



An
Bord
Pleanála

Inspector's Report PL 29S 249385.

Development	Two storey, two-bedroom house with garage and roof garden, and associated boundary walls and site development works.
Location	Rear of No 64 Grosvenor Road, (with access from Spire View Lane,) Rathmines, Dublin 6.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	3476/17
Applicant	Gerry Gannon
Type of Application	Permission.
Decision	Refuse Permission
Type of Appeal	First Party against Refusal.
Appellant	Gerry Gannon.
Observer	Pat and Gerard Costello
Date of Site Inspection	28 th November, 2017.
Inspector	Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The site has a stated area of 93.5 square metres is formed from the rear private open space of No 64 Grosvenor Road, a two storey over garden level nineteenth century house. There is a railed front garden and pedestrian gate on the site frontage on Grosvenor Road from which there is a pathway and front entrance door at the top of a granite staircase with cast iron railings to each side. The house is stated to be subdivided into nine apartments and to have been subdivided into multiple units pre-1963. The stated area of the historic curtilage of No 64 Grosvenor Road which includes the application site area formed from the rear garden space as far as the boundary with Spire View Lane to the east is 545 square metres.
- 1.2. The rear access on Spire View Lane which formerly would have served as a rear access lane for the houses on Rathgar Road and Grosvenor Road is fenced off with a two metres high gate and wall. To the south side of the appeal site are the rear gardens of Nos 62 and 63 Grosvenor Road which have been converted to outdoor school yard for the Rathgar Junior School which is based in the two houses. To the north side is rear space to the adjoining property at No 65 Grosvenor Road. The appeal site and the adjoining rear garden space at No 65 is staggered in a south-easterly direction in configuration as opposed to being directly behind the rear building lines of the houses as far as the rear boundaries.
- 1.3. At the northern end of Spire View Lane there is a coach house which is two storey and has been converted to a dwelling. There are circa forty dwellings most of which are two storey, purpose built dwellings setback from the road frontage with the remainder being historic buildings in use as dwellings as well as some outbuildings along both sides of Spire View Lane. An apartment development is at the junction with Rathgar Road. At the time of inspection which took place mid-morning on a weekday, cars were parked along both sides of the lane, some of which may have been commuter parking. Pay and display and residents parking permit systems were not in operation along the lane.

Proposed Development

- 1.4. The application lodged with the planning authority indicates proposals for construction of a two storey two bedroom detached dwelling with a stated floor area

of 106.7 square metres. At first floor level provision is made for living and dining space with access onto a terrace facing onto Spire View Lane. Two bedrooms are shown at ground floor level along with a bathroom and access onto a patio. An on-site car parking space is shown at ground floor level beneath a first-floor terrace.

2.0 Planning Authority Decision

2.1. Decision

By order dated 14th September, 2017 the planning authority decided to refuse permission for the proposed development based on the following reason:

“The proposed development by reason of its site coverage and substandard private open space provision would be overdevelopment of the site and would set an undesirable precedent for similar forms of development along an appropriately established mews lane. The proposed development would therefore, be contrary to the standards of the Development Plan 2016-2022 and the proper planning and sustainable development of the area.”

2.2. Planning Authority Reports

Planning Reports

- 2.2.1. The planning officer in her report, in which she notes the observations in the technical reports and the third-party observations considered the proposed development excessive in site coverage, and that it fails to meet the minimum private open space standards provided for in Section 16.10.16 of the development plan, breaches the established building line and constitutes overdevelopment. She also indicated dissatisfaction with the proposed design and materials. However, she acknowledges that the principle of mews development on Spire View Lane has been established but the current proposal is unacceptable.

Other Technical Reports

- 2.2.2. The report of the Roads and Traffic Planning Division indicates a requirement for on-site provision for car parking and that reliance on parking to serve mews lane

development on the lane is not acceptable. It is stated that there is no objection subject to provision for a 2.5 metres wide entrance and other standard requirements.

- 2.2.3. The report of the Drainage Division indicates no objection subject to standard conditions.

