



An
Bord
Pleanála

Inspector's Report ABP. 302273-18

Development	Construction of two-storey house, new pedestrian entrance, retention of 3 no. existing car parking spaces and associated works.
Location	Site between No's 13-19 Hollybrook Manor, Hollybrook Park (former Hollybrook Hotel) and 38 Hollybrook Road (Protected Structure) Clontarf. Dublin 3.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	2677/18.
Applicant(s)	Una Mc Carthy.
Type of Application	Permission.
Planning Authority Decision	To Grant Permission.
Type of Appeal	Third Party.
Appellant(s)	Sean Mc Art. Robert Curley. Rob & Breeda Byrne.
Observer(s)	Sean Haughey TD.
Date of Site Inspection	18 th , October 2018.

Inspector

Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located at the corner of Hollybrook Park/Hollybrook Mews, Clontarf, Dublin 3. It is adjoined to the east by the rear curtilage of No 38 Hollybrook Road, which accommodates a large two-storey brick house. To the south, the site is bounded by the Hollybrook Mews development, a two-storey flat roofed residential scheme. The eastern boundary is formed by a high wall, while the gable of the mews development and associated garden wall form the southern boundary.
- 1.2. The site is located on the south side of Hollybrook Park and is currently in use as a private car park (6 no. spaces) associated with the Hollybrook Bar/Restaurant to the west. The boundary addressing Hollybrook Park consists of a low stone wall with railings. The western boundary forms the entrance to the car park.
- 1.3. The site is part of an established residential area comprising a mix of terraced and larger detached/semi-detached dwellings and more recent apartment developments.

2.0 Proposed Development

- 2.1. The proposal is to construct a domestic dwelling on the site. The house would be two-storey over basement with a total floor area of 157m². The house would be provided with a split-level screened courtyard garden to the rear. A new pedestrian entrance onto Hollybrook Park would be provided together with the retention of 3 no. car parking spaces (undercroft) accessed from Hollybrook Mews.
- 2.2. The lower ground floor would accommodate the main living area of the house opening out into a lower garden (27.3m²). The ground floor would accommodate the kitchen/dining room, opening out into an upper garden level (38.9m²). Two en-suite bedrooms would be provided at first floor level, with a balcony to the main bedroom facing Hollybrook Park. The house would be provided with a green roof, with solar panels and rooflights to light the landing and stairwell below.
- 2.3. The external finish would comprise a long brick cladding finish with sliding timber louver screens to the window openings. A timber louver screen with metal mesh background would be provided along the Hollybrook Park site frontage.

3.0 Further Information

3.1. Further information was sought on the application on 30/5/18 on matters relating to the following;

- sunlight/daylight to the proposed living room at basement level,
- measures to ensure that the construction of the basement would not impact on the structural stability of adjacent properties,
- potential overhang of vehicles onto the mews lane, the open nature of undercroft car parking and impacts on the visual amenity of the area,
- details of how mixed commercial/residential car parking would be managed,
- purpose of sliding gate onto Hollybrook Park.

The response of 20/6/18 was to the satisfaction of the planning authority.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission for the development subject to 10 no. conditions. Apart from standard construction and engineering conditions, the decision includes the following conditions of note.

Condition No 1 – The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further information received on June 20th, 2018.

Condition No 4 – (a) One of the 3 no. car parking spaces to be retained on the site shall be designated for the proposed development.

Condition No 5 – The undercroft car park shall be fully enclosed with garage doors, which shall not be outward opening, to details to be agreed.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The **Planning Officer's** report of 16/7/18 notes the planning history on the site. In order to address the previous reasons for refusal, the current proposal is for a two-storey dwelling which matches the height of the adjoining Hollybrook Mews and for a building with a smaller footprint.

The development has a site coverage of 60% and a plot ratio of 0.97 which is within the acceptable range for Z1 zoned lands. The development exceeds the minimum floor area standards for the development plan. All habitable rooms are naturally lit and ventilated and glazing to habitable rooms exceeds 20% of the floor area of each room. A split level garden is proposed to the rear which allows for glazing to the living room located in the basement. At further information stage daylight/sunlight penetration drawings were submitted which indicates that the internal daylight penetration exceeds the minimum requirement.

