



An
Bord
Pleanála

Inspector's Report ABP-301902-18

Development	Construction of a three storey house with roof terrace and domestic garage at ground floor level.
Location	Site to the rear of 68 Seville Place & adjacent to 1 First Avenue, Dublin 1
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	2651/18
Applicant(s)	John McKenna
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	John McKenna
Observer(s)	1. Transport Infrastructure Ireland 2. Mary Dunne & Others
Date of Site Inspection	16 th August 2018
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located on First Avenue off Seville Place to the east of Dublin city centre. First Avenue and adjoining streets to the north-west first appear on historic 25-inch mapping dating from 1897-1913. There are 2-storey terraced dwellings aligning both sides of First Avenue. The street has a uniform appearance with continuous eaves, ridge and cill levels and a regular pattern of windows and doorways.
- 1.2. No. 1 First Avenue is the end of terrace dwelling located on the south-eastern side of the street behind No. 68 Seville Place. The appeal site comprises a single storey flat roof building situated between No. 1 First Avenue and No. 68 Seville Place. It appears that the site is completely built over. To its rear is a yard and to the south-west is an enclosed parking area/ garage associated with No. 68. The 2-storey rear return of No. 68 also adjoins the site to the south-west. The site area is given as 29 sq.m.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following:
 - Construction of a 3-storey 1-bedroom house (76 sq.m.);
 - Roof terrace;
 - Domestic garage.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council issued notification of decision to refuse permission for the following reason:

“The Planning Authority considers that the proposed development by reason of its three storey design, excessive plot ratio and site coverage, and unacceptable provision of private open space at roof level constitutes overdevelopment and inappropriate development of the site. The

proposed development would be visually incongruous to and would significantly detract from the established character of the area. The proposed development would not be in keeping with or respect and complement the prevailing scale, architectural quality and the degree of uniformity of the existing terrace of dwellings on First Avenue, an area with a zoning objective Z2- to protect and/or improve the amenities of Residential Conservation Areas. The proposed development would therefore be contrary to the provisions of the Dublin City Development Plan, 2016-2022 and in particular Policy CHC4 as well as the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. The recommendation to refuse permission in the Planner’s Report reflects the decision of the Planning Authority. The main points raised under the assessment of the application are summarised as follows:

- Proposal cannot be considered a mews dwelling or an apartment development as described in the Development Plan.
- Proposed development of a 3-storey dwelling, together with the non-traditional roof profile is not in keeping and does not respect or complement the prevailing scale, architectural quality and degree of uniformity in the townscape.
- Proposal is contrary to Policy CHC4 which seeks to protect the special interest and character of all Dublin’s Conservation Areas.
- Proposal falls short in terms of aggregate living area but exceeds standards for overall floor area, mainly due to the proposed garage (car parking is not a requirement).
- Roof terrace is not in keeping with the quality of private open space standard required for dwellings and could have a negative impact on adjoining residential amenity.

- Proposal represents overdevelopment of a restricted site, inappropriate development by reason of design, and is not in keeping with and does not complement the terrace of dwellings.

3.3. Third Party Observations

- 3.3.1. A submission was made by Mary Dunne and others who also made an observation on the appeal.

4.0 Planning History

- 4.1. No relevant history.

5.0 Policy Context

5.1. Dublin City Development Plan, 2016-2022

- 5.1.1. The appeal site is zoned “Z2” where the objective is *“to protect and/or improve the amenities of residential conservation areas.”*
- 5.1.2. It is stated under Section 16.2.2.2 with respect to infill development that it is particularly important that a proposal respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape. Section 16.10.10 sets out criteria for infill housing.
- 5.1.3. Policy CHC4 relates to development in conservation areas and Policy QH8 seeks to promote the sustainable development of vacant or under-utilised infill sites.

5.2. Natural Heritage Designations

- 5.2.1. The Royal Canal is located approximately 120m to the east of the site and is designated as a Natural Heritage Area.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal against the Council's decision was lodged on behalf of the applicant. The grounds of appeal and main points raised in this submission are summarised as follows:

- Site currently attracts anti-social behaviour requiring protection by unsightly metal grilles.
- Proposed house is designed to step between tall 3-storey terraces houses on Seville Place and low 2-storey terraced houses on First Avenue.
- Development Plan seeks *“to promote the sustainable development of vacant and under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.”*
- Proposed house can be considered a 1-bed apartment over garage or as a 1-bed townhouse – space provided significantly exceeds criteria required in Guidelines.
- Exterior walls will be colour rendered, windows will be traditional sash types and deep reconstituted stone cills are proposed to reflect First Avenue.
- Roof terraces are frequently used to provide private open space in inner city locations – no overlooking of adjoining property will occur.
- Applicant is willing to omit parking space and reduce the building by one storey if required.

