



An
Bord
Pleanála

Inspector's Report PL29S.248628

Development	Construct 2 houses & all site works
Location	No.2 Jamestown Road, Dublin 8
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2469/17
Applicant(s)	Michael Furlong
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Michael Furlong
Observer(s)	None
Date of Site Inspection	25 th August 2017
Inspector	Karla Mc Bride

1.0 Site Location and Description

The appeal site is located in Inchicore on the south side of Dublin and the surrounding residential area is mainly characterised by 2-storey terraced houses. The appeal site comprises a linear vacant site located parallel to Tyrconnell Road and the side of no.2 Jamestown Road. The Grand Canal is located to the S of the site, there is a public house located on the opposite side of Tyrconnell Road and the Blackhorse Luas station is located to the SE. The site is located to the N of a busy intersection formed by the junction of Tyrconnell Road, Davitt Road and the Luas. Photographs and maps in Appendix 1 describe this relationship in more detail.

2.0 Proposed Development

2.1. Planning permission is being sought to construct:

- Two 3-storey, 2 & 3 bed houses on a c.190sq.m. site.
- House A would be c.6.2m to 10m wide, 7.8m deep & 9.5m to 10.5m high.
- House B would be c.6.5m wide, 7.8m to 9.5m deep & 11m to 12m high.
- Upper terrace areas at first floor level for House A & at roof level of House B.
- New 5m wide vehicular entrance off Jamestown Road & 2 off street car parking spaces for House A.
- New 3m wide vehicular entrance off the Naas Road (Tyrconnell Road) & 1 off street (under croft) car parking space for House B.
- Private amenity space, boundary treatment, landscaping and all site works.

(The overall heights, car parking & open space elements were amended in the appeal submission)

3.0 Planning Authority Decision

3.1. Decision

The PA decided to refuse planning permission for 2 reasons related to:

1. Substandard provision of private open space, precedent for similar substandard development and serious injury to the amenity of residents.
2. Lack of privacy due to location of living room windows along the public footpath; no clear demarcation between the public and private realms; substandard car parking for House A (width & depth); excessive provision of car parking spaces; absence of safe vehicular access and traffic safety concerns (reversing movements onto busy traffic routes close to junctions): substandard provision of private open space; contrary to Section 16.10.9 (Corner/Side Garden Sites); and serious injury to residential amenity.

3.2. **Planning Authority Reports**

Drainage Division: FI requested. Inadequate drainage information, permission should be withheld until FI is received in relation to where it is proposed to connect to an existing public foul and surface drainage system.

Roads & Traffic: FI requested. The vehicular entrances onto Jamestown Road and Tyrconnell Road are unacceptable as they constitute a traffic hazard resulting in reversing movements onto busy traffic routes close to junctions, omit the car parking spaces and submit revised drawings for the proposal; set back the proposed development to allow a minimum 2m wide public footpath along Tyrconnell Road.

Waste Management: No objections.

3.3. **Third Party Observations**

Four submissions received from local residents and an elected representative (Catherine Byrne) who raised concerns in relation to overdevelopment, traffic hazard, open space, visual impact & breach of building line.

3.4. **Planning History**

Reg. Ref. 2578/00: Permission sought to construct a 2-storey apartment building comprising 4 units. The applicant did not respond to an FI

request in relation to legal interest, revised design and compliance with open space & car parking standards.

Reg. Ref. 1776/00: O/L permission granted for a retail unit and garage to the rear.

Reg. Ref. 2137/95: Permission refused to retain an advertising hoarding.

En166/02: Relates to the commercial use of a shed to side of the house.

4.0 Policy Context

4.1. Dublin City Council Development Plan 2016 to 2022

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

Built Heritage: Located within the Grand Canal Conservation Area.

Residential Quality Standards (Section 16.10.2)

Houses shall comply with the principles and standards outlined in Section 5.3: ‘Internal Layout and Space provision’ contained in the DEHLG ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007).

The following minimum requirements apply for 2 & 3 bedroom houses:

Floor area: 80sq.m. to 110sq.m.

Main Livingroom: 13sq.m. to 15sq.m.

Aggregate living area: 30sq.m. to 37sq.m.

Aggregate bedroom area: 28sq.m. to 36sq.m.