It is considered that adequate private open space is provided and given the aspect of the subject site it is considered that it would receive adequate sunlight in accordance with requirements.

The site is located in car parking Zone 2 which allows a maximum of 1 no. space per dwelling. Three car parking spaces are proposed, two of which will be retained for use by the restaurant. The car parking spaces will be designed to development plan standards and the applicant proposes a sliding gate to enclose the area for the residential parking. Revised drawings were submitted at further information stage showing the width of the gateway onto Hollybrook Park reduced to 1.5m to address concerns regarding its use.

4.2.2. Other Technical Reports

The **Road & Traffic Division** report of 10/7/18 raises no objection to the development subject to conditions, which included a requirement that 1 no. parking space be designated for use by the proposed house.

The **Drainage Division** report of 2/5/18 raised no objection to the development subject to conditions.

4.3. Prescribed Bodies

None received.

4.4. Third Party Observations

- Concerns raised in previous applications not addressed.
- Contravention of development plan policies and standards for mews dwellings.
- Development in contravention of Hollybrook Road ACA and does not have regard to the form and character of the existing buildings.
- Rear building line does not follow the adjacent Hollybrook Mews development.
- Outlook from No 38 Hollybrook Road over green roof, with attenuation tank, photovoltaic panels etc. Potential for roof to be used as a garden with impacts on adjacent properties.
- Car-parking issues and traffic congestion.
- Basement construction and risk of structural damage to adjacent property.
- Impacts on residential amenity of adjoining property.

5.0 Planning History

3618/17 – Planning permission refused on the appeal site for the construction of a two-storey house (137m²) with a screened courtyard garden, a balcony, screened level deck and a car port (for 1 vehicle), new vehicular and pedestrian entrance onto Hollybrook Park, the retention of 3 no. car parking spaces and all associated works, for reasons relating to overdevelopment of the site, low level of residential amenity for the proposed dwelling, negative impacts on the ACA and impacts on amenities of adjacent property.

2020/17 – Planning permission refused on the appeal site for the construction of a three-storey house (227m²), a screened winter garden and 2 no. balconies, an integrated garage, new vehicular and pedestrian entrance onto Hollybrook Park and retention of 3 no. car parking spaces at existing car park, for reasons relating to overdevelopment of the site, low level of residential amenity for the proposed dwelling, overbearing impact on adjacent dwellings, impacts on the visual amenities of the area and adverse impact on protected structures in the area.

1101/00 – Planning permission granted for the demolition of 2 no. houses adjoining the Hollybrook Hotel and the demolition of 22 no. existing bedroom and function room to provide a new fire escape and 29 no. new bedrooms and internal alterations. The construction of a new three-storey duplex apartment building with podium car park with separate access points for hotel and residential development to car park. The decision of the planning authority was upheld on appeal (PL29N.121301).

3196/98 – Planning permission granted for the demolition of 2 no. houses adjoining hotel and demolition of sections to west side of hotel to provide a new fire escape and 24 no. bedroom extension to side, games room to rear and alterations to existing front elevation and roof.

6.0 Policy Context

6.1. Development Plan

The operative development plan is the **Dublin City Council Development Plan 2016-2022**. The site is located in an area zoned Z1, Sustainable Residential Neighbourhoods, with the following objective; *To protect, provide and improve residential amenities*. Residential use is a permitted use under this zoning category.

Residential Quality Standards (Houses) are set out in Section 16.10.2. The requirements for Infill Housing are set out at Section 16.10.10. Basement development is addressed in Section 16.10.15 with the following relevant policy;

Policy SI 13 -The development of basements or any above-ground buildings for residential use below the estimated flood levels for Zone A or Zone B will not be permitted.

The site lies within the Hollybrook Road Architectural Conservation Area (ACA) Variation No 2 of the Dublin City Development Plan 2016-2022, which was adopted on 12/6/17 and includes the houses and rear gardens on both sides of Hollybrook Road.

