



An
Bord
Pleanála

Inspector's Report ABP 303051-18.

Development	Retention of alterations to the development permitted under P. A. Reg. Ref. 3834/17.
Location	24 Morehampton Road. Dublin 4.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	3859/18
Applicant	Caroline Devlin and Colm O'Se
Type of Application	Permission for Retention.
Decision	Refuse Permission and Grant Permission
Type of Appeal	First Party
Appellant	Caroline Devlin and Colm O'Se.
Observer	Murray and Mary McGrath
Date of Site Inspection	20 th February, 2019.
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The application site is on the east side of Morehampton Road, has a stated area of 525 square metres and it extends to half the depth of the distance to Morehampton Lane to the east. It is that of a Victorian terraced house at the rear of which there is a three-storey return which is paired with a similar return of relatively recent construction at the rear of the adjoining house at No 22 Morehampton Road.
- 1.2. At the end of the rear garden there is a recently constructed garden room, (the stated floor area of which is 48.5 square metres) additions and alterations to which are subject of the application for permission for retention. There is a pedestrian entrance door in the rear wall on the eastern boundary of the site which opens onto a narrow pathway/shared right of way onto Morehampton Lane. At the end of the rear garden of the adjoining property to the north at No 22 Morehampton Road, there is a smaller scale garden room for which permission was granted under P. A. Reg. Ref. 3900/17.
- 1.3. Relatively recently constructed groups of mews houses are located at the northern end of Morehampton Lane to the rear of No 24 Morehampton Lane and adjoining houses. The mews houses at Nos 24-27 Morehampton Lane, (for which permission was granted under P. A. Reg. Ref. 3079/15) have flat roofed space over the ground floor at the rear which are not fitted for use as terraces or balconies and to which there is no direct access other than through windows which are not full length. Mews development is located at the rear of most of the Morehampton Road houses which are setback from Morehampton Lane onto which they have vehicular access.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for permission for retention of alterations to the permitted development under P. A. Reg. Ref. 3834/17 which has been constructed on the site. These proposals comprise:
 - An increase in footprint and total floor area.
 - An increase in height to the ridge and changes to the roof profile.
 - Opening of the attic space to create a mezzanine storage space.

- Changes to the materials used in the front, (west) elevation facade and window frames.

3.0 Planning Authority Decision

3.1. Decision

- By order dated, 26th October, 2018 the planning authority decided to issue a split decision according to which:
- Permission is granted for changes to the external finishes to the garden elevation and,
- Permission is refused for:

The increase in floor area, stated to be 8.5 square metres in total.

An increase in height to the ridge and changes to the roof profile.

Opening of the attic space to create a mezzanine storage space.

- 3.1.1. The reasoning for the decision to refuse permission for retention is based on serious injury to the residential amenities of properties in the vicinity and conflict with the 'Z2' (residential conservation area) zoning objective for the site location.

3.2. Planning Authority Reports

3.2.1. Planning Officer

The report of the planning officer notes alteration to the ground levels, height and steep pitch of the roof and the parapet wall height. It is concluded that the development is visually obtrusive and out of character with the area. Separately it is confirmed in the report that substitution of render finish for stone cladding and timber framed rather than metal framed windows is acceptable. The report also includes recommendations for attachment of conditions to clarify to extent and nature of use permissible.

There are no objections to the proposed development in the report of the Drainage Division.

3.3. Third Party Observations

- 3.3.1. An observation was lodged on behalf of the occupants of No 27 Morehampton Lane, and this party has also submitted an observation on the appeal outlining the objections to the proposed development details of which are in paragraph 6.3.

4.0 Planning History

- 4.1. Under P. A. Reg. Ref. 3834/17 Permission was granted for a pitched roof garden room/store at the rear of No 24 Morehampton Lane. The current application is for permission for the retention of the additions, alterations and changes incorporated in the 'as built' development implemented in foot of this grant of permission.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 (CDP) according to which the site is subject to the zoning objective Z2: *"To protect and/or improve the amenities of residential conservation areas."*

No 24 Morehampton Road and surrounding properties on Morehampton Road are included on the record of protected structures.

Policy CHC4 provides for the protection of the special interest and character of Dublin's Conservation Areas. The policies and objectives are elaborated on in detail in section 11.1.5.4

Guidance and standards for extensions and alterations and on the relationship with existing residential properties are set out in Sections 16.2.2.3 and Appendix 17.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was received from John Spain Associates on behalf of the applicant on 22nd November, 2018 according to which:

