



An
Bord
Pleanála

Inspector's Report ABP-302778-18

Development	Construction of 1 no. two storey, three bedroom mews dwelling with 2 no. rooflights on mono-pitched sedum roof.
Location	76, Carysfort Avenue, Blackrock, Co. Dublin (A94 W6P9)
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0727
Applicant(s)	Brian Sheehy
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Brian Sheehan
Observer(s)	1. Deirdre Hart 2. Kilberry Group Properties Ltd. & Blackrock Park Management Co. Ltd.
Date of Site Inspection	8 th December 2018
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site located on Carysfort Avenue, Blackrock approximately 6km south-east of Dublin city centre. Carysfort Avenue is a regional road that continues south from the N31 at Blackrock. Both sides of Carysfort Road are mainly aligned with residential development, including a number of protected structures.
- 1.2. No. 76 Carysfort Avenue is an end of terrace single storey over garden level dwelling dating from the 1820s. The site comprises a portion of the rear garden of No. 76. The area is given as 0.0487 hectares; however, this would appear to be the area of No. 76 in its entirety.
- 1.3. No. 76 is bounded to the north by an access road to Blackrock Business Park. The business park adjoins the rear boundaries of properties along Carysfort Road at this location. There is an arrangement in place for residents to park within the business park along the rear boundaries of their properties. No. 76 also as an off-street parking space accessed from the business park access road.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following:
 - Construction of a 138 sq.m. 2-storey, 3-bedroom mews dwelling with 2 no. roof lights on mono-pitched sedum roof;
 - 2 no. vehicular parking spaces to be provided at existing car park to rear of and serving No. 76; and
 - All associated ancillary works necessary to facilitate the development including SuDS surface water drainage, site works, boundary treatments and landscaping.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dún Laoghaire Rathdown County Council issued notification of decision to refuse permission for two reasons. The reasons for refusal state that the proposed

development does not comply with Development Plan standards and objectives for mews lane development in relation to its excessive scale, massing and poor quality open space resulting in overdevelopment of the site, and the lack of dedicated/ integrated, on-site and internal car parking provision.

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 proposal are summarised as follows:

- Proposal meets the requirements for private open space for mews dwellings; however, quality of proposed open space is poor due to its configuration at c. 5m depth.
- Proposed parking outside the rear boundary wall and within the shared parking area of the business park is not acceptable and does not accord with the requirements of Section 8.2.3.4(x) to provide off street parking.
- Drainage Department has no objection subject to conditions relating to the proposed sedum roof finish and permeable paving for hardstandings.
- Appear to be discrepancies on drawings relating to site depths and roof heights.
- There would not be any significant impacts on privacy for the residential properties to the rear (west).
- Shallow plot, giving the house a depth of c. 6m, and the floor layout, results in 3 bedrooms of widely varying size (one of c. 21 sq.m. and another of just under 7.5 sq.m.), with an awkward arrangement of doors and access to bathrooms, and with a blank main rear (west) façade at 1st floor level.
- Overdevelopment of site – rear private open space depth in relation to the relatively large size of the proposed house and the lack of clearly provided car parking.

- There would be some overbearing visual impacts on the rear (c. 25m long) garden area of the adjoining residential site to the south side, from the side elevation/ gable of the proposed 2-storey house.
- Transportation Department has no objection to the proposal.

4.0 Planning History

Dún Laoghaire Rathdown County Council Reg. Ref: D96B/0334

- 4.1. Permission granted for demolition of existing single storey extension and erection of single storey extension at ground level with basement storage to rear of No. 76.
- 4.2. Permission was granted under D97B0158 for reduction in size and minor revisions to previously approved Reg. Ref. No. D96B/0334.

Dún Laoghaire Rathdown County Council Reg. Ref: D97B/0158 (ABP-300302-17)

- 4.3. Permission granted at No. 88 Carysfort Avenue for demolition of existing garage / shed at rear of garden which has existing vehicle access via rear laneway onto Brookfield Terrace and construction in its place, of a new 2-storey building with flat roof and rooflights.

5.0 Policy Context

5.1. Dún Laoghaire Rathdown County Development Plan, 2016-2022

- 5.1.1. The site is zoned 'A' with the stated objective '*to protect and/ or improve residential amenity.*'
- 5.1.2. The principles of residential development are set out in Section 8 of the Development Plan. Section 8.2.3.4(x) relates to mews lane developments.
- 5.1.3. The site is also within the boundary of the Blackrock Local Area Plan, 2015-2021.

5.2. Natural Heritage Designations

- 5.2.1. The site is approximately 500m south of the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC and pNHA.