It is the policy of the ACA *‘to seek to preserve, protect and enhance the architectural quality, character and setting of the nineteenth century building characteristics within the Architectural Conservation Area (ACA) and to ensure that any changes compliment and add to its character’*. *Planning permission for development*

proposals within or adjacent to an ACA will be granted provided that they preserve or enhance the character or appearance of the ACA.

Policies in relation to Conservation Areas/Residential Conservation Area are set out in Section 11.1.5.4 of the development plan.

Policy CHC4 seeks to protect the special interest and character of Dublin's Conservation Areas.

6.2. Natural Heritage Designations

None

7.0 The Appeal

7.1. Grounds of Appeal

1. Sean Mc Art

Is the owner of Apartment 13 Hollybrook Manor, which is a first-floor apartment over the Hollybrook Pub that overlooks the car park. If the development proceeds, there will be a direct view from the living room windows towards the west elevation of the proposed building. There will be impacts on privacy resulting from overlooking from the first-floor bedroom and balcony.

The proposal will reduce the amount of light the apartment receives, particularly to the living, dining and kitchen area. The development will impact on road safety by obscuring views from the laneway. The reduction in car parking space from 7 no. to 3 no. will place a significant strain on existing spaces, which are already under pressure from the pub, restaurant and the surrounding houses. The location of the car parking spaces means that users will have to reverse in/out which will result in additional safety issues.

2 Robert Curley

The appeal is made on behalf of David Curley resident at No 38 Hollybrook Road. Clontarf. Dublin 3.

a) It is considered that the decision of the planning authority to grant permission will defer materially from the application for permission because of the conditions

imposed. Concerns were raised by third parties regarding the undercroft parking proposed for the northwest elevation to Hollybrook Mews as well as the oversized 10m sliding gate on the elevation to Hollybrook Park.

In response to further information, the applicant proposes to add a sliding gate for the single residential car parking space. The applicant assures the planning authority that the car parking standards will meet the development plan standards. The planning authority attached Condition 5 which requires that the residential/commercial car parking be fully enclosed with garage doors. Object strongly to Condition No 5 as it appears that the 4800mm parking zone extends beyond the line of the parking sliding screen and/or right to the edge of the property line leaving no space for the build up of the garage door enclosure.

Whilst the enclosure of a fully compliant undercroft parking is welcome, further adjustments of the scheme may be required to ensure the garage door enclosure is appropriately incorporated into the scheme. The materiality of the yet unspecified garage door system could have a detrimental effect on the character of the ACA. Furthermore, it is intended that two spaces will be managed by the bar/restaurant and if routinely in use, it is difficult to envisage when the garage door enclosure could be fully enclosed with garage doors during regular use. For these reasons, it is considered that the decision of the planning authority to grant permission with conditions would defer materially from the application for permission because of the conditions imposed.

With regard to the issue of the 10m sliding gate on the Hollybrook Park elevation, the revised drawing (MA-ZZ-DR-A-2000_REV_P2 shows no revision. Fig 1 & 4 are annotated extracts from the drawing which still shows the oversized sliding gate. Whilst a dotted line outline of a swing gate is indicated inside of the sliding gate, no dimensions, description of materials etc is indicated on the swing gate. It is considered, therefore, that the decision of the planning authority to grant permission would defer materially from the application because of the conditions imposed.

b) Incorrect information in the original/revised drawings which should have invalidated the application. There are numerous issues with parapet heights and roof levels incorrectly labelled on the original drawings and the revised drawings make no attempt to amend these errors.

Figure 5 provides an annotated extract from section drawing MA-ZZ-DR-A-P-3000_REV P2 highlighting the specific mis-representation of the 'Roof Level' 4800 lower than the reality, when the level really represents the 'Internal Ceiling Level' . This misrepresentation confuses the roof and parapet levels. The sections indicate that the photovoltaics rising 300mm above the parapet level would in addition to the poorly designed flat roof with a roof water attenuation tank and a vague 'proposed flat green roof system incorporating native plants', would have a detrimental outlook from No 38 and is inappropriate to the Hollybrook ACA.

