve O' Dea.
Type of Application	Permission.
Planning Authority Decision	To Grant Permission
Type of Appeal	First Party
Appellant(s)	Frank & Maeve O' Dea.
Observer(s)	None
Date of Site Inspection	June 11 th , 2017.
Inspector	Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located at 6A Church Gardens, south east of Rathmines. Dublin 6. The site accommodates a single-storey shed and yard area. It is positioned between Trinity House, a three storey apartment block to the south and two storey (with roof accommodation) residential property to the north. The rear return associated with No 1 Church Avenue abuts the rear boundary of the site.
- 1.2. The area is residential in character consisting primarily of two storey semi-detached property on the west side of the road and two storey terraced dwellings to the east, which are protected structures. The two storey terraced housing fronting onto Church Avenue are also protected structures.

2.0 Proposed Development

- 2.1. The proposal is to demolish an existing single storey shed and to construct a two and a half storey, two-bedroom dwelling (119 sq.m). The house will be provided with private open space to the rear and a screened balcony at first floor level.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the development subject to 8 no. conditions. Apart from standard construction/ engineering type conditions, the decision includes the following conditions of note;

Condition No 2 – Financial contribution.

Condition No 3 - Requires that (a) the front dormer extension be omitted and replaced with an appropriately proportioned and designed velux window, (b) the rear balcony be permanently omitted, and (c) the sliding door at first floor level be omitted and replaced with window(s) only.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report notes the zoning provisions of the area and that the principle of the proposed residential development is acceptable. The overall design approach is considered acceptable and the living space at ground level and rear open element would contribute positively towards a quality residential amenity. The proposed balcony at first floor level is considered to be an unacceptable addition. Whilst screening is proposed, the provision of a balcony at this level is not warranted and would result in an unnecessary impact on the enjoyment of neighbouring properties. It is noted that the space of the adjoining residents is already significantly constrained and the provision of the balcony at the level proposed and the heights of the screens would be unduly overbearing and imposing on the residential amenity of these properties.

The design approach of the front elevation would be broadly acceptable and in keeping with the character of the street. However, the provision of a dormer style window at roof level to the front of the house would be considered unacceptable. The context for such a dormer does not exist on the street and would set an undesirable precedent. It should be replaced with an appropriately proportioned and designed velux window. It is noted that the use of the space at second floor level would not be suitable for use as a habitable room if the dormer is excluded.

It is considered that the proposed development would be in keeping with the zoning objective and with the general pattern of development in the street as amended by way of condition. It is considered that the proposal would have no undue adverse impact on the residential conservation area or on the residential amenities of adjoining properties.

3.2.2. Other Technical Reports

The Drainage Division in their report of 8/2/17 raised no objection to the proposal subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

3766/14 – Planning permission sought for the construction of 16 no. residential units at the corner of Church Avenue and Church Gardens and lands to the rear of No 44-54 Upper Rathmines Road (all Protected Structures). The planning authority's decision to grant permission was upheld in a subsequent appeal (PL 29S. 245849).

2382/10 – Planning permission granted for the change of use of commercial to residential of the yard to the rear of No 6 Church Gardens and the construction of a single storey house with access from Church Gardens through the archway of No.6. The planning authority's decision was upheld on appeal (PL 29S.237026).

5.0 Policy Context

5.1. Development Plan

The operative development plan is the **Dublin City Council Development Plan 2016-2022**. The site is located in an area zoned Z2 -Residential Neighbourhoods (Conservation Areas) with the following objective;

'To protect and/or improve the amenities of residential conservation areas.'

The policies of the plan in relation to Conservation Areas are set out in Section 11.1.5.4 of the Plan.

Relevant policies include the following;

CHC1 – Preservation of the built heritage of the city.

CHC4 – Protection of special interest and character of Conservation Areas.

Standards for residential accommodation (houses) are set out in Section 16.10.2 and Infill Housing (16.10.10). It is a requirement that infill housing should;

- Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings,

- Comply with the appropriate minimum habitable room sizes.
- Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.

Relevant extracts from the Plan are appended to the back of the report for the information of the Board.