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:

- Revised design submitted with appeal for mews house – site boundary does not now extend beyond rear wall and on-site parking is proposed. Proposed canopy has been removed and high level windows are provided on the rear elevation.
- Proposal comprises a modest infill dwelling designed to ensure a high standard of residential accommodation and avoiding any loss of residential amenity to occupants or neighbouring properties. Rear garden depth is now 6m.
- Letters of support received from residents of No's 4, 59, 80, 82 & 84 Carysfort Avenue and a local estate agent.
- There is precedent for mews dwellings at Prince Edward Terrace and to the rear of No. 88 Carysfort Avenue.
- Side elevation will have minimal impact on visual amenity of adjoining property due to dense planting.
- Applicant's parents have legal agreement providing access to the rear parking area via freehold ownership in conjunction with a legal right of way through the business park in perpetuity.
- Revised proposal is compliant with minimum standards set out in the guidelines in terms of room areas, overall area, room widths and storage areas for a 2-bed/ 4 person/ 2-storey house.
- Revised proposal is in compliance with open space standards of the Development Plan.

- Proposed development is considered to reflect the type of compact sustainable development which is sought throughout national policy in regards to appropriate development of under-utilised sites.
- Higher residential density in existing areas is supported in Dún Laoghaire Rathdown and proposal improves, conserves and consolidates the housing stock within the County.
- Proposal has been designed to remain sympathetic to the overall character of the wider area in terms of external finishes.
- Mews house is appropriately subordinate to the existing house and respects the height and massing of neighbouring units.
- Proposal complies with Blackrock Local Area Plan in relation to infill development.

6.2. Planning Authority Response

- 6.2.1. It is still considered that the proposed amended development is not acceptable and the changes proposed are not significant and do not address the excessive scale and massing in relation to the site and receiving environment. It is also noted that the integral garage appears to be deficient in width.

6.3. Observations

- 6.3.1. Two observations were received on behalf of the resident of No. 78 Carysfort Avenue and Kilberry Group Properties Limited and Blackrock Park Management Company Limited, the owners and management company of Blackrock Business Park. The main points raised in these submissions are summarised as follows:

Deirdre Hart, 78 Carysfort Avenue, Blackrock, Co. Dublin

- Observer confirms her opposition to the proposed development as set out in the objection to the Planning Authority.
- Design changes do not in any way address observer's concerns with respect to impacts on residential and visual amenity.

- Infill dwelling is too large for the site and doesn't comply with standards for mews development.
- Dense planting is on observer's side of the boundary.
- Proposal is contrary to the zoning objective.
- Letters of support are from property owners in the area looking to benefit from this development as precedent.
- Proposal is backland development not mews development – there are no other such dwellings, it is not on a mews lane, there is nowhere to store bins, and the site has not been identified for mews lane development.
- Dwelling maintains garden depths that are insufficient to provide for a mews house.
- Proposed parking and vehicle manoeuvring area is within the curtilage of the adjoining business park.
- Development set back is proposed to be below the “minimum of 20m” but is more than the absolute minimum of 15m (usually applied to single storey dwellings).
- Applicant has not set back the dwelling from any boundary that is to be shared with the existing dwelling.
- Proposal fails to reflect an appropriate height and scale for an infill backland dwelling at this location – design is poor and compromised.
- Quality of private open space would be poor.

Kilberry Group Properties Ltd. & Blackrock Park Management Co. Ltd.

- Concerned with the potential impact on the business park, their tenants and customers.
- There are legal/ ownership issues underlying this development.
- Board should not be presented with an amended design to such a material extent compared to the original application submitted.
- No letter of consent has been submitted from the business park – application is invalid.

- Agreement with business park does not confer any further rights and certainly does not authorise the inclusion of the lands in a planning application for development.
- Applicant does not have legal right to access the proposed mews dwelling via a parking strip as shown on the plans submitted as part of the planning application.
- Proposal is an inappropriate piecemeal development that is out of keeping with the prevailing pattern of development of the area.
- Proposed development is in isolation and is not part of a co-ordinated approach to redevelopment of the rear garden space.
- Amended proposal has not reduced the visual impact of the scheme on the surrounding area.
- Refused scheme and amended design, by virtue of their excessive scale, mass and bulk, represent overdevelopment of the rear garden space with wider detrimental impacts on the character and appearance of the area.
- There are a number of inconsistencies within drawings.
- Introduction of residential use will undermine the employment status of the business park.

7.0 **Assessment**

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

- Development principle;
- Visual impact;
- Impact on residential amenity;
- Validation;
- Appropriate Assessment.

7.2. Development Principle

- 7.2.1. The appeal site is zoned 'A' with the stated objective *“to protect and/ or improve residential amenity.”* The construction of an infill/ mews type dwelling would therefore be acceptable in principle subject to an assessment of the impact of the proposal on visual and residential amenity and compliance with other relevant Development Plan policies and objectives.

