



An  
Bord  
Pleanála

## Inspector's Report ABP-302025-18

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<b>Development</b>	Conversion of an industrial building to provide for 2 no. 2-bedroom apartments.
<b>Location</b>	Rear of 9 Hughes Road North, Walkinstown, Dublin 12
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	3825/18
<b>Applicant(s)</b>	Stephen O'Halloran
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Stephen O'Halloran
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	2 <sup>nd</sup> February 2019
<b>Inspector</b>	Donal Donnelly

## 1.0 Site Location and Description

- 1.1. The appeal site is located to the rear of No. 9 Hughes Road North in Drimnagh approximately 5km south-west of Dublin city centre. The site fronts onto a laneway that provides access to the rear of residential properties on Hughes Road North and commercial/ retail premises and residential properties on Drimnagh Road. The laneway comprises mostly of domestic garages and rear accesses, together with a number of commercial garages and 'mews' dwellings.
- 1.2. The site is occupied by a double height gable fronted structure operating as an auto repair workshop. The building has a stated floor area of 153.8 sq.m. and there is a first floor mezzanine office with floor area of 15.6 sq.m. to the rear. The depth of the building is approximately 20m and the frontage measures 8.33m. The height to ridge level is 6.76m and the site area is 187 sq.m.
- 1.3. No. 9 Hughes Road North is a 2-storey end of terrace dwelling with hipped roof and single storey flat roof extension to the rear and side. The distance from the rear wall of the extension to No. 9 and the building on site is approximately 16m.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the following:
  - Conversion of an existing light industrial building with gross floor area of 169.4 sq.m.;
  - Provision of 2 no. 2-bedroom apartments (92.1 sq.m. & 89.3 sq.m);
  - Elevational and internal changes including an additional of 6 no. roof lights and associated private open space;
  - 4 no. bicycle parking spaces and 2 no. car parking spaces; and
  - Bin storage area.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Dublin City Council issued notification of decision to refuse permission for the proposed development for a single reason relating to the failure of the proposal to meet minimum Development Plan requirements for mews development and the minimum standards for an apartment block set out in Guidelines. It was also considered that the proposal would result in overlooking and overdevelopment of the site.

### **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 as follows:
- Precedent for residential development has been carried out onto this laneway (Reg. Ref: 3527/15).
  - Provision of residential development onto this rear laneway is acceptable in principle only as a mews type development.
  - Laneway is 7.5m in width and is sufficiently wide enough for a mews laneway.
  - Provision of 2 no. apartments in an existing structure would be contrary to part (d) of Section 16.10.16 of the Development Plan, as flat blocks are generally not considered suitable in mews laneway locations.
  - Proposal would also be contrary to part (f), as the amalgamation or subdivision of plots on mews lanes will generally not be encouraged.
  - Provision of 2 no. car parking spaces is contrary to part (g), as one off-street car space should be provided for each mews building.
  - Proposed development is substandard with regards to the provision of a rear garden for mews development – part (j) states that depth of open space for full width of the site will not generally be less than 7.5m.

- Apartment A would be single aspect and would have a floor to ceiling height of 2.4m, which is contrary to the Guidelines.
- Proximity to boundary and 1<sup>st</sup> floor balcony would promote overlooking.
- Proposal involves 1<sup>st</sup> floor level bedroom to Apartment A and balcony to Apartment B cantilevering across/ above the ground floor level space, and inhibiting penetration to this single aspect apartment.
- Proposed development of one mews house may be achievable on the subject site within the existing structure.
- The Transportation Department and Drainage Division have no objection to the proposal subject to conditions.

#### 4.0 Planning History

##### Dublin City Council Reg. Ref: 3100/13

- 4.1. Permission granted for the demolition of an existing single storey light industrial unit and construction of a new 1 ½ storey light industrial unit.
- 4.2. Condition 3 of this permission stated that the cill level of the first floor windows on the rear (south) elevation of the building shall be no less than 1.8 metres above the finished floor level of the mezzanine office area.
- 4.3. Condition 4 stated that only one vehicle associated with the use shall be parked on the laneway at any one time.

