



An
Bord
Pleanála

Inspector's Report PL29N.249256

Development

Subdivision of house into two dwellings, partial demolition of existing house, extension to rear, remodelling of existing return, convert workshop to rear of house.

Location

53 Marguerite Road, Glasnevin, D3

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

WEB1326/17

Applicant(s)

Zapme Utilities

Type of Application

Permission

Planning Authority Decision

Split Decision

Type of Appeal

Third Party

Appellant(s)

Gráinne O'Hanlon & Others

Observer(s)

Angela Healy
Mairead D'Arcy

Date of Site Inspection

14/12/2017

Inspector

Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located on the southern side of Marguerite Road, a mature residential cul-de-sac in the north Dublin suburb of Glasnevin. No. 53 Marguerite Road is the last dwelling in the terrace, which has an access lane running to the rear.
- 1.1.2. The two storey dwelling on site has been extended to the side (east) over an existing garage. A single storey workshop to the rear, adjoining the southern boundary of the site, has access from the rear laneway. A pedestrian laneway runs to the east of the site, joining Marguerite Road to Iona Villa's to the east.
- 1.1.3. With the exception of the subject house which has been rendered, the dwellings on Marguerite Road are red-brick with a ground floor bay window under a lean-to roof. Parking is on street and the railings of the front gardens are largely intact along the street.
- 1.1.4. To the east of the site are the rear gardens and two garages of the dwellings on Iona Villa's. To the south of the site is the Botanic Business Centre, a mixed use warehouse site. Further south is a vacant site which has permission for 119 residential units. (PL29N.246124 refers).

2.0 Proposed Development

- 2.1.1. Permission was sought for the subdivision of an existing two storey dwelling to create two residential units, with single storey extensions, new return and new dormer window to the rear of both and the conversion of an existing single storey workshop into a two storey dwelling with access from the mews dwelling to the rear of the property.
- 2.1.2. Details provided in the application form are as follows:
 - Total site area: 382sq.m.
 - Floor area of buildings to be retained: 267sq.m.
 - Floor area of new buildings: 157.50sq.m.
 - Total floor area of proposed development: 424.50sq.m.
 - Floor area of buildings to be demolished: 34.30sq.m.
 - Proposed plot ratio: 0.52

- Proposed site coverage: 26.40%

2.1.3. A number of objections to the proposed development were submitted to the Planning Authority. The objections are similar to the issues raised in the third party appeal.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 17th of August Dublin City Council issued a notification of their intention to **GRANT** the proposed sub-division of the existing dwelling, partial demolition of the existing dwelling and construction of single storey rear extensions to both dwellings including new dormer windows to the rear, subject to 8 no. standard conditions.

3.1.2. and **REFUSE** permission for the conversion of the existing single storey workshop to a two storey dwelling for the following reason:

1 The proposed development constitutes over development of the site and would result in a substandard level of private open space. As a consequence, the proposed development would depreciate the value of property in the vicinity and would set an undesirable precedent for development which would be incompatible with the established character of the area. The proposal would therefore, seriously injure the amenities of adjoining property and of property in the vicinity and be contrary to paragraph 16.10.0 Backland Development of the Dublin City Development Plan 2016-2022, to the proper planning and sustainable development of the area and to the Z2 zoning objective which seeks to protect and / or improve the amenities of residential conservation areas.

2 The proposed development would result in excessive overlooking, noise disturbance and general loss of residential amenity of dwellings in the vicinity. The proposal, is therefore, contrary to the Z2 zoning objective which seeks to protect and / or improve the amenities of residential conservation areas and would seriously injure the amenities of property in the vicinity.

3.2. Planning Authority Reports

3.2.1. **Drainage Report:** No objection subject to conditions.

3.2.2. **Planning Report:** No objection to subdivision of dwelling to create two dwellings. Proposed rear return extensions will not unduly impact gardens on Iona Villa's and

are acceptable. Proposed dormer and roof alterations to front and rear also acceptable. Proposed two storey dwelling to the rear is out of character with the surrounding area in terms of height, scale and layout.

- 3.2.3. Proposed development provides of two storey dwelling to the rear reduces the amount of private open space available to each of the three dwellings to under the development plan requirements. This is over development of the site and would set an undesirable precedent. Area proposed as open space for the workshop should be assigned to the proposed two dwellings (no. 53 and 53a). If this dwelling is removed it also frees up a car parking space. Recommendation to grant permission for the proposed sub-division and alteration / extensions to the existing dwelling and refuse permission for conversion of workshop into a third residential unit.