2.3. **Third Party Observations**

- 2.3.1. Observer submissions were submitted by four parties who are residents at properties on Spire View Lane, including the appellant party and the Rathgar Junior School.
- 2.3.2. Concerns expressed include adverse impact on amenities of adjoining properties due to overlooking from the proposed first floor terrace; deficiencies in private open space provision; increased demand for on street parking along Spire View Lane, the on-site parking space also being deficient in size; poor presentation along the Spire View Lane frontage; overdevelopment of lands within an area subject to the Z2 residential conservation area zoning objective and, incompatibility with the established pattern and character of development.

3.0 **Planning History**

- 3.1. There is no record of any planning history for the application site. However, permission was refused under P. A. Reg. Ref. 2055/06 for a rear three storey extension to the original house and for reduction from nine dwelling units to six dwelling units.

4.0 **Policy Context**

4.1. **Development Plan**

- 4.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site location is within an area subject to the zoning objective Z1: *To protect and/or improve amenities of residential conservation areas.*
- 4.1.2. The indicative site coverage is 45 per cent and the indicative plot ratio is 0.5-2.0

- 4.1.3. Development management policies objectives and standards for residential extensions are set out in chapter 16. Mews Lane Development is covered in section 16.10.16 and infill housing in section 16.10.10.

5.0 The Appeal

5.1. Grounds of Appeal

- 5.1.1. An appeal was received from the applicant's agent Deaton Lysaght Architects on 11th October 2017. Attached is a drawing indicating an alternative proposal for frontage and boundary treatment, a statement that as no response had been received to a request for a pre-planning meeting with the planning authority the applicant had decided to proceed with lodgement of the application and, photographs of some sites and developments which are referred to in the appeal. According to the appeal:

- It is appropriate for the proposed development to have direct access onto the lane with a garage and entrance door. The design relates to the existing context of the built environment on Spire View Lane on which some of the dwellings are built to the curtilage of the site which vehicular and pedestrian access direct off the lane. The proposed double height wall continues the massing of the mews at the end of the lane and adjacent high walls and fencing. A contemporary design with materials compatible with existing development was used and open space is provided at the front at first floor level to maximise orientation and daylight and to allow for car parking beneath.
- Adequate private open space is proposed comprising 25 square metres at the front terrace and 13.5 square metres at the rear terrace which exceeds at the minimum requirement for ten square metres per bed space. The area remaining with the existing house is 108 square metres which is equivalent to twelve square metres per bed space.
- It is not accepted that provision for a terrace to the front sets undesirable precedent as there are several examples of prior grants of permission for development with first floor terraces to the front. Private open space provision

is not substandard and complies with the minimum requirement of ten square metres per bed space *“to be normally applied”* according to section 16.10.2 of the development plan. Private open space provision to the rear or side of dwellings is not an absolute. Provision to the front with adequate screening and enclosure meets a satisfactory standard and in the case of the proposed development it allows for a setback from the laneway for the dwelling. Details of the permitted developments and accompanying photographs in support precedent are provided. (P. A. Reg. Refs 1704/96, 09037/03/ PL 202963, 3091/14/ PL 243965 and, P. A. Reg. Ref. 2581/15/PL 245074, refer.)

- The site coverage at 81 per cent inclusive of the car space and 55.9 square metres exclusive of the car space has previously been accepted in the grant of permission for mews lane development to the rear of No 50 Grosvenor Road where the site coverage is sixty percent. (P.A. Reg. Ref.4048/16.)
- The two metres rear garden depth provides screening for ground floor windows. Alternative proposals for “softening of the boundary treatment” which provides for a slatted timber screen n a low plinth wall with the option for a door to provide access to the area at the rear of the main house, which could be shared semi private open space is included. Drawing 0558-ABP-100 refers.)
- The proposed development delivers an additional housing unit at a high standard on unused land.

5.1.2. With regard to the concerns indicated in the third-party observations it is stated that:

- The school playground will not be overlooked and the fire access to the school will not be obstructed.
- The screening at first floor level ensures that no overlooking of adjoining properties will occur.
- The on-site car space accords with development plan standards and a wider access door can be provided. (Drawing 0558-ABP-100 refers.)

5.2. Planning Authority Response

5.2.1. According to a letter received from the planning authority on 8th November, 2017, the planning authority has no additional observations to those already available in the planning officer's report.

