



An
Bord
Pleanála

Inspector's Report ABP-302540-18

Development

Demolition of garage structure & construction of two storey, detached 2 bedroomed dwelling with courtyard & a separate bike/bin store. And all associated site works including a new drainage connection.

Location

1B, Bloomfield Avenue, rear of 1 Bloomfield Avenue, adjacent to Bloomfield Cottages, Dublin 8

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

WEB1303/18

Applicant(s)

Tim Yetman

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Tim Yetman

Observer(s)

1. Bryan Scannell & Sarah McNamara
2. Jerry Drinane & Mary Farrell

3. Vera McKenna
4. Louise & David Tuite

Date of Site Inspection

28th November 2018

Inspector

Ronan O'Connor

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations	7
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Planning Authority Response	8
6.3. Observations	8
7.0 Assessment	11
8.0 Recommendation.....	16
9.0 Reasons and Considerations.....	16

1.0 Site Location and Description

- 1.1. The appeal site is located on a laneway that leads to Bloomfield Cottages and is accessed off Bloomfield Avenue. On site is a single storey pitched roof structure which appears to be former workshops. There is signage for a carpentry use to the front of the unit.
- 1.2. To the west are three single storey terraced houses (6-8 Bloomfield Cottages) with a laneway between these properties and the appeal site, which provides access to the rear of properties on Bloomfield Avenue.
- 1.3. To the east of the site is No. 1 Bloomfield Avenue a two-storey over lower ground floor residential property with an area of open space adjoining the appeal site which has provision for a vehicular access via a corrugated gate.
- 1.4. To the south is the rear garden of No. 2 Bloomfield Avenue and the rear gardens of other properties are beyond this. To the north is Bloomfield House, a two-storey former school building now in office use.
- 1.5. The area is primarily residential with some commercial/retail/café uses also.

2.0 Proposed Development

- 2.1. Demolition of garage structure & construction of two storey, detached 2 bedroomed dwelling with courtyard & a separate bike/bin store. And all associated site works including a new drainage connection.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Refuse permission for one reason related to design and residential standards.

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:

- No objection in principle to a dwelling on the site.
- Notes the previous refusal.
- Still concerns in relation to the overall scale and bulk of the structure.
- Materials considered appropriate.
- Proximity to nearest dwellings, No.'s 1 and 2 Bloomfield Avenue is a concern – impacts on amenity/overbearing impact.
- Concern in relation to internal light levels and light levels to the internal courtyard.
- No car parking is acceptable having regard to the site's central location.
- Site coverage is still considered excessive at 71%.
- Appear visually obstructive and bulky.
- Previous issues in relation to overlooking and overshadowing have been overcome.
- Overall extent and scale is inappropriate.
- Recommendation to refuse permission.

3.2.2. Other Technical Reports

Drainage – No objection

Roads – No objection (report relates to previous application 2077/18 – However planning authority considered it was relevant to this current proposal).

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

Six submissions were received in relation to the application and the issues raised include:

- Impact on means of escape from offices during construction/impact of construction works.
- Impact on daylight to office and residential/impact on amenity/Noise impacts/Overlooking
- Development encroaches on avenue.
- Design issues including height, visual impact/Overdevelopment of site
- Inaccuracies in the drawings i.e. inconsistent floor areas.
- Impact on trees
- Parking.

4.0 Planning History

2077/18 – House – Refuse for two reasons related to (i) impact on surrounding residential amenity including overbearing, overshadowing, loss of aspect and noise and (ii) inadequate levels of privacy internally/overdevelopment.

1750/08 – House – Refuse for one reason relating to impact to character of the area and impact on residential amenity.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016-2022.

5.1.1. The site is located in an area that is zoned Objective Z2 (To protect and improve the amenities of residential conservation areas) under the provisions of the Dublin City Development Plan 2016-2022. Under this land use zoning objective, residential development is a permissible use.

5.1.2. Relevant policies and standards of the Dublin City Development Plan 2016-2022 include:

- Policy CHC4 – To protect the special interest and character of all Dublin's Conservation Areas.

- Policy QH22 - To ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.
- Section 16.2.1 Design Principles.
- Section 16.10.10 'Infill Housing'
- Section 16.10.2 Residential Quality Standards 'Houses'
- Section 16.10.8 Backland Development.

5.1.3. The following Section 28 Ministerial Guidelines are of relevance to the proposed development.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009).