4.0 Planning History

- 4.1.1. Planning Authority Reg. Ref. **3697/08**: Planning permission was granted for the demolition of the existing single storey work shop and the provision of a single storey detached 1-bedroom dwelling with converted attic space to bedroom and bathroom with 3 no. velux roof lights, off street car space onto access road and all associated site works to the rear. Permission was granted subject to 10 no. standard conditions.
- 4.1.2. Planning Authority Reg. Ref. **3697/08/x1**: The above decision was granted an extension of duration of permission until the 16th October 2016.

5.0 Policy Context

5.1. Dublin City Development Plan 2016- 2022

- 5.1.1. In the plan, the site is zoned '**Z1 Sustainable Residential Neighbourhoods**' which has the stated objective "to protect, provide and improve residential amenities". Within Z1 zones 'Residential' is a permissible use.
- 5.1.2. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design. **Table 16.1** provides the Maximum Car Parking Standards for Various Land-Uses and **Table 16.2** the Cycle Parking Standards. Applicable to the proposed development are the following:
- 5.1.3. Indicative plot ratio for Z1 zones is 0.5 to 2.0. Indicative site coverage for the Z1 zone is 45-60%

5.1.4. **Section 16.10.8** refers to **Backland Development**. It states that the Council will allow for the provision of comprehensive backland development where the opportunity exists. The development of individual backland sites can conflict with the established pattern and character of development in an area. Backland development can cause a significant loss of amenity to existing properties including loss of privacy, overlooking, noise disturbance and loss of mature vegetation or landscape screening. By blocking access, it can constitute piecemeal development and inhibit the development of a larger backland area. Applications for backland development will be considered on their own merits.

5.1.5. **Section 16.2.2.3** of the development plan refers to Alterations and Extensions. The section states that DCC will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context and the amenity of adjoining occupiers. In particular, alterations and extensions should:

- Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings
- Retain a significant proportion of the garden space, yard or other enclosure
Not result in the loss of, obscure or otherwise detract from architectural features which contribute to the quality of the existing building
- Retain characteristic townscape spaces or gaps between buildings
- Not involve the infilling, enclosure or harmful alteration of front lightwells.

5.1.6. Section **16.2.2.3** also states that extensions should be confined to the rear in most cases, be clearly subordinate to the existing building in scale and design and incorporate a high standard of thermal performance and appropriate sustainable design features.

5.1.7. **16.10.13** refers to the Sub-division of Dwellings. The plan states that the sub-division of large dwelling houses may be permitted in highly accessible areas to provide for the demographic changes in the city, subject to the residential amenity standards set out in Chapter 16, including minimum floor space, etc. This may involve the sub-division of such dwellings into individual distinct units on each floor. Where sub-division is being considered, factors such as the extent of open space

within the site boundaries, landscaping schemes including the retention and planting of trees, the provision of on-site parking, the retention of existing railings and gates, and screened refuse storage areas will be evaluated as part of the assessment.

When sub-divisions are allowed, they should be compatible with the architectural character of the building. An appropriate mix of accommodation in particular areas will be determined by Dublin City Council, taking account of the mix of residential accommodation in an area. Dublin City Council may accept parking provision of less than one space per dwelling unit to encourage occupation of the dwellings by households owning fewer cars.

- 5.1.8. Appendix 17 of the development plan provides general principles for residential extensions.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Appeal submitted on behalf of the owners of no.s 4,5 and 6 Iona Villas. The grounds of appeal can be summarised as follows:

- It is submitted that the proposed flat roof return will reduce daylight to the appellant's houses.
- The proposed development will negate the investment made by the appellants to increase daylight at the rear of their houses.
- The conversion of the existing hip to a gable end will further exacerbate the existing over shadowing of the appellant's properties. This is considered excessive.
- The proposed development is unattractive, creating a blank wall facing the Appellant's houses.
- The proposed gable ended roof with dormer is significantly different from the original building and the other end-house on the road.
- The proposed second floor bay window will be 2.5m from the boundary with 6 Iona Villas, in contravention of the 11m standard.
- The ground level window is 1m from the public laneway and will directly into no. 6 Iona Villas.

- The 4ft narrow laneway is a well-used pedestrian route. Any interference during the construction period will severely impact all residents. It will be overshadowed and darkened by the proposed development and will exacerbate illegal dumping and anti-social behaviour.
- Photos submitted.