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

- The appeal is against Conditions 3 (a) (b) and (c) only.
- Permission was granted by An Bord Pleanála (PL 29S. 245849) for 14 no. residential units over three storeys at the corner of Church Avenue and Church Gardens. In light of this approval it is submitted that the scale, layout, built form and material finishes have direct implications for how the streetscape along this section of Church Gardens is evolving. It is within this context that the proposed development is considered to be appropriate. Whilst the proposed window feature is striking within the current context, it is contended that the contemporary design is fitting within the evolving streetscape (Appendix 1).
- In terms of design, the proposed dwelling was carefully considered in the context of the adjoining dwellings on Church Avenue and the adjoining apartment building Trinity House. It is considered to be a contemporary take on the adjoining development while providing a high standard of living accommodation for future residents.
- The proposed development should not be penalised in terms of design and layout due to the limited positive planning precedence located along Church Gardens. Appendix 2 shows what can be achieved with positive design within a traditional cottage area at 1/3 Irishtown Road.

- The dormer window at the front of the dwelling adds interest to the design, while allowing the provision of additional living accommodation. The dormer extension is an architectural tool to integrate a three storey element whilst retaining the main volume of the roof within the three-storey terrace. Replacing with velux windows both reduces functionality of spaces within the roof space and eliminates an architectural feature of the proposed development.
- Appendix 2.0 shows the existing layout of the proposed dormer window and revised drawings incorporating a velux window configuration as requested by Dublin City Council. These revisions have a major impact on the overall design and layout of the building.
- A dormer style extension has been granted in the adjoining development (PL 29S.245849) (Appendix 1.0 shows 3 D Imagery).
- The objective was to create living space of high architectural quality while also retaining the character of Church Gardens. It is considered that this has been successfully achieved.
- The balcony will serve bedroom accommodation only, it will be screened with limited impact on adjoining residential amenity. The proposed balcony allows a higher standard of accommodation for the proposed residents in terms of natural light for the rooms and an additional level of private open space.
- The balcony will be provided with frosted glass screens, which together with the low level of activity from the bedroom use will have little or now impact on adjoining residents. The applicant owns the adjoining property at Trinity House and it is proposed to provide landscaping and screening to the rear of the building to provide better open space provision for the existing residents of Trinity House, which in turn will provide an attractive landscaped barrier between 6A Church Gardens and Trinity House.
- It is considered that the proposed development is suitable for the site and the elements referred to in Condition No.3 do not constitute negative impacts on residential amenity. The development as proposed represents an appropriately scaled development, which is compliant with local objectives to

match the scale of development of the opposing site and create an attractive, contemporary and modern infill development.

- The subject site does not contain a Protected Structure and is not located within an Architectural Conservation Area. It is consistent with the zoning objectives for the area and meets all relevant planning and development standards set out in the Dublin City Development Plan.

The appeal is supported by a number of appendices, to which I draw the attention of the Board.

6.2. Planning Authority Response

The planning authority considers that the planning officer's report adequately deals with the proposal.

7.0 Assessment

I accept that the provision of a new residential unit in an established residential area is acceptable in principle in this location having regard to the Z2 zoning objective for the area.

The proposal is to construct a two-bedroom house over two and a half storeys. The house has a floor area of 119 sq. m, which on a site of 93 sq. m, results in a plot ratio of 1.28. This falls within the acceptable parameter of 0.5-2.0 set out in the development plan for Z2 zoned areas.

The development will result in a site coverage of 62% which exceeds the indicative standard of 45% for the area. However, the development plan does facilitate higher site coverage in certain circumstances such as close to major transport termini/corridors, to facilitate comprehensive redevelopment in areas in need of renewal, to maintain existing streetscape profiles etc. Whilst I accept that the proposal is small scale, it will facilitate the redevelopment of an existing brownfield site improving the overall quality of the streetscape. It also has the benefit of easy access to good transport infrastructure such as Luas at Beechwood and a QBC. I note that the planning authority did not raise any issues regarding overdevelopment of the site.

