



An
Bord
Pleanála

Inspector's Report ABP 302824-18

Development	Demolition of shed to rear of Nos 47 and 48 and abutting Nos 48 and 49 Reuben Avenue and erection of fully serviced dwelling with associated site development works.
Location	Dublin City Council
Planning Authority	Area at Nos 47 and 48 and space adjacent to No 48A and No 49 Reuben Avenue
P.A. Reg. Ref.	3011/18
Applicant	Quotumas Investments.
Type of Application	Permission.
Decision	Grant Permission.
Type of Appeal	Third Party
Appellant	Fiona Reynolds and Paul Regan
Date of Site Inspection	8 th December. 2018.
Inspector	Jane Dennehy

1.0 Site Location and Description

1.1. The application has a stated area of 196 square metres and is formed from the original plots of two houses at Nos 47 and 48 and space adjacent to No 48A and No 49 Reuben Avenue. It is the site of an industrial structure, the demolition of which is proposed. It was formerly used as a printing works and subsequently as a garage. It is at the junction on the street to the south east side of which is No 49 Reuben Avenue, which along with Nos 47 and 48 have recently been upgraded. The junction at the very narrow frontage onto Reuben Avenue between House Nos 48 and 49 where there is a timber gate is the former entrance to the structure at the rear. The northern boundary adjoins residential properties on Reuben Street.

2.0 The Planning Application

2.1. The application lodged with the planning authority indicates proposals for demolition of the existing structures on the site at the rear of Nos 47 and 48 and adjacent to Nos 48 and 49 Reuben Avenue the total stated floor area of which is 145 square metres and for construction of a fully serviced dwelling with a stated floor area of 118 square metres along with associated site works. The flat roofed dwelling is shown setback on the site which has a narrow frontage between two existing dwellings and is flat roofed with glazing and mirrored panels on the front elevation. The planning office considered this original proposal was considered unsatisfactory in respect of the footprint having regard to the site configuration, private open space provision and design and finishes. A request for additional information was issued on 11th July 2018.

2.2. A further information submission response was received by the planning authority on 6th September, 2018. The modified proposal provides for additional ground floor space with a part brick finish in the rear elevations that incorporated box windows with tapered walls in the upper floor rear elevation and slate cladding detail. The footprint abuts the boundaries with the adjoining dwellings to either side.

The planning officer in the initial report notes the prior planning and enforcement history for the site and a current enforcement file relating to demolition of an annex

and construction of two storey extensions, considers that a small infill development of high quality and design would represent a planning gain and acknowledges the constraints of the site configuration.

- 2.3. The planning officer in the final report issued following review of the further information submission indicated satisfaction with the revised site layout in that as to the configuration for rear gardens is addressed and with the external finishes in that a brick finish which is similar to those of the existing dwellings is proposed.
- 2.4. The report of the Drainage division indicates no objection subject to conditions.
- 2.5. A third-party submission was received from the appellant party notes the planning and enforcement history and indicates objection to the proposed form and design on grounds of incompatibility with that of the existing development on the street, and concerns about impact on traffic and parking and residential amenities. (The submission is not noted in the planning officer report.)

2.6. **Decision**

By order dated, 3rd October, 2018, the planning authority decided to grant permission subject to seven conditions.

Condition No 3 includes a requirement for the external wall, roof and window finishes to be strictly in accordance with the details on the documentation received by the planning authority on 6th September, 2018.

Condition No 4 contains a requirement for a construction management plan to be prepared following appointment of a contractor which is subject to a compliance submission.

3.0 **Planning History**

P. A. Reg. Ref. 3280/17/ PL 249321: Further to appeal,

Permission for retention was refused for:

- the demolition of the two rear extensions at Nos 47 and 48 Reuben Avenue,
- partial demolition of sheds at No 48A Reuben Avenue,
- partial construction of two new tow storey rear extensions at Nos 47 and 48 Reuben Avenue.