5.2. **Natural Heritage Designations**

5.2.1. None.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. I wish to note at the outset that the appeal submission includes an alternative design option put forward for the Board's consideration – this pulls back the southern (rear) boundary wall of Bedroom 1 an additional 1m. A Sunlight Access Impact Analysis is also included with the appeal submission.

6.1.2. The First Party Grounds of Appeal are as follows:

- Efficient use of the site/In line with national policy/development plan policy including zoning objectives, infill development, backland development, regional planning guidelines, and the National Planning Framework.
- Proposed development is unique and does not create a precedent.
- Zoned for residential development.
- Respects amenity of adjoining sites.

- Responds to previous reasons for refusal.
- Reduction in height/site coverage/plot ratio.
- Alternative floor plan provided.
- Repositioning of the open space/break up the mass/reduce visual impact.
- Amended materials and finishes.
- Site benefits from having available space to the rear and is located on a corner site
- Replaces an existing workshop
- Similar development in the area/precedents cited
- Proposed development is only 1.455m above the existing shed on the west side and 1.870m above the shed on the east side.
- The building to the north is of significant height.
- Sunlight report demonstrates that the proposed development will not have a material impact on No 1B Bloomfield Avenue.
- Open space provided is of high quality and exceeds standards/some level of overshadowing expected in an urban environment/similar to other amenity spaces in the area.
- There is scope for a higher plot ratio to be permitted/site constraints means plot ratios will be higher/close to public transport options.

6.2. Planning Authority Response

6.2.1. None.

6.3. Observations

6.3.1. 4 no. observations received from:

Bryan Scannell & Sarah McNamara, 2 Charleston Avenue, Ranelagh

- Are the current owners of No. 1 Bloomfield Avenue and intend to move into in Jan 2019

- No's 1-4 are registered in the NIAH and much of South Circular Road are protected structures.
- Overdevelopment of site /site is constrained by surrounding development/lower ground floors of No's 1-4 particular sensitive to change in light levels.
- Overbearing nature of proposal when viewed from the rear garden/height will be 5.6m/2.3 increase in height/existing back garden is small/impact will/increase in height from the eaves rather than ridge is greater.
- No softening of the façade/house will face onto a brick wall.
- Relocating the open space proposed would benefit neighbours.
- No objection to the site being developed for residential use/issue is with the design.
- Cannot be unique and also in line with policy.
- Would contravene the established pattern of development in the area/no developments of this scale in the vicinity/conflict with the character of the area due to its current design and height/adjacent single storey cottages.
- Previous planner's report stated that the site may not be suitable for a two-storey development.
- Overlooking is not the primary problem/issue is the scale.
- Impact on property values.
- Overshadowing of rear garden.
- Shadow analysis is incomplete/states rear garden of 1 Bloomfield Avenue is primarily a parking space/will be used as a garden/is still an amenity space/analysis ignores sunlight reflected off the wall.
- The precedent for backland development in the area is single storey properties/precedents cited by the applicants are not comparable.
- Sunlight to rear garden would be impacted.
- Proposal does not meet minimum standards for open space – is based on bed spaces not bedrooms therefore requires 20 sq. m.

- Inefficient floor space design
- Proposed to extend on laneway/utilise a wall that is owned by observer/not a party wall.
- Parking issues.
- Plot ratio is 1.4.
- Impact of construction/will block laneway.

Jerry Drinane & Mary Farrell, 8 Bloomfield Cottages

- Planning precedent cited at 49 South Circular Road is not relevant/this example does not fill the entire site/has parking/no single story residential buildings in close proximity.
- Will be out of character/will be visually incongruous.
- No consideration of sunlight impacts on Bloomfield Cottages/analysis shows increased overshadowing in the morning/daylight to habitable rooms is via the rooflights.
- No evidence the proposed dwelling would enjoy sufficient daylight access.
- Site is not suitable for a two-storey dwelling.

Vera McKenna, 2 Bloomfield Avenue

- Impact on privacy
- Object to building on boundary wall.
- Lack of parking in the area
- Is overdevelopment/visually obtrusive/not in character with the single storey cottages
- Loss of aspect/overbearing scale by reason of proximity/height and depth.
- Overlooks the private space of No. 2 Bloomfield Avenue/Overlooking from bedrooms.
- Impact on sunlight levels/garden will be in shade.
- Impact on the root system of mature trees/shrubs and plants.

- Development is encroaching on No. 2 Bloomfield.