- The levels within the rear garden and on the laneway are different so the 'as built' height within the garden is 5770 mm whereas it is circa 6245 mm from the lane's level.
- The garden room acts as a barrier to overlooking from the four mews houses, especially from French doors which may have replaced windows affording us of the flat roofed areas as viewing platforms. The applicant questions the 'as built' heights of the mews houses.
- The height of the proposed development to be retained is not materially different to the heights previously permitted and that the deviations subject of the proposed development are relatively minor modest and will not adversely affect amenity or architectural qualities and streetscape in the area.
- It is contended that the analysis of the planning officer is based on the assumption that the structure was constructed 600 mm higher at eaves, but the eaves height and the parapet comply with the drawings for the original permitted development. The change is in the roof apex with is 568 mm higher that which was permitted along with the change to the roof pitch which reduces the overall bulk.
- The rear elevation is 6245 mm 'to step' the overall height permitted for the rear elevation to the ridge level is 5677 mm; the differential is 568 mm and not 1.1 metres as indicated in the planning officer report. The planning officer conclusions may be based on the levels within the laneway rather than the garden.
- The proposed development does not have negative impact on the wider Conservation Area in that the garden room, the principle for which is already established in the original grant of permission) is adjacent to the lane of which another lane provide direct access and it is between the mews houses and

Morehampton Lane. It can be easily absorbed into the area and it accords with the Residential Conservation Area (Z2) zoning objective. It is not accepted that the 'as built garden room' which is surrounded by trees can impact on the amenities of neighbouring properties. Morehampton Lane is characterised by a wide range of mews of different forms and heights and there is no uniformity.

- The addition of the mezzanine level was an afterthought and it results in an increase area of 3.5 square metres at ground floor level and five square metres at mezzanine level. It is stated that the development is used for study, play by children and storage purposes

6.2. Planning Authority Response

There is no submission on file from the planning authority.

6.3. Observations

6.3.1. An observer submission was lodged on behalf of Murray and Mary McGrath of No 27 Morehampton Lane on 18th December, 2018 attached to which are details of an independent survey undertaken on behalf of the observer party. The observations within the submission which is considerable in length and detail are outlined below:

- The ancillary garden building at the rear of No 24 Morehampton Road permitted under P. A. Reg. Ref. 3834/17 should not be enlarged above the approved limits. The permitted garden room at the rear of No 22 Morehampton Road, under P. A. 3900/17 is acceptable because it is of appropriate scale and form and it corresponds to the development under P. A. Reg Ref 3834/17
- The survey conducted on behalf of the observer party includes measurements taken for the survey from outside the boundary of the site. No measurements were taken from within the garden which was not accessed, and the dimensional reliability of the applicant's submissions cannot therefore be reviewed.

- In the application the Malin Head 14.96 to the ridge and 8.46 to the ground at the rear were not provided but the readings have been independently verified and they establish the significant differential on the rear elevation. According to this survey, accurate measurement of the rear ground level to parapet and apex, referable to the Malin Head Datum measured for the concrete based is 8.46 a. o. d and the height from base to apex is therefore 6.5 metres under P. A. Reg. Ref. 3834/17. It is submitted that the 'as built' apex height over ground is 823mm, and not the approved ridge level being 568 mm as contended in the appeal. The change in form from ridge to apex is significant inappropriate variation as well. (Drawings 1704/R02 and Drawing PO2 P. A. Reg. Ref. 3834/17)
- The presentation of the blank parapet and unresolved service discharges are negative aesthetically in impact at the rear of protected structures. This and the deviations from the permitted development have significant negative impact and the surrounding environment which is a view shared by the planning officer. There is no supporting opinion for the proposed development.
- Traditional eaves and not parapets were originally permitted so it cannot be claimed that the parapet heights accord with the grant of permission as contended by the applicant. Parapets are inappropriate as fixed had visual lines and terminations.
- The Z2 zoning refers to the setting of a building and the amenity as a whole, not solely to the public domain so the negative impact of the proposed development on the amenity of the residential property at No 27 Morehampton Lane is contrary of the Z2 zoning objective.
- The absence of qualified Conservation comment by the Conservation Officer (in the form of a report) on the current application is regrettable. The agent for the Observer Party concurs with planning officer's view that the proposed development, including the high roof and introduction of high walls and parapets along the rear elevations, changed form, and increased heights are visually obtrusive and out of character with the area. The view from the rear of No 27 Morehampton Lane to the upper rear elevations of protected

structures with the massing of garden structures within it is a relevant conservation issue in the context of the greater curtilage and environs of the structures within the 'Z2' zoned area.

- The amenity and architectural quality of the area from within a premises and from the public domain is affected by the deviations from regularity of form and there is no qualified architectural assessment offered by the applicant
- The introduction of the mezzanine is of consequence in that enables the use for habitation by providing for a dormitory deck which is supplemented by the introduction of the dormer window, (removed following enforcement) fitting of bathroom and a flue suggest a possible future use for human habitation.

6.3.2. It is requested that the applicant be required to reconfigure the roof and reinstate the roof profile and provide for the original eaves in replacement of the parapet and replace the parapet at the rear with eaves and a ridge so that it accords with the original grant of permission. It is also requested that planting to screen the rear elevation be required and that it be ensured that the use of the building is restricted to non-dormitory ancillary use in conjunction the use of the main house at No 234 Morehampton Road.