In terms of the level of amenity that would be afforded to future residents there are a number of factors that need to be considered including internal space standards, access to sunlight and daylight, provisions of amenity space etc. The main living areas of the house will be accommodated on the ground floor with bedrooms/study on upper floors. The development plan at section 16.10.2 refers to residential quality standards for houses and the requirement to comply with the '*Quality Housing for Sustainable Communities-Best Practice Guidelines*', published by the DoEHLG (2007). The proposal satisfies the space provision and room size requirements set out in Section 5.3 and each of the rooms will be adequately ventilated and have reasonable access to daylight, ensuring that a reasonable level of residential amenity will be afforded to future occupants.

In terms of private open space, I note that 38m² will be provided in the form of a garden to the rear. I note that this falls marginally below the development plan requirement of 40 m² 10m² per of open space per bedspace). However, the plan facilitates a relaxation of standards for infill housing in the interest of ensuring that vacant, derelict and underutilised land in the inner and outer city is developed, which is considered reasonable. Additional space will be provided in the form of a balcony at first floor level.

However, I have some concerns regarding the quality of the amenity space that will be provided. It will comprise a restricted space, which with the exception of the summer months, will be significantly overshadowed by higher buildings. The area will also be directly overlooked by the first and second floor windows of the adjoining apartment building at close range (c 3.5m) which will significantly impact on its privacy.

With regard to the provisions of Condition No 3 (b), the proposed balcony will serve a bedroom at first floor which will minimise its usability and the level of noise and disturbance it is likely to cause to nearby residents. It will be positive in terms of increasing the quantum of amenity space afforded to the dwelling. Should the Board accept that the balcony is acceptable there would be no necessity to replace the sliding door with window(s) as required by the condition (Condition 3(c)).

The planning authority have concluded that the provision of a dormer style window at roof level is unacceptable, noting that the context for such development does not

exist. In this regard, the Board will note that this end of Church Gardens does not display the level of uniformity that is evident in the terrace of housing further north. In terms of scale, design and finish the adjacent buildings are very different with no clearly legible character. I would also like to draw the attention of the Board to the residential development permitted on the opposite side of the road, photographs of which are appended to the appeal. I am not, therefore, persuaded that the proposed development would in any way detract from the character of the area, which would warrant removal of the dormer window feature from the front elevation (Condition 3 (a)).

8.0 Appropriate Assessment

9.0 Having regard to the location of the development within a built up area, the nature and scale of the development and the separation distance from Natura 2000 sites, I consider that the proposed development either alone, or, in combination with other plans or projects, would not be likely to have significant effect on any other European Site, in view of the sites conservation objectives and that, therefore, a Stage Appropriate Assessment and the submission of a Natura Impact Statement is not required.

10.0 Conclusion

The proposed development is acceptable in principle in this location. It will result in the development of an infill site which will maximise the use of urban infrastructure. Having regard to existing and permitted development in the vicinity, it is considered that the design is acceptable and will make a positive contribution to the streetscape.

Whilst the proposal will result in an appropriate level of living accommodation, the quality of the private amenity space is considered substandard in that it will be overshadowed and overlooked by adjacent properties which will impact on the level of amenity afforded to future residents.

Whilst the appeal is against a condition and may be considered in accordance with Section 139 of the Planning and Development Act, 2000, having regard to my

assessment, I consider that the Board should determine the application as if it had been made to it in the first instance. I recommend that permission be refused for the development on the grounds of poor quality private amenity space provision and the substandard level of amenity that would be afforded to future residents. The Board may consider this to be a new issue an avail of its powers under Section 137.

11.0 Recommendation

11.1. Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that permission be refused for the development for the reasons and considerations set out below.

12.0 Reasons and Considerations

It is considered that the proposed development does not provide for good quality useable open space associated with the dwelling. The proposed private amenity space will be significantly overlooked and overshadowed by adjoining development which will impact on its privacy and amenity value. It is considered that the proposed development would result in a substandard form of residential amenity for future residents and would, therefore, be contrary to the proper planning and sustainable development of the area.

Breda Gannon
Senior Planning Inspector

16th, June 2017