



An
Bord
Pleanála

Inspector's Report ABP-301205-18

Development	Retention for conversion of car port to habitable use and permission for new window to front at ground floor level.
Location	4 The Mews, Eden Park, Glasthule, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17B/0595
Applicant(s)	Frank Mollen
Type of Application	Permission
Planning Authority Decision	
Type of Appeal	First Party
Appellant(s)	Frank Mollen
Observer(s)	None
Date of Site Inspection	22 nd June 2018
Inspector	Mary Crowley

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.3. Planning Authority Reports	4
3.4. Prescribed Bodies	4
3.5. Third Party Observations	4
4.0 Planning History.....	4
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations	5
6.0 The Appeal	5
6.1. Grounds of Appeal	5
6.3. Planning Authority Response	6
6.4. Observations	6
6.5. Further Responses.....	7
7.0 Assessment.....	7
8.0 Recommendation.....	9
9.0 Reasons and Considerations.....	Error! Bookmark not defined.
10.0 Conditions	10

1.0 Site Location and Description

1.1. The appeal site is located to the south east of Dun Laoghaire and north of Glenageary along Eden Park, a cul de sac to the rear of No 4 Eden Park, a protected structure. The appeal site is occupied by a two-storey mews dwelling and forms part of a terrace of mews dwellings along Eden Park Mews. To the north of the site is Sandycove and Glasthule Dart station. A set of photographs of the site and its environs taken during the course of the site inspection is attached. I also refer the Board to the photographs of the appeal site and environs available to view throughout the appeal file.

2.0 Proposed Development

2.1. This is an application for retention permission for conversion of car port to habitable use and clear glazing (with louvered blinds) to first floor windows to the rear; also permission is sought for new window to front at ground floor level.

3.0 Planning Authority Decision

3.1. Decision

3.2. DLRCC refused permission for retention for the following three reasons as summarised:

- 1) Endanger public safety due to the lack of acceptable parking facilities for residents of The Mews, Eden Park, Glasthule and unacceptable precedent.
- 2) Development to be retained would result in a loss of the existing on-site car parking spaces to serve the dwelling and would be contrary to Section 8.2.3.4 of the DLRCC Development Plan.
- 3) Retention of clear glazing to first floor rear windows would give rise to unacceptable level of overlooking and would contravene Condition No 8 of Reg Ref D05A/1481.

3.3. **Planning Authority Reports**

- 3.3.1. Planning Reports - The Case Planner recommended that permission be refused for three reasons. The notification of decision to refuse permission issued by DLRCC reflects this recommendation
- 3.3.2. Other Technical Reports
- 3.3.3. Transportation Planning – Recommended that permission be refused for two reasons relating to endangerment of public safety and precedent.

3.4. **Prescribed Bodies**

- 3.4.1. There are no reports from any prescribed bodies on file.

3.5. **Third Party Observations**

- 3.5.1. There is one observation recorded on the planning file from Stephen Kenny, No 4 Eden Park. The issues raised relate to loss of residential amenity and overlooking by reason of the alteration of the rear windows from opaque glazing to clear glazing and the addition of a clear glazed door at rear ground floor in replacement of a solid wood door.

4.0 **Planning History**

- 4.1. There was a previous application on this site that is referenced in the third reason for refusal. This file may be summarised as follows:

Ref D05A/1481 – DLRCC granted permission in 2005 for the construction of new two storey mews house, including two bedrooms and one car space to rear of No 4 Eden Park, which is a protected structure. Condition No 10 states as follows:

Development described in Classes 1 of Part 1 of the Schedule 2 to the Planning and Development Regulations, 2001, or any enactment amending or replacing them, shall not be carried out within the curtilage of the proposed dwelling without prior grant of planning permission.

Reason: *In the interest of residential amenities.*

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative Development Plan is the **Dun Laoghaire Rathdown County Development Plan 2016-2022**. The site is zoned Objective A where the objective is *to protect and/or improve residential amenity*. Section 8.2.4.5 deals with car parking standards. Section 8.2.3.4 Additional Accommodation in Existing Built-up Areas, Part (x) Mews Lane Development states:

All parking provision in mews laneways should be in off-street garages, integral garages (car ports), forecourts or courtyards, and conditions to 'de-exempt' garage conversions will normally be attached. At least one off-street parking space per dwelling will generally be required. Where two spaces can be reasonably accommodated these should be provided. Part set-backs of frontage for on-street parallel parking may be considered depending on lane width and structure types.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.2. The appeal was prepared and submitted by Doyle Kent Planning Partnership Ltd on behalf of the application and maybe summarised as follows:

- The mews dwelling is occupied by the applicant's family who purchased the property in 2010 as a family home.
- The applicant is not appealing refusal reason No 3. Stated that they will reinstate the obscure glazing to the first floor living room / kitchen once a decision has been made by the Board.
- Accepted that the works contravene the parent permission. However Condition No 10 therein does not specifically exclude any garage conversion

but states that such development shall not be carried out without prior grant of permission.