7.3. Visual impact

- 7.3.1. There are two issues to be considered when assessing visual impact in this case. These are the design of the dwelling itself and the visual appropriateness of the dwelling at the location in question.
- 7.3.2. Revised proposals for the dwelling were submitted at appeal stage to include a cuboidal shaped structure taking up the full width of the rear garden and with a depth of 6.7m. In my opinion, the building is unremarkable in design terms and does little to enhance the appearance of the location or complement surrounding structures.
- 7.3.3. The building will be visible from all sides and will occupy a prominent position when viewed from within the business park. Notwithstanding the residential zoning of the site, the building will essentially present itself to the business park. I would have concerns that the proposed dwelling will appear out of place in this setting.
- 7.3.4. There are also issues with the compatibility of a residential use within a business park. The business park is zoned *“Objective E: To provide for economic development and employment.”* The proposed dwelling may limit uses that are permitted in principle under this zoning objective and therefore affect the development potential of the business park. It is stated in the Blackrock Local Area Plan that *“alternative and /or additional uses such as residential development should only be permitted where they complement the primary employment uses and do not restrict the potential to create additional employment.”*
- 7.3.5. I would also have concerns regarding the layout and setting in terms of the quality, security and attractiveness of the site for living. It is stated in the Development Plan with respect to safety and positive edges to the public realm for residential developments that *“...opportunities for crime should be minimised by ensuring that public open spaces are passively overlooked by housing and appropriate boundary*

treatments applied.” The proposed dwelling fronting onto the business park that closes down at night time and at weekends may give rise to security issues and future residents of the dwelling may not feel part of any community structure.

- 7.3.6. On the one hand I acknowledge the certain benefits associated with a mix of uses and the provision of additional accommodation within built up areas. However, on the other, a site should be compatible for the use that is proposed. This proposal appears as a residential development within a business park setting which I consider to be inappropriate and capable of setting an undesirable precedent. In this regard, I note that there are no other dwellings fronting onto Blackrock Business Park. I would therefore be in agreement with the observer that the proposal represents an inappropriate piecemeal development that is out of keeping with the prevailing pattern of development of the area.

7.4. Impact on residential amenity

- 7.4.1. It is stated within the reasons for refusal that the proposal does not comply with Development Plan standards and objectives for mews development in relation to its excessive scale, massing, poor quality open space and car parking. It is also considered that the proposal represents overdevelopment of the site.
- 7.4.2. The applicant submitted revised proposals with the first party appeal to include an internal parking space; an increased garden depth to 6m; reduction in height of dwelling; and amendment of bedroom to study. Overhanging elements were also omitted and high level windows were inserted at first level on the rear elevation.
- 7.4.3. Overall, I would be satisfied that the amended proposal can provide for a reasonable standard of amenity for future residents. The first party appellant submits that the revised proposal exceeds the target gross floor area and other internal standards for a 2 bed/ 4 person/ 2-storey dwelling as set out in the Quality Housing for Sustainable Communities – Best Practice Guidelines. I note that the proposed garden depth is less than the 11m required to achieve a 22m separation distance between opposing first floor windows. However, the proposed 71 sq.m. garden is well in excess of the minimum 48 sq.m. required in the Development Plan and there will be no overlooking from the proposed first floor high level windows fitted with opaque glazing.

7.4.4. The adjoining resident considers that the proposed design changes submitted with the first party appeal do not in any way address concerns with respect to impacts on residential and visual amenity. In my opinion, the proposed dwelling will not give rise to any significant impacts on adjoining residential amenity in terms of overshadowing, overlooking or overbearing impacts.

7.5. Validation

7.5.1. An observer considers that there are issues in terms of access, consent and the legal entitlement of the applicant to make the planning application. In this regard, it should be noted that there is no letter of consent from the owners/ managers of the adjoining business park to accompany the planning application.

7.5.2. The Board may wish to consider whether or not the planning application remains valid without the consent of the business park over which access to the site is required. However, in view of the substantive issues with the application, the Board may not consider it necessary to pursue this matter.

7.6. Appropriate Assessment

7.6.1. Having regard to the nature and scale of the proposal, to the limited and controlled discharge from the site, and to the distance between the site and the nearest designated sites, it is likely that there will be no significant direct or indirect effects on the conservation status of the habitats, species or bird species within any European Site.

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 location of the site fronting onto lands zoned “*Objective E*” where the objective is “*to provide for economic development and employment*” and to the setting of the proposed dwelling within an established business park, it is

considered that the proposal would adversely impact on the development potential of the adjoining business park and would represent an incompatible form of development that is out of keeping with the prevailing pattern of development in the area. Furthermore, it is considered that the layout and setting of the proposed development would create a poor residential environment in terms of streetscape quality, security and attractiveness of the site and surroundings for living accommodation. The proposed development would set an undesirable precedent for similar type development and would, therefore, be contrary to the proper planning and sustainable development of the area.

Donal Donnelly
Planning Inspector

10th December 2018