3 Rob & Breeda Byrne

Resides at No 37 Hollybrook Mews, the property directly adjacent to the proposed development and the one to be most directly affected by it. The following summarises the grounds of appeal;

Risk of structural damage to property has not been assessed. A site investigation report detailing hydrogeological, geological and engineering conditions to show that the site is suitable for the safe construction of a basement has not been submitted with the application. In response to further information, the applicant has submitted a generic letter that lists surveys/investigations to be carried out, but a risk assessment has not been conducted to ensure the development would not impact on the structural stability of the property.

The proposal does not comply with the policies and standards for mews dwellings set out in the development plan. It is clearly an 'individual development proposal' and could not be deemed to represent a 'unified approach framework'. It differs in character, scale and proportions to the other mews properties and extends over 2m beyond the building line of existing properties and the depth of the open space is less than the required 7.5m. The proposed development with its undercroft car port for 3 no. cars, split level courtyard garden, louvre screens etc, fails to have regard to the character of the ACA.

The proposed car parking arrangements will exacerbate a chronic parking problem in the area and create road safety issues at the junction of Hollybrook Mews laneway and Hollybrook Park Road.

Requests that the Board overturn the decision of the planning authority and that in the event that it is minded to grant permission that conditions be attached requiring a

detailed basement impact assessment to demonstrate that the proposal would not impact on adjoining property and that the basement be set back at least 0.5m from the gable wall to reduce the risk of damage by undermining the foundations during construction.

7.2. Applicant Response

The response submitted on behalf of the applicant by Meehan Associates is summarised as follows;

Basement amenity - The daylight/sunlight penetration drawing and calculations, which examine the internal daylight levels in the proposed basement in accordance with BS 8206, *'Code of Practice for Daylighting, 2008 and 'Site Planning for Daylight and Sunlight, A Good Practice Guide* (Building Research Establishment Report, 2011) was submitted as part of the planning submission. The analysis and calculations show that the basement as proposed exceeds the minimum ADF% requirement of 1.5% for a living area and therefore meets the standards and requirements in this respect.

Basement construction – The report submitted in support of the application confirms the measures that will be taken during the demolition and construction process to ensure that the structural stability of existing property and critical infrastructure is maintained. All works will be carried out in accordance with the building regulations and will be designed and monitored by an appointed registered structural engineer.

Carparking – A total of 3 no. car parking spaces will be accommodated in the undercroft car parking area. The size of the spaces complies with the building regulations (4800mm x 2400mm). A gate will be added to enclose the car parking areas and to ensure there is no overhand, to protect the visual amenities of the area.

One of the spaces will be designated to serve the proposed house and will be accessed through a sliding gate which will only be accessible to the residents. The remaining 2 no. spaces will have enclosed garage doors and will be managed by the bar and restaurant. A letter was submitted by the applicant confirming same.

It is not considered that the proposed undercroft car parking constitutes a greater risk than the existing integrated garages that are opening onto the mews lane.

Side access gate – It is noted that the provision of off-street parking from Hollybrook Park will not be supported by the planning authority and parking accessible from Hollybrook Park was not the intention with the planning application. The drawings are not intended to be disingenuous. The side access gate is reduced in width to 1.5m as requested and the applicant has no objection to the gate width of 1.5m being conditioned.

Overlooking – When the property was being designed, cognisance was taken of the existing adjoining properties and the need to protect their privacy and access to sunlight/daylight.

Visibility of solar panels – The solar panels will not protrude over the top of the proposed parapet level (see photographs).

Building heights – The dimensions show that the overall building height proposed is exactly the same as the adjoining Hollybrook Mews and there is no issue with this being a condition of any grant of permission.

7.3. Planning Authority Response

No response to the grounds of appeal were submitted by the planning authority.

7.4. Observations

Sean Haughey Td

The main objection is in relation to parking. There is inadequate car parking on Hollybrook Road/Hollybrook Park and the position will be made worse if the number of spaces is reduced for patrons of the adjacent bar/restaurant.