- Reference is made to D15B/0059 at 1A Islington Avenue and is it submitted that the Planning Authority are not being consistent in its decision making where there is sufficient on street car parking to serve the dwelling and other dwellings in the immediate vicinity.
- The conversion of the garage to a habitable space does not increase the bedrooms numbers but usefully extends the space within the dwelling, allowing the family to separate the kitchen / dining space from the living room / study at first floor.
- With regard to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018 it is noted that there is a requirement that Planning Authorities change their policies in respect of car parking provision, where residential units are located in close proximity to public transport. This is a highly accessible location close to sustainable modes of transport and local services.
- Two drawings attached demonstrating the impossibility of manoeuvring a standard car into the garage.
- The Board is asked to grant permission for the conversion of the garage / carport for habitable purposes and grant permission to install a new window to the bedroom.

6.3. Planning Authority Response

- 6.3.1. DLRCC refers to the previous planners report and state that the grounds of appeal do not raise any new matter which in the opinion of the Planning Authority would justify a change of attitude to the proposed development.

6.4. Observations

- 6.4.1. There are no observations recorded on the appeal file.

6.5. Further Responses

6.5.1. There are no further responses recorded on the appeal file.

7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Traffic Safety & Car Parking
- Residential Amenity
- Other Issues

8.0 Principle

8.1. Under the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 the site is wholly contained within an area zoned Objective A where the objective is to protect and / or improve residential amenity and where residential development is permitted in principle subject to compliance, with the relevant policies, standards and requirements set out in plan. Residential extensions and alterations to an existing dwelling for residential purposes is therefore considered a permissible use. Accordingly I am satisfied that the principle of an extension to an existing dwelling at this location is acceptable at this location.

9.0 Traffic Safety & Car Parking

9.1. DLRCC refused permission as it was considered that the loss of car parking within the site would endanger public safety due to the lack of acceptable parking facilities for residents of The Mews and would result in a loss of the existing on-site car parking spaces to serve the dwelling and would therefore be contrary to Section 8.2.3.4 of the DLRCC Development Plan.

- 9.2. This is a private laneway that provides access from Eden Park and as noted on day of site inspection and as pointed out by the applicant it is used by the residents of the laneway to park their cars. DLRCC Transportation Planning state that on-street car parking on the Mews laneway is commonplace and as a result it reduces the laneway to a single lane of traffic immediately adjacent to the front of the mews properties. The design of the mews together with established on street parking renders it, in my view, very difficult to manoeuvre a standard car into and out of the garage space provided.
- 9.3. Overall I agree with the applicant that the long established on-street car parking for the mews lane residents on the private lane, together with both paid and unpaid parking at Eden Terrace Park, is more than adequate to serve these residential uses and that the loss of the unused garage will not endanger public safety by reason of traffic hazard or obstruction of road users.

10.0 Residential Amenity

- 10.1. I note the concerns raised in the observations to the Planning Authority regarding the potential for overlooking of residential properties backing onto the appeal property by reason of the alteration of the rear windows from opaque glazing to clear glazing and the addition of a clear glazed door at rear ground floor in replacement of a solid wood door. There is no objection to the addition of a clear glazed door at rear ground floor in replacement of a solid wood door. While I agree with the views of DLRCC in their third reason for refusal in that the retention of clear glazing to first floor rear windows would give rise to unacceptable level of overlooking I do not consider that this of itself would merit a refusal of the overall scheme. In line with the written commitment of the applicant to reinstate the obscure glazing to the first floor living room / kitchen once a decision has been made by the Board I am satisfied that the matter can be dealt with by way of suitably worded condition.

11.0 Other Issues

- 11.1. **Development Contributions** – Dun-laoghaire Rathdown County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 14th December 2015. The stated floor area of the car port to habitable use is 12sqm. Section 9 Level of

Contribution as set out in the scheme states that *all retention permissions will be charged a multiple of 1.25 times the rates outlined in the stated Schedule*. Accordingly, the proposed development does not fall under the exemptions listed in the scheme and it is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

- 11.2. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development, a rear extension to an existing dwelling, within an established urban area, and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

12.0 Recommendation

- 12.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below

13.0 Reasons and Considerations

- 13.1. Having regard to the residential zoning objective for the area as set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022, the established pattern of development in the area and the nature, scale and design of the proposed habitable use to be retained together with proposed new window to front at ground level, it is considered that, subject to compliance with the condition set out below, where by the clear glazing (with louvered blinds) to first floor windows to the rear of the building is to be replaced with obscure glazing, the proposed development would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 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 clear glazing (with louvered blinds) to first floor windows to the rear of the building shall be replaced with obscure glazing.

Reason: in the interest of residential amenity

3. The developer shall pay a financial contribution updated at the time of payment in accordance with changes in the Wholesale Price Index - Building and Construction (Capital Goods), published by the Central Statistics Office, to the planning authority as a contribution towards the expenditure that was incurred by the planning authority in respect of works commenced within the past seven years which have facilitated the proposed development.

Reason: It is considered reasonable that the developer should contribute towards the expenditure that was incurred by the planning authority in respect of works which have facilitated the proposed development.

Mary Crowley

Senior Planning Inspector

27th June 2018