Louise & David Tuite, 3 Bloomfield Avenue

- Internal courtyard will overlooking garden/impact on privacy.
- Does not compliment surrounding buildings.
- Will block light and views.
- Impact on trees.
- Parking issues.

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
- Impact on Residential Amenity
- Design Visual Amenity/Impact on the Conservation Area
- Other Issues
- Appropriate Assessment
- Environmental Impact Assessment

7.1.1. The appeal submission is accompanied by a Sunlight Access Impact Analysis and I have had regard to same. I have also had regard to the revised drawing submitted at appeal stage.

7.2. **Principle of Development**

7.2.1. The site is zoned 'Z2' under the Dublin City Development Plan, 2016-2022. The stated objective for 'Z2' zoned land is "to protect and/or improve the amenities of residential conservation areas". The principle of residential development is generally acceptable on 'Z2' zoned land, subject to safeguards.

- 7.2.2. The proposal could reasonably be considered to be both 'backland development', as a result of its relationship with the properties on Bloomfield Avenue, and 'infill development', as a result of its frontage onto the laneway.
- 7.2.3. Section 16.10.8 of the Development Plan refers to backland development. This states that, *inter alia*, the development of individual backland sites can conflict with the established pattern and character of development in an area and can cause a significant loss of amenity to existing properties including loss of privacy, overlooking, noise disturbance and loss of mature vegetation or landscape screening. However, it does not however rule out well integrated backland development and states that applications for backland development will be considered on their own merits.
- 7.2.4. Section 16.10.10 'Infill Housing' of the Dublin City Development Plan states that infill housing should:
- Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings.
 - Comply with the appropriate minimum habitable room sizes.
 - Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.
- 7.2.5. I have had regard also to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009). Section 5.9 of these Guidelines refers to infill residential development and notes that potential sites may include backland areas. In assessing applications for infill development, the guidelines note a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.
- 7.2.6. Therefore, while the principle of backland development/infill development can be supported within the residential land use zoning, it needs to be ascertained whether the proposed development on the appeal site is in keeping with the established character and pattern of development in the vicinity, would not be detrimental to the

amenities of adjoining residential properties, would be meet development plan standards and have appropriate means of access.

7.3. Residential Amenity

7.3.1. The residential properties that have the most potential to be impacted as a result of this proposal include the 2 storey properties fronting onto Bloomfield Avenue and the single storey cottages at Bloomfield Cottages.

7.3.2. Observations on the appeal have been received from No.'s 2 and 3 Bloomfield Avenue and from No. 8 Bloomfield Cottages, and from the current owners of No. 1 Bloomfield Avenue, and each of these has raised the issue of residential amenity. The potential impacts are loss of daylight and sunlight/overshadowing, loss of visual amenity/overbearing and loss of privacy/overlooking.

Loss of daylight and sunlight/Overshadowing

7.3.3. The appeal submission is accompanied by a Sunlight Access Impact Analysis and I have had regard to same. I have also had regard to the revised drawing submitted

7.3.4. In relation to the impact on No. 1 Bloomfield Avenue, I note the submitted analysis does not give a detailed analysis of existing and proposed vertical sky component (VSC) values and existing and proposed annual probable sunlight hours (APSH) for the habitable rooms of this property, but states that, while there will be some additional overshadowing in the March late evening sun, the overall impact is not material. While I concur that existing garden is somewhat overshadowed by the existing building, I have concerns in relation to the impact on internal daylight and sunlight levels to the lower ground and ground floor of No. 1 Bloomfield Avenue ,and the lack of adequate analysis of same. It is likely that the dining area on the lower ground floor and the room on the ground floor, with westward facing glazed doors/windows will be impacted upon.

7.3.5. I have also considered the revised drawing submitted at appeal stage which pulls back the southern boundary wall by 1m. I do not consider that this would be sufficient to overcome my concerns having regard daylight and sunlight levels.

7.3.6. In relation to the impact on No. 8 Bloomfield Cottages, the analysis does not consider the impact on the rooflights of this property, and these are not indicated on

the diagrams included with the analysis. The observation from this property states that these rooflights serve habitable rooms.

- 7.3.7. I do not consider that there would be a material loss of daylight/sunlight or overshadowing of the amenity spaces of No.'s 2 and 3 Bloomfield Avenue, given the location of the appeal site to the north of these properties.