Storage areas: 4sq.m. to 6sq.m

Private Open Space: 10sq.m per bed space (5-8sq.m for Inner City houses)
Separation distances: 22m between opposing first floor rear windows
Defensible strips: where houses have no front gardens in urban areas

Corner/Side garden sites (Section 16.10.9): The following criteria apply:

- The character of the street
- Compatibility of design and scale with adjoining dwellings (established building line, proportion, heights, parapet levels & materials)
- Impact on the residential amenities of adjoining sites
- Open space standards & refuse standards
- Appropriate car parking facilities & safe access to the site
- Landscaping & boundary treatments in keeping with the area
- Maintenance of the front & side building lines, where appropriate

Car parking standards - Area 2 (Map J & Table 16.1)

- 1 spaces required per residential unit (maximum)

4.2. 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

The applicant submitted an amended design which addresses the concerns raised in the planning authority's reasons for refusal:

- Car parking spaces for House A reduced from 2 to 1.
 - Omission of car parking space for House B.
 - Reduced vehicular entrance to House A to 3.4m with revised access.
 - Omission of first floor roof terrace at House A.
 - Removal of third floor level of House B (c.2.75m height reduction)
 - Private roof terrace at second floor level (c.20.4sq.m.)
 - Private roof terrace at third floor level of House A (c.36sq.m.).
 - A 2m wide pedestrian footpath along Tyrconnell Road.
 - A 1.8m high boundary wall between Houses A and B along new footpath.
 - House B reduced from 2 to 1 bedrooms.
 - House A reduced from 6 to 4 bedspaces.
- Proposal (original & amended) complies with national and local planning policies, objectives and standards including the Z1 zoning objective, residential development standards and the varied pattern of development in the area, whilst also utilising a vacant site.
- The proposal is located in close proximity to the Grand Canal, a LUAS station, an 8-9 storey apartment block and a park and pitch & putt course.
- The site is not covered by any built heritage designations although it is located within the Grand Canal Conservation Area.
- The proposed houses would have a contemporary form, scale and design which would make a positive contribution to the character of the streetscape without impact on the amenities of adjoining residents.
- Windows adjoining the footpath are high level with no impact on privacy, and the reduced number of car parking spaces and revised open spaces comply with Inner City standards.

- The proposed development of the vacant site makes efficient use of serviced residential lands and complies with the criteria for corner sites, and although the site is not located within the Naas Road LAP, it is relevant because of its “gateway” proximity to the LAP boundaries.
- Amended scheme exceeds minimum standards for residential units in relation to floor areas, aspect and private open space, with no adverse impacts on neighbouring residential amenities by way of overlooking or overshadowing, whilst the site coverage is 58% and the plot ratio is 1.4.
- Positive impact on visual amenities and reduced height would not be obtrusive or overbearing.
- Revised design omits the on-curtilage parking space for House B (now a 1-bed unit) with no car parking because of the proximity to public transport; and one space has been retained for House A with a revised entrance from 5m to 3.4m and an internal turning splay to provide for safer access.
- Permission has been granted for several high density residential schemes in the vicinity and a precedent has therefore been set for the proposal.

5.2. **Planning Authority Response**

None received.

5.3. **Observations**

None received.

5.4. **Prescribed Bodies**

Appeal not circulated.

6.0 Assessment

The main issues arising in this case are:

- Principle of development
- Design, layout and visual amenity
- Residential amenity
- Vehicular access & car parking
- 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.” It is noted that the appeal site itself is not covered by any particular zoning objective on Map D of the Development Plan. However, having regard to the Z1 zoning objective for the surrounding area, the proposed development would be compatible with this objective subject compliance with the criteria set out in sections 16.10.2 and 16.10.9 of the Development Plan in relation to residential development and the use of side garden and corner sites.

6.2. Design, layout and visual amenity

The appeal site is located in the Inchicore area of Dublin. The surrounding area mainly comprises a mix of two-storey terraced houses with some commercial uses and more recent apartment schemes. The site is not covered by any sensitive built heritage designations and there are no Protected Structure in the vicinity, however, it is located within the Grand Canal Conservation Area and a high standard of design is therefore required.

Original proposal:

The linear appeal site is located to the E of no.2 Jamestown Road and to the W of Tyrconnell Road (Naas Road) and it fronts onto Jamestown Road to the N which is a

residential street. The proposed development would comprise two separate houses that would be connected at ground level by a single storey structure.

