



An
Bord
Pleanála

Inspector's Report PL29S.248502

Development	Demolition of existing lock up shed, reduce height of existing boundary wall and erection of detached dwelling and associated works (Protected Structure).
Location	Rear of 124 Leinster Road and adjacent to 47 Grosvenor Place, Rathmines. Dublin 6.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	2350/17.
Applicant(s)	Richard Hogan.
Type of Application	Permission.
Planning Authority Decision	To Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Richard Hogan.
Observer(s)	None.
Date of Site Inspection	8 th August 2017.
Inspector	Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located to the rear of 124 Leinster Road (Protected Structure) and adjacent to 47 Grosvenor Place, Rathmines, Dublin 6. The site boundaries are formed by a concrete block wall to the north, south and east and by a masonry wall to the west. The site is abutted to the south by a two-storey residence (47 Grosvenor Place) and by the rear boundaries of existing properties to the north and east. The public road (Grosvenor Place) forms the western boundary. The rectangular shaped site accommodates a single storey lock up store, with pedestrian entrance.
- 1.2. The area is primarily residential. The houses on the east side of Grosvenor Place consist of two-storey terraced dwelling with consistent building and ridge lines. External finishes consist of red brick, with a render dash finish at first floor level. Opposite the site to the west there are the three-storey mansard roofed houses associated with Grosvenor Park. The adjacent houses on Leinster Road are large detached buildings, the majority of which would appear to be in residential use.

2.0 Proposed Development

- 2.1. The proposal is to demolish an existing lock-up store on the site, reduce the height of the existing boundary wall and to construct a two-storey dwelling. The house would be located in line with the adjoining terrace along Grosvenor Place. The external finishes would be a combination of brick and smooth render, with granite cladding to the projecting first floor feature to the front elevation.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the development for three reasons;

1. Due to the scale of the proposal and its location in the former rear garden of 124 Leinster Road, the development would result in overdevelopment of the site, set an undesirable precedent for similar development and be seriously injurious to the amenities of the area.

2. The development would facilitate the consolidation of an unauthorised subdivision of the rear garden area of 124 Leinster Road, a Protected Structure. It would remove the majority of the private space serving the property resulting in substandard residential development and be contrary to the policies and objectives of the development plan.
3. Due to the scale of the development and the proximity to adjoining properties, the proposed development would seriously injure the residential amenities of adjoining property and result in a poor standard of residential amenity for future residents arising from overlooking, overshadowing and poor aspect.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **Planning Officer's** report of 21/4/17 notes the relevance of the planning history relating to the site. Planning permission was granted for a single-storey store to the rear of 124 Leinster Road (1767/98), subject to a condition that it be used for purposes incidental to the enjoyment of the existing dwelling house on the site and that it would not be used as a residence or any other purpose. The drawings showed no subdivision of the rear garden of 124 Leinster Road, and no subsequent application was made for its subdivision.

The former rear garden to the protected structure is currently divided into four parts enclosed by 2.1m high walls. It comprises three small garden/yard areas directly to the rear of no's 124a, 124, and 124b, together and the subject application site, which is 157.6 sq.m. The proposed development would result in the severance of this 157.6 sq.m former garden area and would reduce the private open space to the rear of 124 Leinster Road (in multi-occupancy) to 51.3 sq.m, which is significantly below development plan standards.

The proposed development would facilitate the consolidation of the unauthorised subdivision of the rear garden area, removing the majority of its private open space which would seriously injure the amenities of the property.

The proposed development would be located in close proximity to neighbouring dwellings resulting in overlooking and overshadowing of neighbouring properties and rear garden areas and poor aspect to these dwellings.