Visual Amenity/Overbearing

- 7.3.8. The observers on the appeal have raised the issue of visual amenity and state the proposal would be overbearing. I consider that the proposal would have a significant impact on the visual amenities of No.'s 1 and 2 Bloomfield Avenue, given the height of the proposed dwelling and the proximity of the dwelling to these properties. The proposal would be particularly overbearing when viewed from the rear windows and rear open space of No. 1 Bloomfield Avenue, given the westward facing windows of this property, and given the proximity of the proposed dwelling to this property. I note the application documents and planners report state that the rear space of No. 1 Bloomfield Avenue is currently in use as a car parking space serving the dwelling. The observation from the current owners of No. 1 Bloomfield Avenue state that they intend to use this area as a garden area, and that the property qualifies for an on-street parking permit. I note that apart from a small area to the front, this is the only open space serving this dwelling and I consider the protection of same from inappropriate development is warranted.
- 7.3.9. I do not consider the revised drawing submitted at appeal stage is sufficient to overcome the impact on visual amenity to surrounding properties as it only has a minor impact on the overbearing nature of the proposal, when viewed from No.'s 1 and 2 Bloomfield Avenue.

Overlooking/Loss of Privacy

- 7.3.10. I am satisfied that the current proposal overcomes the previous concerns in relation to overlooking of internal spaces from the offices opposite the site. I do not consider that the proposal would result in a loss of privacy to surrounding properties and I do not concur with the observations on the appeal in relation to this issue.

7.4. Design and Visual Amenity/Impact on the character of the Conservation Area

- 7.4.1. As noted above, I consider the proposal to be both backland development and infill development and should comply with policies relating to same.
- 7.4.2. In relation to the established pattern of development and to the character of the area, this is one of two-storey development facing onto Bloomfield Avenue with single storey development behind, such as to be found at Bloomfield Cottages, and at Alexandra Terrace to the south-west of the appeal site, and indeed the existing building on the appeal site. This relationship preserves the mutual amenity of existing residential development.
- 7.4.3. In my view the proposal the two-storey nature of the proposal is contrary to this pattern of development and is inappropriate for the site. The proposed dwelling would dominate Bloomfield Cottages and would present a visually incongruous structure to the laneway as a result of its height. While a contemporary design is not in itself inappropriate, and indeed is the most logical approach to this constrained site, I do not necessary consider that the site can, or should, accommodate a two-storey property, without significant amendments to the design approach, which may or may not overcome the concerns in relation to residential amenity and concerns in relation to the character and pattern of development of the area and visual impact.
- 7.4.4. In conclusion, the current proposal would, in my view, adversely impact the visual amenities of the area, and would adversely affect the setting and character of the residential conservation area.

7.5. Residential Standards

- 7.5.1. Residential Design Standards – The proposal complies with the standards set out in Development Plan in relation to overall floor area and minimum room sizes. While there is a shortfall in the quantum of private open space, the constraints of the site are such that a shortfall in open space is acceptable, subject to sufficient internal standards being of sufficient quality. I note the reason for refusal refers to potential lack of internal daylighting standards being met. There is no detailed analysis of internal daylighting standards achieved, save for a general commentary in the Sunlight Impact Analysis document. It is likely, in my view, that the proposal has compromised internal daylight standards as a result of the necessity to overcome overlooking concerns and as a result of overdevelopment of this constrained site.

7.6. Other Issues

- 7.6.1. Parking/Access – No parking or vehicular access is proposed. The site is well served by public transport and as such it is not considered parking is required on this site.

7.7. Appropriate Assessment

- 7.7.1. Having regard to the nature and scale of the proposed development, the construction of a single dwelling, within a serviced area, and having regard to the separation 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 the conservation objectives of any European site.

7.8. Environmental Impact Assessment

- 7.8.1. Having regard to the nature and scale of the proposed development, the construction of a single dwelling, within a serviced area, and having regard to the separation distance to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

- 8.1. Refuse permission.

9.0 Reasons and Considerations

1. Having regard to the location of the site within a residential conservation area, it is considered that the proposed development, by reason of its height and dominant appearance, would be visually incongruous and contrary to the visual amenities of the area, and by reason of its bulk, height and proximity to adjoining properties on Bloomfield Avenue and Bloomfield Cottages, would seriously injure the residential amenities of such adjoining property by reason of loss of daylight and sunlight, and by reason of being visually overbearing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development would constitute overdevelopment of the site and would result in a substandard form of residential amenity for future occupiers as a result of poor standards of internal daylighting. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Rónán O'Connor
Planning Inspector

29th November 2018