5.3. Observations

5.3.1. A submission was received from Pat and Gerald Costello of 37 Spire View Lane on their own behalf on 7th November, 2017 according to which:

- The proposed development is out of character with the surrounding area and would have undue negative impact on the residential amenities of properties at the northern end of Spire View Lane.
- The first-floor private open space to the front would result in overlooking and noise disturbance. It is poor quality and alternative design does not address the efficiencies. It is poor quality in attainable amenity for future residents due to the two metre high wall and, obstruction of light and is twelve metres from windows in existing development. The proposed replacement treatment is not satisfactory in that overlooking will still occur. The gardens for the existing Spire View Lane dwellings are located at the rear at ground floor level and there are entrance doors and windows in the front façade.
- The proposal is visually obtrusive and out of character with the established development. It is an awkward and pointed two storey element visible from the entrance to the lane with a pitched roof at an acute angle to the street and existing development.
- The proposed car space at an angle to the street and with a narrow entrance will not be used and there is a lack of ventilation and storage within the site. There is no storage space for refuse bins if the garage space is used by a car and because there is no setback from the street. The door width in the appeal submission does not exceed 2.4 metres
- Of the thirty-nine houses on Spire View lane only eight have frontage are not setback from the frontage onto the lane and five of them are historic properties. There are some other structures on the frontage such as sheds

and walls. onto the lane edge. The houses are square onto the frontage of the lane are 120 metres from the site location, have good separation distances, rear private open space and no first floor level terraces. The applicant cannot claim reinstatement of a historic dwelling in that the Grosvenor Road Houses did not have coach houses.

- Precedent cannot be taken from the permitted development at the rear of No 50 Grosvenor Road. It is square to the street has rear private open space and is sixteen metres from the façade on the opposite side of the road. The coach house at the end of the lane is square to the street on which it has direct frontage and there as some difficulties with access, space for refuse bins etc. Small rear gardens elsewhere on the laneway predate current standards.
- The proposed house has a complicated massing and is highly visible and contrasts poorly with the coach house at the end of the lane and other buildings. Trees will be lost or damaged increasing the visibility of a disorderly element in the streetscape with all views including the front and side wall complicating the massing.
- If the nine units were not retained in the existing house some of the rear private open space could allocated to a mews dwelling on Spire View Lane.
- The submission also includes detailed comments on each of the permitted developments referred to in the appeal on the basis of which it is argued that each example is irrelevant to the proposal in the application.

6.0 **Assessment**

6.1. The issues considered central to the determination of a decision and which are considered below are that of:

Site coverage, Private open space provision

Design, height and mass

Parking to serve the proposed development,

Precedent.

6.2. Site coverage

- 6.2.1. The site coverage at eighty-one percent is almost double the indicative percentage of 45 percent provided for in the development plan standards for development within areas subject to the Z2 residential conservation area zoning objective. While there is scope for some flexibility it would be necessary for the proposed development to achieve an acceptable standard in all other respects. The plot ratio at 1.14 does not give rise to any concerns in principle given the indicative ratio of 1-5 – 2.0.
- 6.2.2. The relatively narrow site configuration which is directed towards the south east of the site as opposed to being confined directly behind the rear building line of the original house limits the potential for satisfactory insertion of a dwelling into the site.

6.3. Private Open Space Provision.

- 6.3.1. The site configuration constraints in conjunction with the requirement for sufficient private open space provision for the existing house which is subdivided into nine dwelling units result in serious deficiencies in private open space provision to the rear and or side of the proposed dwelling. It is therefore solely reliant on a total allocation of thirty-nine square metres comprising the proposed first floor terrace to the front which extends to the edge of Spire View Lane and small terrace at ground floor level at the rear which has a separation distance of two metres from the boundary with the space to be retained with the existing dwelling.
- 6.3.2. The applicant has indicated as an option, the allocation of the private open space at the rear of the original dwelling to be converted to shared open space for the residents of the nine units and the residents of the proposed development. This is considered deficient in terms of outdoor amenity for a two bedroom detached house (as opposed to an apartment) and it would also amount to a deterioration in the quality and potential privacy and amenity of the space for the occupants of the original dwelling and potential diminution in its property value particularly in the event of possible future separate ownership. The option proposed is not a satisfactory substitute for the lack of capacity within the application site for quality private open space provision.
- 6.3.3. The first floor front facing terrace is unacceptable as private open space provision in that irrespective of any screening proposals, the residential amenities of properties in the vicinity, namely opposite, in the converted coach house at the northern end of