3.2.2. Other Technical Reports

The **Drainage Division** in their report of 24/3/17 raised no objection to the proposal subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

An observation was received from the owner/occupier of 124b Rathmines Road who raised the following issues;

- Proposed development will have a negative and unacceptable impact on the dwelling.
- Map H of the Dublin City Development Plan clearly shows the plot of land now occupied by the lock-up shed within the curtilage of the Protected Structure. The proposal is to develop by stealth. The proposal is too close to the protected structure and will result in an unacceptable negative impact on its setting.
- The proposed infill is inappropriate and unacceptable in this Residential Conservation Area. It disregards the historic pattern of development in the area.
- The proposal does not complement the character of either Grosvenor Place or the main residence on Leinster Road, with regard to scale, massing and the use of materials. The first floor projecting bay is particularly incongruous. Its height competes with the residence of Leinster Road and the terraces on Grosvenor Place and will result in a negative visual impact.
- There is inadequate separation distances between the proposed development and existing adjacent properties. At 6.8m from the rear of rear of 124 Leinster Road, it will further erode the setting of the protected structure.

- The proposal is not in compliance with the relevant regulations, the provisions of the development plan, does not complement the existing pattern of development and will have a negative impact on adjacent properties.

4.0 **Planning History**

1767/98 – Planning permission granted for a single store at the rear of 124 Leinster Road Rathmines.

5.0 **Policy Context**

Development Plan

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

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

Residential use is a permitted use in this zoning category.

Policy CHC4 -Seeks to protect the special interest and character of Dublin's Conservation Areas.

Standards for Residential Accommodation (houses) are set out in Section 16.10.2, and Infill Housing at 16.2.2.2.

Volume 4 of the Plan contains the Record of Protected Structures. The policies in relation to Protected Structures are set out in Section 11.1.5.1.

5.1. **Natural Heritage Designations**

None.

6.0 The Appeal

6.1. Grounds of Appeal

- The first reason for refusal states that the proposed development would set an undesirable precedent. The simple addition to the line of the terrace onto Grosvenor Place, which enables the vacant lot to the rear of the existing building at 124 Leinster Road to be developed using the materials and scale of the existing terrace, without impacting on the existing building, represents good planning. The building at Leinster Road has been destroyed by previous planning permissions, that have detracted from the building and should not affect the current proposal to provide a good development on the site.
- The second reason for refusal is handled by way of affidavit setting out the history of the site. The subdivision of the site in or around 1998 was not subject to enforcement and was of little if any interest to neighbours. The site is currently occupied by a lock-up store and there was no indication during the processing of a previous planning application 3740/13 (subsequently withdrawn) that the site was incapable of sustaining a simple single family house.
- The third reason for refusal relates to the scale and proximity to adjoining buildings. The houses along Grosvenor Terrace are terraced houses and the rear and front gardens are more constrained than the current proposal. The reason for refusal does not provide a proper assessment of the proposal which is considered to satisfy development plan requirements.

Requests the Board to overturn the decision of the planning authority and permit the development of a family home on a site that has been in existence for some time.

6.2. Planning Authority Response

No response to the grounds of appeal were submitted by the planning authority.

7.0 Assessment

7.1. I consider that the key issues that arise for consideration in this case relate to the following;

- Principle of the development in this location.
- Impacts on the character/setting of the Protected Structure.
- Impacts on the Residential Conservation Area.
- Impacts on Residential amenity.
- Appropriate Assessment.

1. Principle of the development

The site is located in a Z2 zoned area where the principle land use is housing. Subject to good planning practice and compliance with the provisions of the development plan, I accept that the proposal is acceptable in principle in this location.

2. Impacts on the character/setting of the Protected structure

No works are proposed to the Protected Structure. The appeal is supported by a signed affidavit confirming that the site is a separate entity for a number of years. I note that the affidavit refers to No 49 Grosvenor Place, not No 47. I would point out that in its determination of a similar case PL29S.247776, separate site ownership was not considered to be a material consideration by the Board.

In this case, the development is proposed on lands which formed part of the original curtilage of 124 Leinster Road, which was subsequently separated by the construction of a wall. The lock-up store was permitted on the site subject to a condition that it would be used for purposes incidental to the enjoyment of the house (i.e. 124 Leinster Road). The permission did not authorise the separation of the subject site from the main curtilage of the protected structure.