House A would be 3-storey and front onto Jamestown Road. House B would be 3-storey with a third floor roof terrace and it would front onto Tyrconnell Road. The single storey link structure would house a ground level car parking space with a terraced area over for House A. Two car parking spaces and a small garden would be provided along the Jamestown Road frontage. The proposed houses would have a contemporary design with a brick finish and sloping roofs.

House A would be c.9.5m to c.10.5m high, it would be located adjacent to the existing 2-storey house at no.2 Jamestown Road and it would be c.0.5m higher than the ridge height of the adjacent house. House B would be c.11m to c.12m high and it would be located adjacent to the side boundary of the garden the rear of no.2 Jamestown Road.

Both houses would be located parallel to the public footpath along Tyrconnell Road and the front and rear elevations of House A would align with the front and rear elevations of the terrace of 2-storey houses formed by nos. 4 to 10 Jamestown Road. No ground level private amenity space would be provided.

The planning authority had serious concerns in relation to the scale and layout of the proposed development relative to the neighbouring houses and Tyrconnell Road in terms of visual and residential amenity (future occupants and neighbours), privacy, vehicular access and car parking. The applicant amended the proposed development as part of their appeal submission and the main changes are summarised in section 5.1 above.

Amended proposal:

In terms of design, layout and visual amenity, the scale and height of the houses has been amended, the roof terraces have been relocated, the single storey link structure has been omitted and replaced by a garden with a c.1.8m high boundary wall between House A and House B, and a 2m wide pedestrian footpath has been provided along Tyrconnell Road. There would be no significant change to the proposed design, layout, fenestration or external finishes.

House A would remain as 3-storey and the overall height would be increased. It would have a third floor roof terrace which would contain a small structure in the SE

corner to house the stairs (c.2.5m by c.4.5m). The entire structure would be c.10.5m to 12m high and it would extend between c.2.5m and c.3.5m above the ridge height of the adjacent house at no.2 Jamestown Road.

House B would now be 2-storey and the overall height would be reduced. It would have a second floor roof terrace which would contain a stairway structure in the NW corner (c.6.5m by c.3.0m) and the entire structure would be c.7.8m to c.9.8m high.

Discussion:

The linear appeal site comprises an un-zoned and underutilised pocket of Inner City land which occupies a prominent corner location along the main western approach road to Dublin City. It is located within the Grand Canal Conservation Area, it adjoins a terrace of 2-storey red bricked houses and there is a variety of building styles in the surrounding area.

The proposed contemporary design, fenestration and brick finish are considered acceptable in terms of visual amenity.

There is no established building line to the E along Tyrconnell Road and the proposed development would respect the established front building line to the N along Jamestown Road which is acceptable in terms of visual amenity.

The height of the proposed development (original and amended) would extend above the ridge height of the neighbouring houses along Jamestown Road.

Amended House A would be substantially higher than both the original proposal and the adjacent house at no.2 in order to provide for a safety screen around the roof terrace which would contain the main private amenity space for the house. Although the scale and height of House B would be reduced by the omission of one bedroom under the amended proposal it would continue to read as 3-storey because of the need to provide a safety screen around the roof terrace. On balance, the original height of House A and the amended height of House B would have the least visual impact at the corner location.

Conclusion:

Having regard to all of the foregoing, the proposed development (original and amended) would not be unduly visually obtrusive at this corner location having regard to the variety of building styles in the surrounding area, subject to the heights being amended.

6.3. Residential amenity – proposed houses

The proposed houses would provide for an acceptable level of residential amenity in accordance with Development Plan standards in relation to floor area, room size, storage, orientation, daylight and sunlight. However, the planning authority had serious concerns in relation to the lack of private amenity space and the relationship of the proposed houses to the public realm.

As previously stated, the proposed development was amended by way of the appeal submission to include a reduction in the number of bedspaces for each house, the relocation of the roof terraces, the replacement of a car parking space with a garden area, the erection of boundary walls and the creation of a 2m wide footpath along Tyrconnell Road. It is noted that the ground level windows in the E facing elevations (original and proposed) along Tyrconnell Road are high level and that the ground level window on the S facing elevation along toward the Grand Canal (original and proposed) could be either blocked up or fitted with obscure glazing by way of condition. The boundary walls and footpath amendments are considered acceptable.

The outstanding issue relates to private amenity space.