##### Dublin City Council Reg. Ref: 3527/15

- 4.4. Permission granted at the rear of No. 25 Hughes Road North for the conversion of an existing one storey garage into a two storey, one bedroom mews house containing one car garage plus bedroom and bathroom at ground floor and a combined kitchen / dining / living room plus balcony to the rear at first floor level. The proposal also included a small garden space to rear and side.
- 4.5. It was a condition of this permission that the proposed roof terrace at first floor level shall be omitted and replaced by a roofed internal living space.

## 5.0 Policy Context

### 5.1. Dublin City Development Plan, 2016-2022

- 5.1.1. The appeal site is zoned “Z1” where the objective is “to protect, provide and improve residential amenities.”
- 5.1.2. Development standards for residential accommodation are set out in Section 16.10 of the Development Plan.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A first party appeal against the Council’s decision was submitted on behalf of the applicant. The grounds of appeal and main points raised in this submission are summarised as follows:
- Proposal will provide much needed residential accommodation of appropriate scale in an innovative manner.
  - Proposal will provide for 2 no. dwellings for smaller households currently lacking in the Walkinstown area.
  - Council focused on a narrow interpretation of their policies.
  - Conversion of a light industrial building within a short walk of Drimnagh Village and public transport is a positive planning outcome. There is also public open space c.260m to the south via Field Avenue.
  - Adequate emphasis was not placed upon national policies that advocate infill development to help increase densities within the established urban footprint of our cities.
  - Planning history and precedent shows an emerging trend for increasing densities in mews type developments, along with the understanding that Section 16.10.16 of the Development Plan is not sacrosanct and developments other than single family dwellings should be considered in mews locations.

- Refurbishment proposal complies with Specific Planning Policy Requirement 5 of the Sustainable Urban Housing: Design Standards for New Apartments – allows for discretion in the floor to ceiling heights within a building refurbishment scheme on a case-by-case basis, subject to overall design quality.
- Scale of the site should allow flexibility when considering 2 no. dwellings.
- Conversion of existing structure, with no increase in massing to provide 2 no. apartments should not be considered as a flat block, a term more usually associated with building for 3 or more storeys.
- Proposal meets required 22m separation distance from the rear of No. 9 Hughes Road North – there are no specific policies requiring separation or protection for private open space. Potential overlooking from balconies has been treated sensitively – corten balustrade allows light in and restricts views out.
- Generous south facing aspect will provide adequate light penetration and provides beneficial open space for the ground floor aspect.
- Should the Board be minded, the number of car parking spaces can be reduced by condition in a location with high mobility and access to public transport and non-motorised access options.
- No consideration appears to have been given to the benefits of conversion of an existing structure or the inherent design constraints that this can place upon the achievement of open space standards.
- There is a requirement under the Guidelines that this, as a refurbishment of an existing structure, requires just 33% dual aspect (Specific Planning Policy Requirement 4(iii)).
- Living accommodation will be in excess of minimum standards and the quality of amenity afforded to neighbouring occupiers is not diminished.

## 7.0 Assessment

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

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

### 7.2. Development Principle

7.2.1. The appeal site is zoned “Z1” where the objective is “*to protect, provide and improve residential amenities.*” The construction of 2 no. apartments within an existing building currently operating as a non-residential use would therefore be acceptable in principle subject to an assessment of the impact of the proposal on residential amenity and compliance with other relevant Development Plan policies and objectives.

### 7.3. Impact on residential amenity

7.3.1. The reason for refusal refers to a number of issues that may affect the residential amenity of future residents of the proposed development and existing residents to the south on Hughes Road North. Reference is made to Development Plan standards relating to mews dwellings and advice set out in the Sustainable Urban Housing; Design Standards for New Apartments – Guidelines for Planning Authorities, 2018. It is considered that the proposal fails to comply with Section 16.10.16 of the Development Plan, and did not meet Specific Planning Requirements 4 and 5 of the Guidelines.

7.3.2. From the outset, I would be of the opinion that the application of mews dwelling standards in this case may not be entirely appropriate. Mews buildings were originally used as stables and the Development Plan standards in this regard are largely derived from more of a historical context. Many original mews buildings have been converted to residential use or have been replaced with modern residences located at the rear of a larger house. This has occurred mostly in conservation areas or to the rear of protected structures.