6.2. Applicant Response

- The Board is requested to reconsider that part of the split decision that omits the conversion of the single storey workshop into a two storey house, in the context of the shortage of housing in Dublin.
- The proposed development involves the alteration of the existing hipped roof to a gable and the replacement of the existing rear return. These changes will have little impact on light and overshadowing. Shadow studies attached which show the minor extent of the impact on the surrounding houses.
- Bay windows do not generally cause overlooking but if the Board considers it necessary the side panel can be obscurely glazed at ground and first floor level. It is noted that the rear garden walls of the appellant's property screen the properties from overlooking.
- Under section 16.10.2 of the development plan, 10 sq.m. of private open space per bedspace is required. The Board is requested to consider that the 60-70sq.m. standard rear garden can accommodate an exempted development of up to 40sq.m. once 25sq.m. is retained. The requirement of 5-8sq.m. per bedspace in inner city locations and apartment private open space requirements are noted. The Board is requested to consider the proposed 49sq.m. per house and 30sq.m. for the mews acceptable.
- The character of the wider area is mixed use with industrial to the south, office, retail and amenity nearby and a mix of housing. A Google map shows that few of the houses in the area conform to the private open space requirements of the development plan. It is submitted that this does not diminish their value.
- The proposed conversion of the existing single storey workshop is in accordance with the spirit of the development plan and would be an

improvement on the current situation. The proposed pedestrian access would provide passive surveillance to the laneway.

- The Board is requested to grant permission for all elements of the proposed development.

6.3. **Planning Authority Response**

- Planner's report deals fully with all of the issues raised and justifies its decision

6.4. **Observations**

6.4.1. **Mairead D'Arcy, 5 Marguerite Road, Glasnevin**

- Agrees with the grounds of appeal.
- Concerned with the over-development and density of the subject site, safety concerns with the use of the lane as a vehicular access and the proposed flat roof.
- The proposed upper floor bay window will overlook the dwellings on Iona Villas
- The decision of Dublin City Council to allow no. 53A and omit the rear dwelling is acceptable.

6.4.2. **Angela Healy, 51 Marguerite Road, Glasnevin**

- The Local Authority did not visit the site and did not assess the full degree of intrusiveness on the adjoining property.
- The kitchen of no. 51 is located to the rear (south south-east) and will be affected by the substantial diminution of light.
- The Board is requested to visit the surrounding houses to see that the constricted nature of the site is not suitable for development.

7.0 **Assessment**

- 7.1.1. The proposed development can be divided into two parts: the sub-division, extension and alteration of no. 53 into two residential units and the creation of a third

residential unit on the footprint of an existing workshop at the rear (south) of the subject site.

7.2. Proposed Sub-division, Alteration and Extension of no. 53 Marguerite Road

- 7.2.1. The existing dwelling has a two storey side extension to the east of the existing dwelling. Permission is sought to demolish the single storey conservatory extension to the rear and a two storey return, and sub-divide the entire property into two separate residential dwellings – no. 53 and no. 53a Marguerite Road. The proposed development involves the construction of a two storey flat roofed return to the rear of each dwelling and the construction of dormer windows at attic level. The construction of attic accommodation in no. 53a involves the alteration of the existing hipped roof into a gable roof. The Board will note that drawing no. 1705-PL-02 shows a hipped roof on the eastern gable. This is not correct, as can be seen from the section shown on the same drawing. I do not consider this to be material as the appellant has referred to the proposed gable on the eastern elevation.
- 7.2.2. Each dwelling has 5 no. proposed bedspaces with the possibility of a sixth bedspace in the proposed study in the rear return. I note the Applicant states that four bedspaces are proposed. It is considered however, that the attic level bedroom in both dwellings is capable of accommodating two bedspaces. Under section 16.10.2 of the development plan, 10sq.m. private open space is required per bedspace. This results in a requirement of between 50sq.m. and 60sq.m. private open space per proposed dwelling. It is proposed to create a new boundary line between the two dwellings, providing for a 49sq.m. rear garden for each of the two dwellings. While this shortfall does not seem excessive on a per bedspace standard, I note the development plans statement that "*generally, up to 60-70 sq.m of rear garden area is considered sufficient for houses in the city*". The proposed development falls significantly below this standard. Given that the proposed development is for two relatively large family homes, I do not agree with the applicant's suggestion that the inner-city or apartment standards be applied in this instance.
- 7.2.3. In terms of the impact of the proposed development on the rear gardens and the dwellings of Iona Villa's to the east of the subject site, the main impacts arise from the creation of a gable replacing a hipped roof and the construction of a two storey flat roofed rear return. The proposed eastern elevation has no gable windows and direct overlooking of the properties on Iona will not occur. I am satisfied that no

overlooking will occur from the proposed second floor bay window. I do not consider it necessary to opaquely glaze the side panel of the proposed bay window as offered by the Applicant.