Permission was refused for:

- Completion of the construction of the two extensions at Nos 47 and 48 Reuben Avenue and,
- Revisions to the site boundaries at Nos 47, 48 and 48A Reuben Avenue

The rear extension recently constructed at No 49 is, according to a Section 5 Declaration issued by the planning authority under Decision Order P2224 exempt development and does not require planning permission. Under P. A. Reg. Ref. 4496/17 Permission for a dormer window at No 49 was refused.

There is an enforcement history relating to Nos 47, 48 and 49 Reuben Avenue. (E 0064/17 refers.)

4.0 Policy Context

4.1. Development Plan

- 4.1.1. The operative development plan is the Dublin City Development Plan 2016-2022 according to which the site location is subject to the zoning objective: “Z1: *to protect, provide for and or improve residential amenities.*”

Section 12.5.1 provides for promotion of neighbourhood development that builds on local character historic activity, buildings materials house type and local landscape and seeks to further enhance the unique character of the place.

Section 16.2.1 provides for a requirement for exemplary standards and high quality sustainable, inclusive urban design befitting the diverse range of distinctive neighbourhoods. Imaginative contemporary architecture is encouraged where it respects and positively contributes to heritage and distinctiveness, the character, scale and pattern of buildings, streets, existing materials, squares, passages, parks and the canal and riversides within the city, and positively to the urban realm

5.0 The Appeal

5.1. Grounds of Appeal

An appeal was received from Fiona Reynolds and Paul Regan of No 19 Rueben Avenue on their own behalf on 23rd October, 2018. They state that they have resided at No 19 Rueben Avenue for the past fifty years.

According to the appeal:

- Reuben Avenue has always been a residential street except for the appeal site where a printing works operated for seventy five years with No 49 as the listed address. With the expansion of business the three buildings at No 47, 48 and 49 were merged but no new boundaries were created. The three houses were returned to single units in the 1990s with the structure on the original rear gardens being blocked up internally.
- The appellant includes advertising literature in the appeal to demonstrate the current separation into three properties without any mention of a “No 48A”. The appellant assumes that “48a” is a subdivision of the existing property boundaries thereby reducing the open space to the minimum with the intent of increasing the density for monetary gain.

The proposed development is in conflict with section 12.5.1 of the CDP in that the house type is dissimilar to the existing houses which are over one hundred years old.

- The proposed development conflicts with section 16.5.1 of the CDP.

Because creating a new site will result in diminished space between and around the existing buildings. The proposed development will take from the historic value and character. It does not lend itself to enhancement, preservation and retention of the historic nature of the city neighbourhood.

5.2. Applicant Response

A submission was received from Jim Kavanagh on 20th November, 2018 according to which

- the modifications in the further information submissions provide for:
 - An increase in area from 35 to 58 square metres for the rear garden at No 47 due to the proposed removal of the shed.
 - An increase in area from 35 to 63.5 square metres for the rear garden at No 48.
 - increased amenity space for No 47 and No 48 owing to the proposed removal of the shed.
- Several extensions in contemporary design have been constructed at properties on Reuben Avenue, with good examples at Nos 22 and 23. The break with tradition but enhance and respect the traditional design and character of the area. (Photographs are provided.) The proposed development has less impact and the design reflects the roofs of these extensions. Secure bin storage is designed into the front elevation. The design respects and integrates into the streetscape and utilises the site to its optimum potential.
- The site boundaries for each house, as proposed area clearly shown in the further information submission
- The proposed development enhances the junction between house Nos 48 and 49. It has minimal visual impact.

With regard to the purchase in 2016 it is stated that the portfolio consisted of the three houses and the industrial unit with the entrance between Nos 48 and 49. The initial proposal was to repair Nos 47, 48 and 49 and construct the new house in place with the industrial unit on the site. Extensive repairs to the three houses have now been completed.

5.3. Planning Authority Response

There is no submission from the planning authority on file.

5.4. Further Responses

5.4.1. A further submission was received from the appellant party on 10th December, 2018 in which it is requested that permission be refused in that the objections are unchanged.