The proposal constitutes overdevelopment and the threat to residential amenities requires serious consideration. The site is within an Architectural Conservation Area and the proposed house will not preserve or enhance the character or appearance of the ACA. Hollybrook Road and Hollybrook Park are mature areas with old historic houses and the proposed new house will be out of scale and character with the surrounding area.

The risk of structural damage to nearby houses has not been adequately addressed.

8.0 Assessment

The main issues that arise for determination by the Board in respect to this appeal relate to the following:

- Principle of the development.
- Impacts on amenities of the area.
- Basement development.
- Traffic and parking.
- Other matters
- Appropriate assessment.

8.1. Principle of the development

The development is located in an area zoned Z1 where residential use is permissible. The proposed development for a single family residence is, therefore, considered acceptable in principle in this location, subject to compliance with development plan standards and the proper planning and sustainable development of the area.

The site is located at the rear of No 38 Hollybrook Road on lands which formed part of the original curtilage of a protected structure. However, the house was deleted from the Record of Protected Structures when the Hollybrook Road ACA was adopted.

The ACA covers both sides of Hollybrook Road and their associated rear gardens and includes the appeal site. Whilst the front facades of the buildings facing Hollybrook Road retain much of their original features and character, changes have occurred to the rear gardens of some of these dwellings to facilitate additional development. Having regard to the high standard of design of the proposed house and the existing pattern of development in the locality, which includes similar scaled development on adjacent sites, I do not consider that the proposed development would detract from the character and amenities of the ACA.

8.2. Impacts on the visual and residential amenities of the area.

The proposal occupies a corner site at the junction of Hollybrook Mews and Hollybrook Park. Whilst the area is predominantly residential, it is not defined by any particular house type. There is considerable variety in the scale, form and finish of adjacent properties with established terraced, semi-detached and detached residences and more recently developed apartment/mews blocks. The proposal for a well designed dwelling on the site, will provide strong definition to this prominent corner and tie in seamlessly with the adjacent mews blocks. Having regard to the form and scale of adjacent development, I consider that the contemporary design proposal is not inappropriate for the subject site and subject to the use of sympathetic materials will contribute positively to the visual amenities of the area and the character of the ACA.

Issues have been raised in the submissionS regarding the impacts on the residential amenities of adjacent properties. The site is adjoined to the south by the two-storey Hollybank Mews development. There are no windows in the side elevation at any level in the proposed house and accordingly there is no potential for overlooking of these properties. The proposed development faces the rear of No 38 Hollybrook Road. Whilst full sized windows are proposed at ground floor level, the boundary wall prevents overlooking and the corner bedroom window at first floor level is fitted with sliding timber external blinds, which coupled with the separation distance to the rear return of the opposing property, will minimise potential overlooking. In terms of the issues raised regarding the outlook from No 38, the roof will be at framed by a parapet wall which together with the separation distance minimises the potential for significant negative impacts.

To the west of the site there are apartments on the upper floors over the Hollybrook Bar/Restaurant. The windows at first floor level of the proposed house which are fitted with external sliding blinds serve an en-suite and a master bedroom. The windows in the opposing elevation are stated to serve a dining room/kitchen, which arguably create greater overlooking issues than the bedroom windows. Should the Board consider this to be an issue, it may consider that opaque glazing is required to the ensuite and that section of the bedroom window facing the Hollybrook Bar/Restaurant. The balcony at first floor level is associated with the master

bedroom, which would have limited potential to impact on the residential amenity of adjacent property and accordingly I have no concerns in this regard.

The rear wall of the proposed house would project by c.2m at first floor level beyond the rear elevation of the adjoining mews development to the south. Having regard to the limited projection and the 2m set back from the common boundary, I consider that the potential for any significant overbearing impacts is negligible.

The proposed development would be positioned to the north of the mews development with no potential for overshadowing of these properties. Whilst there may be a very marginal increase in overshadowing to the west, it would not result in any significant diminution of the amenity of the first floor apartments.

Having regard to the issues raised by one of the appellant's regarding potential disparities in the height of the building, which is refuted by the First Party, I consider that should the Board be minded to grant permission for the development that a condition be attached requiring that the roof level of the building be similar to the adjoining mews development.