- 7.3.3. The Development Plan standards under Section 16.10.16 which state that flat blocks are not considered appropriate in mews laneways and that amalgamation or subdivision of plots are generally not to be encouraged are, in my opinion, not applicable in this case. The proposal for 2 no. apartments is within an existing building that retains the original plot width. I see no disadvantage in subdividing the existing structure into two units, subject to the provision of satisfactory residential and visual amenity levels and negation of any impact on surroundings.
- 7.3.4. In terms of internal space standards and layout, the proposed apartments at 92.1 sq.m. and 89.3 sq.m. are well in excess of the minimum floor areas set out in the Design Standards for New Apartments. Specific Planning Policy Requirement 4 of these Guidelines states that Planning Authorities may exercise discretion to consider dual aspect unit provision at a level lower than 33% for building refurbishment schemes on smaller sites. It is proposed that one of the units will be single aspect; however, this unit will be served by a south-facing external terrace with a generous area of 31 sq.m. I consider this to be acceptable.
- 7.3.5. Specific Planning Policy 5 relates to floor to ceiling heights whereby a minimum of 2.7m is encouraged to facilitate a future change of use to commercial use. There is a caveat under this policy that Planning Authorities may exercise discretion within building refurbishment schemes on smaller urban infill sites. I would have no objection in this case to the proposed ground floor ceiling heights of 2.4m, which are entirely suitable for residential accommodation.
- 7.3.6. The Council's reason for refusal also refers to the potential for overlooking from the proposed first floor balcony serving Apartment B. It is proposed that this balcony will be partially screened to the rear by a smooth render corten balustrade. I consider that the will not satisfactorily mitigate against the effects of overlooking of properties to the south. Should the Board be minded to grant permission for the proposed development, I recommend the attachment of a condition requiring the balustrading to continue at a height of 2.15m across the entire width of the balcony and to be back fitted with obscure glazing. I also recommend that the rear facing first floor bedroom window is fitted with obscure glazing.
- 7.3.7. It is proposed to provide the development with 2 no. car parking spaces within a shared communal service space at ground level, which will also contain bicycle



parking and bin storage. I consider that the two spaces are necessary to internalise car parking and to introduce more of a pedestrian friendly character to the laneway, free from the obstruction of parked cars in a narrow space.

#### **7.4. Visual Impact**

- 7.4.1. The laneway in this case is aligned mostly with rear accesses and garages to commercial and residential properties on both sides. The character of the laneway is largely one of metal doors with concrete/ block surrounds. There is no architectural merit that may be found in a historic mews lane and little in the way of activity apart from a number of auto-repair shops.
- 7.4.2. There is precedent on the laneway for residential dwellings, most notably to the rear of No. 25 Hughes Road North. This building introduces a contemporary design and an improved aesthetic. I consider that the development of further new dwellings on the laneway over time will improve its character and appearance to an extent that it can become a desirable place to live in proximity to village amenities and transport links.
- 7.4.3. The design of the proposed apartment frontage will continue the precedent set by the new dwelling located further east along the laneway. This façade will contain contemporary materials such as timber cladding, smooth render and balustrading that will help to improve the appearance and presentation to the laneway. The rear elevation of the building will also give rise to a better outlook for existing dwellings to the south.

#### **7.5. Appropriate Assessment**

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

### **8.0 Recommendation**

- 8.1. It is considered that the proposed development should be granted for the reasons and considerations hereunder and subject to the conditions below.

## 9.0 Reasons and Considerations

Having regard to the zoning objective for the site and pattern of development in the area, together with the design, scale and layout, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, and would provide for a satisfactory standard of accommodation for future residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. The proposed development shall be amended as follows:
  - (a) The corten balustrading to the first floor south-facing balcony shall continue for a height of 2.15m across its entire width and shall be back-fitted on the balcony side with obscure glazing.
  - (b) The first floor south-facing bedroom window to Apartment A shall be top-hung and permanently fitted with obscure glazing.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to

the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

**Reason:** In the interest of visual amenity.

4. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. These residential spaces shall not be sub-let or utilised for any commercial purpose.

**Reason:** In the interests of residential amenity.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

7. 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.

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Donal Donnelly  
Planning Inspector

2<sup>nd</sup> February 2019