Section 16.10.2 of the Development Plan states that private open space for houses is usually provided by way of private gardens to the rear or side of a house, 10sq.m per bedspace is normally required and generally a 60-70sq.m of rear garden area is considered sufficient for houses in the city although 5sq.m. to 8sq.m per bedspace may be acceptable for Inner City houses.

The proposed development would be located adjacent to the Grand Canal which defines the outer limits of the Inner City and the lower standard of 5sq.m. per bedspace would not be suitable for this location, having regard to the established pattern of residential development in the area. Although the 10sq.m. per bedspace standard would be preferable, a reduced provision of 8sq.m. would warrant consideration.

Under the original proposal, House A would have 3 bedrooms and 6 bedspaces which requires either 60sq.m. of private amenity space, or a reduced Inner City rate of 30sq.m to 48sq.m. House A would have a first floor terraced area (c.26sq.m) located over the single storey garage structure, and this level of provision fails to comply with any of the Development Plan standards for private amenity space.

Under the amended proposal, House A would continue to have 3 bedrooms and 6 bedspaces (notwithstanding the replacement of the double bed with a single bed in the submitted drawings) which requires either 60sq.m. of private amenity space, or a reduced Inner City rate of 30sq.m to 48sq.m. The proposed roof top terrace at 3rd floor level would be c.36sq.m. which is slightly over the very minimum requirement for the Inner City location, but well below the 8sq.m. to 10sq.m. standard.

Under the original proposal, House B would have 2 bedrooms and 4 bedspaces which requires either 40sq.m. of private amenity space, or a reduced Inner City rate of 20sq.m to 32sq.m. House B would have a roof top terrace of c.27sq.m. at third floor level which is just slightly over the very minimum requirement for the Inner City location, but well below the 8sq.m. to 10sq.m. standard. Under the amended proposal, House B would have a ground level terrace of c.22sq.m. located in between the two houses and a roof top terrace of c.20sq.m. at second floor level. When combined (c.44sq.m.), the two areas would comply with the general requirement of 10sq.m. per bed space. However, the two private amenity spaces would not form a single useable or functionally connected plot.

Notwithstanding the quantitative calculations, I am concerned that neither of the proposed houses (original or amended) would provide for a qualitative, functional and safe area of private amenity space for use by future occupants of the houses. Furthermore, the ground level terrace (22sq.m.) which would serve House B would be completely surrounded by high walls and receive little daylight or sunlight.

Conclusion:

Having regard to all of the foregoing, and taking account of the restricted linear nature of the site, I am not satisfied that the proposed development would provide for an acceptable level of private amenity space to serve future occupants. However, this concern could be addressed by the omission of House B and the incorporation of the space thus created into the rear garden of House A. This arrangement would also negate the need for a roof garden at House A and the height could be reduced to the level proposed under the original submission, which would also have a positive impact on neighbouring residential amenities.

6.4. Residential amenity – neighbouring houses

The proposed development (original and amended) would be located to the E of the existing 2-storey houses along Jamestown Road. House A would align with the front and rear building lines of the neighbouring houses whilst House B would be located parallel to the side boundary of the rear garden to no.2 Jamestown Road.

Neither of the proposed houses would contain windows in their W facing elevations and the neighbouring properties would not be overlooked. However, the proposed roof terraces could give rise to overlooking and loss of privacy in the gardens to the rear of nos. 2 to 10 Jamestown Road. Having regard to the height and orientation of House B to the E of the neighbouring properties, it is also likely that the adjacent rear garden would be overshadowed in the early part of the day.

The proposed development (original and amended) has the potential to injure the residential amenities of adjacent properties by way of overlooking, loss of privacy and overshadowing. However, these concerns could be addressed by the omission of House B and the roof garden at House A.

6.5. Vehicular access and car parking

Original Proposal:

The car parking and access arrangements would comprise a c.5m wide entrance off Jamestown Road to 2 off street car parking spaces for House A, and a c. 3m wide entrance off Tyrconnell Road to 1 off street car parking space for House B.

Tyrconnell Road is part of the R810 Naas Road which is a heavily trafficked carriageway that forms one of the main approach roads to the City Centre, and Jamestown Road is an equally busy road. There is a signalised junction to the immediate NE of the appeal site at the junction of Tyrconnell Road and Jamestown Road, which is in turn located to the N of a major intersection with Tyrconnell Road, Naas Road, Davitt Road and the Luas track with Blackhouse Luas station to the E.