6.2. Planning Authority Response

6.2.1. No response.

6.3. Observations

6.3.1. An observation on the appeal was received by Ms. Mary Dunne and other residents of First Avenue. The main points raised in this submission are as follows:

- There are ongoing issues with sewage at No. 68 Seville Place.
- Proposed development for a 3-storey house on a very narrow site is completely out of character with surrounding houses and would have a negative impact on the local streetscape.
- Proposal would significantly detract from the residential amenity of the houses on First Avenue by way of overlooking and overshadowing.
- Roof terrace is not an acceptable form of open space for this area.
- First party appellant's offer to remove garage would make little contribution to addressing the overall issues raised.
- Agree with Planner that development is visually incongruous with the surrounding streetscape, would impact negatively on the residential amenity of adjacent houses and is overdevelopment of the site.

6.3.2. Transport Infrastructure Ireland submitted an observation advising that the proposed development falls within the area for an adopted Section 49 Supplementary Development Contribution Scheme Luas Red Line Docklands Extension, and if permission is granted, a condition should be attached applying the Section 49 Luas Levy.

7.0 Assessment

7.1. I consider that the key issues in determining this appeal are as follows:

- Development principle;
- Layout, design and visual impact;
- Space considerations and impact on residential amenity;
- Appropriate Assessment.

7.2. Development Principle

- 7.2.1. The appeal site is zoned Z2 where the objective is “*to protect and/ or improve the amenities of residential conservation areas.*” The construction of an infill dwelling would therefore be acceptable in principle subject to an assessment of the impact of the proposal on the amenities of existing and future residents and compliance with other relevant Development Plan policies and objectives.

7.3. Layout, Design and Visual Impact

- 7.3.1. The proposal comprises the construction of a dwelling occupying 100% of the 29 sq.m. site and including a garage at ground level and roof garden. I would have no objection *per se* to full site coverage and alternative open space and parking solutions within an inner city site surrounded by small scale properties served by rear yards and on-street parking. However, in this case consideration should also be given to the design of the proposal within a historic streetscape that is zoned as a residential conservation area.
- 7.3.2. The proposal introduces a tall slender flat roof structure within a regular and uniform terraced streetscape. The terraces on both sides are relatively intact and contain a uniform pattern made up of continuous eaves, ridge and cill levels and a regular pattern of windows and doorways. The roofscape is also defined by tall equally spaced chimneys, the most prominent of which is located at No. 1 First Avenue adjoining the appeal site. The gables of the terraces are an important feature that become apparent upon entry to the street.
- 7.3.3. As illustrated on the south-west elevation drawing, the proposed dwelling would conceal the visible gable of the south-eastern terrace and significantly alter the way in which the street is viewed. I agree that the proposed structure will be visually incongruous and would detract from the established character of the streetscape. There may also be adverse visual and overbearing impacts on adjoining properties having regard to the fact that the structure will present high blank walls on three sides.
- 7.3.4. The first party appellant has offered to omit the parking space and reduce the building by one storey. In my opinion, it is difficult to assess the visual impact of

such an amendment without the aid of drawings. Furthermore, I consider that such a change to the design would be material in nature and inappropriate to address by way of condition.

7.4. Space Considerations and Impact on Residential Amenity

- 7.4.1. The reason for refusal refers to the excessive plot ratio and site coverage and the unacceptable provision of private open space at roof level. It is considered that the proposal represents overdevelopment and inappropriate development of the site.
- 7.4.2. As noted above, I consider that an imaginative design solution for this site may be appropriate, whereby the entire footprint of the site is utilised and outdoor space is transferred above ground level. Such an approach would help bring a small under-utilised space into active use and set a positive precedent in providing for smaller households. It should be noted, however, that such an approach may be less appropriate in historic streetscapes.
- 7.4.3. Internally, the proposed dwelling provides for a satisfactory living environment for a 1-bedroom unit. The overall target floor area and the quantum of open space is well in excess of minimum standards and ample storage is achieved in the ground floor garage. The aggregate living area at 15.04 sq.m., however, is well below the requirement of 23 sq.m. I would also have concerns that any attempt to reduce the height of the structure by one storey would result in the provision of substandard internal floor areas.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

8.0 Recommendation

- 8.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the existing character and the prevailing pattern of development along First Avenue, and to the “Z2” zoning applicable to the surrounding area where the objective is *“to protect and/ or improve the amenities of residential conservation areas”*, it is considered that the proposed development, by reason of its height, massing and design, would be out of scale and out of place at the end of the terrace, and would seriously detract from the architectural character, uniformity and setting of the streetscape generally. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Donal Donnelly
Planning Inspector

7th September 2018