the lane would be adversely affected by potential for perceptions of overlooking, notwithstanding the proposed louvre system and by noise disturbance due the location direct on the frontage of the lane and the proximity to the adjoining properties. In effect it is questionable as to whether either terrace can be regarded as functional external private open space given the extent of enclosure required for screening purposes on the boundaries, the configuration the consequent restricted exposure to sunlight and daylight.

- 6.3.4. In view of the foregoing, it is considered that the extent of proposed site coverage, the consequent lack of private garden space to the rear and side at ground floor level and the reliance on the first floor front and ground floor rear terraces constitutes overdevelopment resulting in the attainable residential amenities of the proposed development being substandard and the residential amenities of properties in the immediate vicinity being adversely affected.

6.4. Design Height and Mass.

- 6.4.1. There is no objection in principle to the contrasting contemporary design concept for the proposed dwelling and the selection materials and finishes. However, it is agreed that the form is significant and conspicuous by reason of massing and orientation and direct build up to the edge of Spire View Lane. The two storey height, mass and scale and breach by the footprint of the well-established front building line set the dwellings constructed along the northern end of Spire View Lane results an obtrusive and dominant feature in the streetscape which is disorderly and, in particular detracts from the converted coach house at the northern end which closes the vista along the streetscape.

6.5. Parking to serve the proposed development.

- 6.5.1. The applicant has sought to provide for one off street car-space at ground level beneath the first floor living accommodation. The parking space has a maximum width of three metres, based on an estimate from the lodged plans. For large vehicles and for the circulation space by passengers, this width is deficient and furthermore, there is no provision for cycle storage, refuse bin storage or other ancillary storage space. A swept path analysis is not available but there are concerns as to scope for and for unobstructed ease in manoeuvring into and out of the on-site space via the proposed entrance gate which is at an angle corresponding

to the frontage and onto the Spire View Lane the width of which is circa four metres. The concerns of the observer party in this regard and that there is a likelihood that the off street space would not be used and that as a result there would be increased demand for parking on Spire View Lane itself is reasonable. There are no residents' permit or paid parking systems operated by the local authority along the Spire View Lane along which there is heavy parking on both sides.

6.6. Precedent Development.

The applicant's agent contends that there are a number of permitted developments from which precedent can be taken but the observer party disputes the relevance of these developments. The details have been reviewed and it is agreed that the circumstances and context of these developments are not sufficiently comparable from the perspective of establishment of any precedent to support the proposed development, particularly with regard to site configuration, layout and footprint, site coverage, dwelling size, private open space provision and access and parking.

Appropriate Assessment.

- 6.6.1. Having regard to the location of the proposed development which entails construction of a modest sized dwelling within an established residential area, it is considered that no appropriate assessment issues arise. 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.

7.0 Conclusion and Recommendation

- 7.1. Given the foregoing, it is recommended that the planning authority decision to refuse permission be upheld and that the appeal be rejected. Draft Reasons and Considerations are set out below.

8.0 Reasons and Considerations

- 8.1. Having regard to the zoning objective "*Z: To protect and/or improve amenities of residential conservation areas*" and to the standards for residential development within Chapter 16 of the Dublin City Development Plan, 2016-2022, and to the limitations of the site configuration and location on Spire View Lane, it is considered

that the proposed development constitutes substandard overdevelopment by reason of site coverage, lack of private open space provision, both quantitatively and qualitatively, breach of the established front building line and visual dominance and conspicuousness in the streetscape due to scale height and mass, and, substandard on-site parking facilities and external storage space. As a result, the proposed development would not provide for a sufficient standard of attainable residential amenity for the future occupants and would be seriously injurious to the residential amenities of properties in the vicinity on Spire View Lane. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Jane Dennehy.
Senior Planning Inspector.
29th November, 2017.