It is recognised in the development plan that the curtilage of a Protected Structure is often an essential part of the structure's special interest. There is a presumption against the subdivision of rear gardens and a requirement that 'an appropriate

garden size to that of the structure should be retained' in order to protect the character of protected structures (Section 11.1.5.3). The Board will note that two additional units have been added to the side of the original building, each provided with its own small rear amenity space.

The current proposal would further erode the private amenity space originally associated with the protected structure. I consider that the loss of this amenity space would seriously compromise the character and setting of the protected structure and set an undesirable precedent for similar development. The proposed development is, therefore, considered to be contrary to the provisions of the development plan.

3. Impacts on the Residential Conservation Area.

Residential Conservation Areas are described in the development plan as having *'extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and unprotected. The general objective for such areas is to protect them from unsuitable new development or works which would have a negative impact on the amenity or architectural quality of the area'*.

The eastern side of Grosvenor Place derives its character from the two-storey terraced housing with displays uniform building lines, roof profiles, ridge lines and external finishes. The proposed development accords with the building line and largely similar external finishes are proposed. It proposes straight as opposed to hip gables and the ridge line would be marginally lower than that of the terrace. It also contains a protruding element to the first floor front elevation and large horizontally proportioned windows at ground/first floor which are not replicated in the terrace. Whilst I accept that the design does not mirror that of the terrace, having regard to its position at edge of the terrace and the rear/side of the adjacent building, I consider that it could be accommodated on the site, without resulting in significant adverse impacts on the visual amenities of the area.

4 Impacts on residential amenity

The proposed development is designed to minimise the potential for overlooking and impacts on privacy. Glass blocks will be provided in the northern elevation to the

kitchen area and the remaining windows serve a WC on the ground floor and a landing at first floor, which could be fitted with opaque glass to minimise potential impacts. There are no windows proposed in the southern elevation abutting 47 Grosvenor Place. With a floor area of 157 sq. m, on a site of 105 sq. m, both the plot ratio (0.65) and site coverage (33%) fall within acceptable parameters. However, I would point out to the Board that due to the restricted width of the site the house can only be accommodated by building it tight up to the boundary with No 47 Grosvenor Place, leaving no space for maintenance purposes.

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/reading area on the first floor. 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 an adequate level of residential amenity will be afforded to future occupants. In terms of private open space, I note that 55 m² will be provided in the form of a garden to the rear, which complies with the development plan requirement of 50m² (10m² per of open space per bedspace). There is potential for the private amenity space to be overlooked by the first floor windows associated with the property to the north, with the potential for impacts on the amenity of future residents of the house.

It is a requirement of the development plan (16.10.16) that if the main house is in multiple occupancy that the amount of private open space remaining after the subdivision of the garden for a mews development shall meet both the private open space requirements for multiple dwelling and for mew development. Whilst it is difficult to be precise on the amount of open space remaining (site layout is not drawn to a conventional scale) and I am unable to clarify the number of apartments/bed spaces accommodated, it appears that only c 50 sq.m would remain with the main house, which would be seriously below development plan standards

and would significantly reduce the level of residential amenity associated with the protected structure.

8.0 Appropriate Assessment

8.1. 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.

9.0 Recommendation

9.1. 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.

10.0 Reasons and Considerations

1. The proposed development, which would consolidate the unauthorised subdivision of the rear garden associated with No 124 Leinster Road, a Protected Structure and result in a significant reduction in its private amenity space would seriously detract from the character and setting of the protected structure and its residential amenity. The development would result in a substandard form of development which would neither protect nor improve the amenities of the existing residential property or of the wider area and would contravene the Z2 zoning objective 'to protect and/or improve the amenities of residential conservation areas'.

Breda Gannon

Senior Planning Inspector

22nd August 2017.