The c.5m wide vehicular entrance to House A would be located within c.10 of the signalised junction of Jamestown Road with Tyrconnell Road and there are street

signs and traffic lights in the vicinity of the site boundaries. The c.3m wide vehicular entrance to House B is located in close proximity to both of the aforementioned junctions to the N and S of the proposed entrance.

The Roads and Traffic Department raised serious concerns in relation to the location of the vehicular entrances which would constitute a traffic hazard resulting in reversing movements onto busy traffic routes which are currently congested, in close proximity to major junctions, with limited sightlines along Jamestown Road and Tyrconnell Road. The omission of the car parking spaces was recommended in the interests of traffic and pedestrian safety and the development should be set back to allow for a minimum 2m footpath width along Tyrconnell Road.

Amended proposal:

Under the amended proposal the number of car parking spaces for House A would be reduced from 2 to 1 and the width of the vehicular entrance would be reduced from c.5m to c.3.4m, and the car parking space and vehicular entrance for House B would be omitted and a 2m wide pedestrian footpath would be provided along Tyrconnell Road.

The omission of the car parking space and entrance at House B is acceptable. The reduction in the number of car parking spaces and the width of the vehicular entrance to House A would continue to be problematic for traffic safety and both the spaces and the entrance should be omitted by way of condition. It is noted that the proposed development would be located in close proximity to public transport routes including Dublin Bus and the Luas.

It is noted that the applicant has not set back the proposed development by 2m in order to provide a pedestrian footpath along Tyrconnell Road as recommended by the Roads and Traffic Department, although a 2m wide footpath has been indicated outside the appeal site boundary. Given that there is an existing 2m wide footpath along this section of Tyrconnell Road it is not considered necessary to provide an additional 2m wide path at this location.

Conclusion:

Having regard to the foregoing, the proposed development, as amended by way of the appeal submission and the recommended conditions, would not give rise to a traffic hazard or endanger the safety of other road users.

6.6. Other issues

Appropriate assessment: The proposed development would be located within an established built up which does not have a direct connection to any European sites.

Environmental services: The concerns raised by the Drainage Division are noted in relation to where it is proposed to connect to an existing public foul and surface

drainage system. However, having regard to the established built up character of the surrounding area that is already served by public utilities, I am satisfied that this issue could be addressed by way of a planning condition.

Flooding: The site is not located within a flood risk zone and the proposal would not give rise to a flood risk within the site or the surrounding area.

Financial contribution: The standard Section 48 condition required.

Social and affordable housing: The section 96 requirements do not apply.

7.0 Recommendation

7.1. Arising from my assessment of this appeal case I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below and subject to the following conditions.

8.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2016-2022, and to the nature and scale of the proposed development and to the pattern of development in the area, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out in accordance with the plans and particulars lodged with the application, 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 and the development proposed for retention shall be carried out and completed in accordance with

the agreed particulars.

Reason: In the interest of clarity.

2. House B shall be omitted from the development and the space thus created shall be incorporated into the rear garden of House A, and the rear garden area shall be bound by a 1.8m high brick wall. Revised plans, which incorporate these amendments, shall be submitted to the planning authority for written agreement before development commences.

Reason: In the interest of residential and visual amenity.

3. For the avoidance of doubt, House A shall be constructed in accordance the plans and particulars lodged with the application on 15th March 2017 except for the following amendments:

- (a) The off street car parking spaces and vehicular entrance off Jamestown Road shall be omitted in their entirety and the space thus created shall in incorporated into the front garden of House A.

- (b) The front garden area shall be bound by a 1.0m high brick wall with gated pedestrian entrance.

Revised plans, which incorporate these amendments, shall be submitted to the planning authority for written agreement before development commences.

Reason: In the interest of clarity, traffic safety, and visual amenity.

4. Water supply and drainage arrangements, including the connection to the existing foul sewer and the disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health.

5. The management of waste during the construction phase of the development, shall comply with the requirements of the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

6. The site works and building works required to implement the development shall only be carried out between 7.00 hours and 18.00 hours, Monday to Friday and between 08.00hours and 14.00 hours on Saturdays and not at all on Sundays or Public Holidays.

Reason: To safeguard the residential amenities of adjacent dwellings.

7. 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. The application of any indexation required by this condition 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.

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.

Karla Mc Bride
Senior Planning Inspector
31st August 2017