



An
Bord
Pleanála

Inspector's Report ABP-300864-18

Development

Construction of an additional floor at second floor level for media associated use with a total floor area of 59m in already approved development for media associated use granted under Application Nos. 4329/16 and 2992/15 with access stairs to north and alterations to approved facade treatment all on site of 0.15Ha.

Location

20B - 22, South Lotts Road, Dublin 4

Planning Authority

Dublin City Council Sth (Planning Decisions)

Planning Authority Reg. Ref.

4211/17

Applicant(s)

Oranswell Properties Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Oranswell Propeties

Observer(s)

None.

Date of Site Inspection

14th May 2018

Inspector

Ronan O'Connor

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1.0 Site Location and Description

- 1.1. The site is located on the western side of South Lotts Road. It is a long narrow site located between the rear of the houses facing onto Gordon Street and the former Gaswork's site.
- 1.2. The site is currently under construction.

2.0 Proposed Development

- 2.1. Construction of an additional floor at second floor level for media associated use with a total floor area of 59m in already approved development for media associated use granted under Application Nos. 4329/16 and 2992/15 with access stairs to north and alterations to approved facade treatment all on site of 0.15Ha.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for one reason relating to impact on existing streetscape and impact on residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority. Points of note are as follows:

- Use could be acceptable given the context of the site
- Concern regarding the bulk and massing of the proposal.
- Notes proximity of the Gasworks development but states the immediate context is small scale two-storey residential development
- Permitted development (4329/16) is an appropriate scale
- Scale of the proposed development is out of character with the existing pattern of development/results in as adverse visual impact

3.2.2. Other Technical Reports

Drainage – No objection subject to conditions.

3.3. Prescribed Bodies

3.3.1. Iarnrod Eireann – remind developers of their obligations under the Railway Safety Act 2005.

3.4. Third Party Observations

None.

4.0 Planning History

4329/16 – Grant – Change of use from residential to media associated use of a two-bed apartment at first floor level (as approved under 2292/15 and 246312).

246312 (2992/15) – Grant on appeal – 10 residential units.

5.0 Policy Context

5.1. Development Plan

The site is zoned Z1 – To protect, provide and improve residential amenities. ‘Media-associated uses’ are listed ‘Open for Consideration’ under the Z1 Zoning Objective.

Relevant provisions of the development plan include:

Chapter 16 provides the Development Standards and refers to Design, Layout, Mix of Uses and Sustainable Design.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

The First Party grounds of appeal are as follows:

- The proposed development would not be dominant within the broader context of the streetscape.
- Would have a positive impact on the streetscape.
- Claim relating to amenity impacts are unfounded.
- Assessment is based on an incorrect appraisal of the existing pattern of development.
- Additional media-related floor areas is required to render it viable.
- Existing streetscape lacks cohesion and definition and overall appearance is weak, chaotic with poor quality urban form and character.
- Proposal is considered by the planning authority to be minor in scale, as stated in the planner's report.
- Planning Authority do not consider that the Gasometer Building forms part of the wider context – assessment is therefore narrow and uninformed /do not refer to the ESB substation nor to the single storey commercial building
- South Lotts is a street with many different forms of development with a variety of heights and forms
- Gasometer building dominates this area of South Lotts Road
- Proposal would established a clear legible and coherent building along this street of street
- Claim that it would result in a negative visual impact should be rejected
- No impact at all on residential amenity
- Applicant is willing to consult with the planning authority in relation to finishes, materials and samples.
- Examples cited of other designs are submitted.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

None.

7.0 **Assessment**

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Design and visual amenity
- Residential Amenity
- Appropriate Assessment

7.2. **Principle of Development**

7.2.1. Media associated uses are open for consideration within the Z1 Zoning. The planning authority raised no objection to the principle of the use, given the context of the site in proximity to other commercial development and the most recent consent on site (planning reference 4329/16). I can see no reason to object to the principle, given the context and the history on the site.

7.3. **Design and Visual Amenity**

7.3.1. The planning authority consider the scale of the proposal to be injurious to the streetscape and surrounding residential amenity. The applicant/appellant considers the scale to be appropriate given the wider context of the site and further contends that it results in an improvement to the streetscape, given the existing discordant nature of same. I tend to concur with the applicants in relation to this issue and consider that the proposal, in the broader context of the Gasworks Site, is of an appropriate scale. The existing streetscape is unsatisfactory and undefined. While the existing consent goes some way towards resolving the streetscape, there is no

objection to an increase in scale to the front of the site, providing further definition to this side of South Lotts Road.

7.3.2. The detailed appearance is a contemporary one which reflects the appearance of the Gasworks to the rear of the site. This is an appropriate design solution in my view.

7.3.3. In conclusion, I consider the additional floor to be acceptable, having regard to the positive impact on the streetscape and having regard to the detailed design of same.

7.4. Residential Amenity

7.4.1. There is existing residential units relatively close to the proposed development, on the upper floor of No. 24A South Lotts Road, with additional residential units along Gordon Street, with rear windows facing towards the appeal site. There will be no impact on the amenity of No. 20 South Lotts Road, given the proposed development sits flush with this unit. The next closest residential unit, on the first floor of No. 24A, South Lotts Road, has a window facing towards the site. While there will be some impact on this window this is also true of the permitted development, and I do not consider the impact of this proposal will be so materially greater so as to warrant a refusal. I note that this unit is also served by two windows on the front elevation, facing towards South Lotts Road.

7.5. Appropriate Assessment

7.5.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity to the nearest European Site, no Appropriate Assessment issues arise and it is not considered the proposed development would 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 recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations

Having regard to the zoning objective for the site, the pattern of development in the vicinity and the policies of the current Dublin City Development Plan 2016-2022, it is

considered that the overall height is appropriate, having regard to the context of the site, and the proposed development would not seriously injure the visual or residential amenities 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. The terms and conditions of the permission for the original development, and for the most recent permission, which were issued under register reference numbers 2992/15 (PL29S.246312) and 4329/16, shall be fully complied with, except where modified by this permission.

Reason: To provide for an acceptable standard of development.

3. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. 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.

Rónán O'Connor
Planning Inspector

15th May 2018