Issues have also been raised in the appeal regarding the level of amenity that will be afforded to residents of the proposed house. The development plan at section 16.10.2 refers to residential quality standards for houses and the requirement to comply with the '*Quality Housing for Sustainable Communities-Best Practice Guidelines*', published by the DoEHLG (2007).

The floor area of the house (157m²) exceeds the target gross floor area of 80m² set out in the Section 5.3 of the guidance for a two-bedroom (4 person) house. It also satisfies the space provision and room size requirements set out in Section 5.3. Each of the rooms is adequately ventilated and have reasonable access to daylight. Based on the daylight/sunlight penetration assessment it appears that the basement, due to its aspect and the provision of full height glazing along its façade, will receive adequate daylight and sunlight in accordance with recognised standards for a living space. In terms of private open space, I note that c.66 m² will be provided in the form of a split garden which complies with the development plan requirement of 10m² per of open space per bedspace.

I consider that the scale and design of the house ensure that a reasonable level of residential amenity will be afforded to future occupants and I consider that the issues raised by the appellants in this regard are unfounded.

8.3. Basement development

Concerns have been expressed by third parties regarding the potential for impacts on their property arising from the construction of the basement and the lack of proper site investigations.

The Plan, at section 16.10.15 discourages significant basement development adjacent to residential property in Conservation Areas. There are established protocols for basement construction to ensure that construction can be effectively managed and that the structural integrity of adjoining buildings is not compromised. I would also note that the developer has a duty of care to protect adjoining property and exercise due diligence to ensure that damage does not occur. Furthermore, the granting of planning permission does not diminish the rights of adjoining property owners. Having regard to the limited extent of the basement and subject to the implementation of best practice construction methodologies to be detailed in a Construction Management Plan to be agreed with the planning authority prior to commencement of development, I consider that the basement can be developed without any impacts on the buildings within the ACA.

It is development plan policy to discourage basement development above the estimated flood levels in Zone A or Zone B. The site is located outside these flood zones, where there is a low risk of fluvial/coastal flooding (Zone C). I note that the Drainage Division has raised no objection to the development.

I accept that a subsurface structure for residential use would constitute a highly vulnerable form of development and could potentially be susceptible to both ground and storm water flooding. Subject to flood resistant construction using flood resistant materials to prevent potential ingress of groundwater and the provision of an appropriate storm water management system, I consider that any potential flood risk can be mitigated. I note that an external escape route is available from the basement level.

The Board will note that a Flood Risk Assessment/Drainage Proposal prepared by Ryan Associates Consulting Engineers was submitted in support of the application.

The document appears to be prepared for a different application on the site (three-storey dwelling covering the entire site footprint) and has not been updated to include the provision of a basement. It proposes attenuation of rainwater with attenuation storage provided under the car parking bays.

8.4. Traffic and Parking

The proposal is to develop a single dwelling house on the site with vehicular access off Hollybrook Mews. Having regard to the nature of the development proposed, I do not accept that it creates any significant traffic or safety issues as contended in the submissions.

The proposal includes undercroft carparking for 3 no. cars. One of the spaces will be provided to serve the house in accordance with development plan standards. The remaining two spaces will be maintained for use and managed independently by the Hollybrook Bar/Restaurant opposite the site. According to the applicant the 3 no. car parking spaces can be accommodated in accordance with the size specified in the technical guidance documents of the building regulations (4800mm x 2400mm). In order to protect the visual amenities of the area, it is proposed to provide sliding screen to enclose and screen the parking spaces from the public realm.

The Board will note that the frontage onto Hollybrook Mews tapers inwards towards the junction with Hollybrook Park, such that the available length of the car space reduces to c. 4700mm. The appellants have concerns that there is potential for vehicles to extend beyond the allocated space, preventing its enclosure as proposed. Whilst the difference is marginal, and may necessitate a very minor adjustment to the overall plan, I accept that in the interests of preserving the amenities of the area, it is imperative that the car parking spaces are fully enclosed as required by Condition No 5 of the planning authority's decision.