5.4.2. It is submitted that:

- The plot size is not suitable for development and the private amenity space is insufficient. The junction width at the street front is 1.5 metres and the streetscape will not be enhanced no matter how far the setback is.
- The houses show as examples of contemporary design are on Haroldville Avenue and not on Reuben Avenue and they are extensions not whole houses. The development at No 22 did not require planning permission and permission was granted for the development at No 23. Both extensions do not change the streetscapes whereas the proposed development would have significant impact on the streetscape character and will increase density.
- It is stated that the applicant disregards planning rules. He removed original chimney stacks which the Council required the applicant to replace which are not comparable to the original working chimneys.
- The views as to aggregation of the site into one development for promotional literature issued by an estate agent in connection with the sale in 2016 are reiterated. References are also made to details in advertising for letting of the properties in support of a contention as to overcrowding.
- Views as to adverse visual impact and adverse impact on the established historic character on the built environment in the area are reiterated.

6.0 Assessment

6.1. The marketing literature for the sale of the houses and former **print works** structure is a little confusing in that it provided for the sale of a single portfolio comprising the three houses at Nos 47, 48 and 49 and also for the shed (the former printing works) at the rear, the site of which was formed by way of subdivision of the historic plots of

the houses. There is no objection in principle, subject to satisfactory planning standards being achieved to development of an infill dwelling on these lands incorporating revisions to the boundaries to facilitate the provision of satisfactory quantitative and qualitative standards of private open space and residential amenities for the proposed and existing houses. It is considered and agreed with the planning officer that satisfactory standards are achieved in this regard in the modifications to the original application shown in the further information submission lodged with the planning authority.

- 6.2. Owing to the setback behind the narrow frontage at the corner junction the visibility of the proposed structure is confined to vantage points within a very limited range very close to the site. The proposed structure is very limited in visibility in longer range streetscape views. The selected materials and façade detail are compatible with the existing built fabric of the area. It is considered that the proposal shown in the further information is fully acceptable having regard to the visual impact in the streetscape, bearing in mind the historical character of the street layout and plots within the neighbourhood and the uniformity and features of the terraced brick fronted dwellings facing onto Reuben Avenue. The proposed part brick finish in the rear elevations and slate cladding detail is also considered acceptable
- 6.3. In view of the foregoing, it is considered that the proposed development is in accordance with the minimum standards for a dwelling, does not seriously injure the residential amenities of the other adjoining dwellings, and is in accordance with the policy objectives and standards set out in sections 12.5.1 and 16.2.1 of the CDP with regard to design, compatibility and integration into the surrounding historic built environment.
- 6.4. Environmental Impact Assessment Screening.

Having regard to the minor nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.5. Appropriate Assessment

Having regard to and to the nature of the proposed development involving extensions and upgrades to two existing houses and, to the serviced inner urban location, no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.0 Recommendation

7.1. In view of the foregoing it is recommended that the planning authority decision be upheld, and that permission be granted on the basis of the draft reasons and considerations and conditions which follow.

8.0 Reasons and Considerations

Having regard to the Dublin City Development Plan 2016-2022 according to which the site location is subject to zoning objective Z1 which is "*to protect, provide for and improve residential amenities*", and to its policies and objectives set out in section 12.5.1 and 16.2.1, for infill development in historic residential areas; to the established pattern, scale and historic architectural character of the development in the area, to the site configuration, particularly the setback of the proposed dwelling behind the narrow site frontage at the junction between Nos 48 and 49 Reuben Avenue, it is considered that the proposed, would not seriously injure the established architectural character, the visual or residential amenities of the area would be in accordance with the proper planning and development of the area.

9.0 Conditions

1. The development shall be in accordance with the plans and particulars lodged with the application and by the further plans and particulars lodged with the planning authority on 6th September, 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 in writing with the planning authority prior

to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 2 Details of materials, colours and textures of all external finishes shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

- 3 Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of the residential amenities of the area.

- 4 Drainage and water supply arrangements, including the disposal of surface water shall be in accordance with the requirements of the planning authority.

Reason: In the interest of public health.

- 5 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 by or 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.

Jane Dennehy
Senior Planning Inspector
17th December, 2018.