6.4. Further Responses

- 6.4.1. A further submission was received from John Spain Associates on behalf of the applicant on 22nd January, 2019. Attached is a statement by Cathal Crimmins Conservation Architect in which he confirms his opinion that the 'as built' structure does not have negative impact on the architectural character of the adjoining and surrounding protected structures, on the Conservation Area or the amenities of the mews houses among which the Observer Party's property is located. He refers to a low scale, distances and appropriate selection of finishes in support of his opinion.
- 6.4.2. The argument made in the appeal in support of the application is reiterated in submission of the applicant's agent. The contentions in it as to adverse impact on the amenities and architectural character and setting of the residential conservation area, the protected structures and the amenities and character of Morehampton Lane are all rejected.

- 6.4.3. It is stated that the applicant is willing to reduce the height to the previously permitted height, and, the apex height to the previously permitted ridge height if required but it is argued the such modifications are unwarranted.
- 6.4.4. It is also claimed that the parapet and wall are the same as in the permitted development, the additional height is not material and, that no intensification of use or nuisance is intended in that the garden room is ancillary to the house and the applicant is willing to accept a condition to this effect. It is also confirmed that there are no windows facing east, and that screen planting will be provided to further reduce visual impact. The claim that the mews dwellings overlook the applicant's property is reiterated.

7.0 **Assessment**

- 7.1. The garden shed/store structure permitted under P. A. Reg. Ref. 3834/17 is of considerable size. However, the relative scale and prominence is to some extent ameliorated in the permitted design, particularly in the roof profile which incorporates a flat section. This ameliorative effect is nullified by the elements proposed alterations and changes incorporated in the constructed garden shed/store structure for which permission for retention is proposed. It is considered that the proposed changes to the permitted profile and height of the roof for the structure and the high blank parapet wall structure on the eastern boundary, the retention of which is proposed, significantly increase the visual prominence and visual obtrusiveness, in scale and height of the upper part of the structure. As previously stated, the visual impact of permitted roof profile is considerably less conspicuous. The raised blank parapet wall on the eastern boundary which is unsightly and detracts from the roof slates, which are regarded as an appropriate material for the roof.
- 7.2. The unresolved issues over the arrangements services in the raised parapet wall which absail into space outside the applicant's property are also unacceptable. These services however are at a sufficient distance from the mews dwellings for possible concerns as to adverse impact by any emissions on residential amenities to be set aside. The raised parapet to the front elevation in which the and three sets of

double height double glazed doors are located also gives rise to concerns as to excessive scale and visual prominence.

- 7.3. There is no objection to the proposed substitution of a render finish for the stone cladding finish and the substitution of timber framed for metal framed windows shown in the original application.
- 7.4. The planning officer's concerns as to scope for possible use for human habitation are noted and it is agreed that an appropriate condition should be attached should permission for retention be granted, for the purposes of clarity.
- 7.5. There is considerable dispute in the submissions made in connection with the appeal in which the levels within the site and adjoining laneway are at issue and as to whether there are any disparities in this regard in connection with the constructed and originally permitted garden room/shed structure. No site survey or site cross section drawings are available. It would be open to the planning authority, should it wish, to investigate this matter through its enforcement section.

7.6. **Environmental Impact Assessment Screening.**

Having regard to the 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.

7.7. **Appropriate Assessment Screening.**

Having regard to the small-scale nature of the proposed development and, to the serviced inner suburban 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.

8.0 **Recommendation**

- 8.1. Given the foregoing, it is recommended that the planning authority decision be upheld whereby permission is granted for retention of the change of external finish to the garden elevation and refused for retention of the increase in floor area, increase in roof ridge height, change of pitched roof profile and opening of the attic space to

create a mezzanine storage area. Draft Reasons and Considerations and Conditions are set out below.

9.0 Reasons and Considerations

1.

Grant Permission for Retention of the change of external finish to the garden elevation.

Reasons and Considerations.

The change of external finish to the garden elevation, the retention of which is proposed, subject to the condition set out below, would not seriously in jure the visual and residential amenities of properties in the area and would accord with the proper planning and sustainable development of the area.

Condition

1. The development shall be in accordance with Condition Nos. 1-5 attached to the grant of permission under P. A. Reg. Ref.3834/17, except as amended to confirm with the provisions indicated in the plans lodged in connection with the application.

Reason: To ensure consistency with the previously permitted development.

2.

Refuse Permission for Retention of the increase in floor area, increase in roof ridge height, change of pitched roof profile and opening of the attic space to create a mezzanine storage area.

Reasons and Considerations.

The site location is within an area subject to the zoning objective: Z2: to protect and improve the amenities of residential conservation areas” according to the Dublin City Development Plan, 2016-2022. It is considered that the proposed changes to the permitted profile and height of the roof for the structure and the high blank parapet wall structure on the eastern boundary, the retention of which is proposed,

significantly increase the visual prominence and visual obtrusiveness, in scale and height of the upper part of the structure and, in addition, the raised blank parapet wall on the eastern boundary which is visually conspicuous detracts from the roof slates which are considered to be an appropriate material for the roof. As a result, it is considered that the proposed development seriously injures the visual amenities, character and setting of the protected structures on Morehampton Road and the residential and visual amenities of the area. As a result, the proposed development would be contrary to the development objective for the area and to the proper planning and sustainable development of the area.

Jane Dennehy.

Senior Planning Inspector
28th February 2019