The development will result in the overall loss of 4 no. car parking spaces currently available to the bar/restaurant. I note that there is some roadside parking available on the opposite side of the road. I accept that during the evening time, there is potential for additional pressure on the available spaces. I note the Roads & Traffic Division acknowledged the observers concerns but raised no issues in this regard.

8.5. Other matters

The planning authority has included a number of conditions which require details to be agreed. I do not accept as contended by one of the appellants that this would involve any potential material or significant deviation from the development as proposed. Furthermore, it ensures that there is no confusion between the intent of the planning authority and how this is interpreted by the developer. I do not consider that this matter requires further consideration by the Board.

9.0 Appropriate Assessment

9.1. Having regard to the location of the development within a serviced built up area, the nature of the development and the separation distance from Natura 2000 sites, I consider that the proposed development either alone, or, in combination with other plans or projects, would not be likely to have significant effects on a European site, in view of the sites' conservation objectives and that, therefore, a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not required.

10.0 EIA Screening

10.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

11.0 Conclusion

- The principle of the development is acceptable on the site.
- The proposal would provide sustainable use of urban land and an appropriate design solution for this corner site.
- The development would provide an appropriate level of residential amenity for future occupants of the house and will not detract from the residential amenity of adjoining residential property.

- Notwithstanding the contemporary design, it is considered that the proposed development is appropriate in this location, is not out of character with adjacent development and would not detract from the amenities of the ACA.
- It is considered that the proposed development addresses the reasons for refusal cited by the planning authority in respect of previous application on the site (including overdevelopment, impacts on residential amenity of adjoining property and the level of amenity afforded to future residents of the proposed house) and is therefore acceptable.

12.0 Recommendation

12.1. Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that permission be granted for the development for the reasons and considerations set out below.

13.0 Reasons and Considerations

Having regard to the Zoning objective 'Z1' for the area as set out in the Dublin City Development Plan and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not impact negatively on the residential or visual amenities of the Architectural Conservation Area, would be acceptable in terms of traffic safety and convenience and 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, as amended by the further plans and particulars submitted on the 20th day of June, 2018, 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 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 interests of clarity.

- 2 The roof level of the proposed house shall match the roof level of the adjoining development on Hollybrook Mews.

Reason: In the interests of visual amenity.

- 3 Details of the materials, colours and textures of all the external finishes of the proposed dwelling (including windows, doors, sliding screens, garage doors etc) to include samples, shall be submitted to, and agreed in writing, with the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

- 4 Water supply and drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details of the drainage system for the site, which shall incorporate storm management measures and Sustainable Urban Drainage Systems shall be submitted to, and agreed in writing with the planning authority prior to commencement of development on the site.

Reason: In the interests of public health and to reduce risk of basement flooding.

- 5 All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual and residential amenity.

- 6 Pedestrian access only shall be permitted onto Hollybrook Park and the 10m sliding gate shall be replaced with an opening not exceeding 1.5m to details to be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interests of traffic safety.

- 7 The undercroft car park shall be fully enclosed with garage doors, which shall not be outward opening. Details of the garage doors shall be submitted to the planning authority for written agreement prior to the commencement of the development.

Reason: In the interests of visual amenity.

- 8 One car parking space shall be assigned permanently to the dwellinghouse and shall be reserved solely for that purpose.

Reason: In the interests of residential amenity.

- 9 Development described in Classes 1 and 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellinghouse, without a prior grant of planning permission.

Reason: In the interests of residential and visual amenity and in order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwelling.

- 10 The construction of the development shall be managed in accordance with a

Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. The plan shall provide details of the intended construction practice for the Development, including the basement, and shall include hours of working, noise management measures and offsite disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

- 11 Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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.

- 12 Apart from the PV panels shown on the drawings submitted, no further structures of any kind (including water tanks/enclosures) shall be erected on the roof of the proposed development.

Reason: In the interests of visual amenity.

- 13 The green roof shall not be used as a sitting out area.

Reason: In the interests of residential amenity.

- 14 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 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.

Breda Gannon
Senior Planning Inspector

12th November 2018