- 7.2.4. The proposed two storey flat roofed returns have an overall height of 5.7 and 6.1m. The existing two storey hipped return has an overall height of 6m. I am satisfied that, notwithstanding the introduction of an additional return closer to Iona Villas, no undue impacts will arise. The separation distance between the new return and the boundary with Iona Villas is 3.5m. The subject site faces due south and so the proposed two storey returns will have no impact on the sunlight and / or daylight enjoyed by Iona Villas.
- 7.2.5. I am satisfied that the proposed subdivision of the existing dwelling is in compliance with the development plan, providing sufficient open space can be provided for the proposed family homes.

7.3. **Proposed Conversion of Workshop into a third residential unit**

- 7.3.1. An existing single storey workshop to the rear (south) of the dwelling has a vehicular access from a mews laneway running to the rear of the dwellings on Marguerite Road. The laneway varies in width from 4m to 7.5m at its widest point. On the date of my site visit it did not appear to be in frequent use, with collections of dumped items gathered at points throughout the lane.
- 7.3.2. It is proposed to construct a two storey L-shaped flat roofed dwelling with three bedspaces and a car parking space. Pedestrian access is proposed via the existing pedestrian lane and vehicular access will be from the existing mews lane. 26sq.m. private open space is to be provided at ground level and a 4sq.m. terrace at first floor. Leading to a total provision of 30sq.m. I note that the public notices refer to the conversion of the existing workshop, whereas drawing no. 1705-PI-102 shows the existing workshop to be demolished (workshop shown hatched red, legend refers to demolition).
- 7.3.3. I note the previous grant of planning permission (3697/08 refers) which permitted the demolition of the existing single storey work shop and the construction of a single storey detached 1-bedroom dwelling with converted attic space to bedroom and bathroom. The permission provided for an off street car space and a private garden of approximately 50sq.m.

- 7.3.4. The separation distance between the proposed first floor windows of the converted unit and the proposed dwellings (no. 53 and 53a) in the existing dwelling is just over 11m. Significantly below the recommended 22m. I note the proposal to use opaque glazing on northern elevation windows and the provision of a timber balustrade on the terrace. This would go some-way towards decreasing overlooking of the rear gardens of the proposed no. 53 and 53a however it would reduce the quality of natural light available to these rooms. Two roof lights are also proposed, to illuminate the dining area and the utility room. I note that these rooflights are not shown on the section A-A (drawing no. 1705-PL-102). In addition, what appears to be a high level window to illuminate the ground floor bathroom is not shown on plan (drawing no. 1705-PL-101) but is shown on section B-B (drawing no. 1705-PL-102).
- 7.3.5. I am not satisfied that sufficient provision has been made to protect the residential amenity of the residents of all three proposed dwellings. The site is not sufficiently large to accommodate three dwellings. The proposed development is considered to be contrary to section 16.10.8 of the development plan. I consider it reasonable to refuse permission for the proposed demolition of the existing workshop and construction of a two storey residential unit. This would allow further private open space to be provided to the two proposed dwellings no. 53 and no. 53a. This can be achieved by way of condition.

7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development and / or the nature of the receiving environment, and / or proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

- 8.1.1. I have read the submissions on file, visited the site, and have had due regard to the provisions of the Dublin City Development Plan 2016-2022 and all other matters arising. It is considered that, subject to compliance with the conditions set out below, the proposed sub division of no. 53 Marguerite Road into two residential units would be in accordance with the development plan, would not injure the amenities of the

area and would be in accordance with the proper planning and sustainable development of the area. It is considered that the proposed conversion of the existing single storey workshop into a two storey residential unit would not provide adequate residential amenity for future residents of the dwelling and would injure the residential amenity of the residents of no. 53 Marguerite Road by reason of overlooking.

9.0 REASONS AND CONSIDERATIONS

Having regard to the zoning objectives for the area and pattern of development in area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would be acceptable in terms of traffic safety, public health and convenience. The proposed development would therefore 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, 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. That prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority, revised plans showing the following details:
 - a) the omission of the conversion of the structure at the rear of the subject site from workshop into a residential unit
 - b) the provision of private open space of no less than 60sq.m. for each of the proposed dwellings no. 53 and no. 53a Marguerite Road.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In the interest of protecting the residential amenity of existing and adjoining properties.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house or shall be erected on within the rear garden area or the existing workshop area, without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the two proposed dwellings.

4. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours 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. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

6. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay rubble or other debris on adjoining roads during the course of the works.

Reason: In the interest of residential amenity

7. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

8. 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

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.

Gillian Kane
Planning Inspector

18 December 2017