



An
Bord
Pleanála

inspector's Report ABP-303190-18

Development	Planning permission sought for single storey, one bedroom housing unit on site to rear and accessing onto side laneway.
Location	5A Malahide Road, Artane, Dublin 5
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3976/18
Applicants	Ngan Leung Chan, Kwai Fa Lam and Mei Chun Li
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellants	Ngan Leung Chan, Kwai Fa Lam and Mei Chun Li
Observers	None
Date of Site Inspection	2 nd February 2019
Inspector	Stephen J. O'Sullivan

1.0 Site Location and Description

- 1.1. The site lies on the Malahide Road c6km north-east of the centre of Dublin. It has a stated area of 206m². It consists of the curtilage of a two storey building at the end of a parade of shops with a stated floor area of 191m² that has a takeaway on the ground floor and an apartment above. The parade is severed by a shared parking area on a loop road off the main road, and a lane to its rear that runs along the southern boundary of the site. That lane is barred by a gate roughly half way along the boundary of the site.

2.0 Proposed Development

- 2.1. It is proposed to build a single storey dwelling with a stated floor area of 65m² on the open area at the rear of the site. It would front onto the southern boundary of the site with the adjoining lane. One bedroom of 12m² is shown on the submitted floor plans, along with a living area of 24.m² and a study of 9m². A bin store of 2.7m² is shown opening off the laneway in the south-eastern part of the site.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused permission for one reason –

Having regard to the site coverage, scale, provision of private open space and the existing uses on the site, it is considered that the proposed development represents significant over-development and intensification of use. The proposed development would result in an unacceptably low level of residential amenity for the residents of the existing first floor apartment and the future occupants of the development and does not comply with development standards in respect of mews development, site coverage and refuse storage facilities as set out in the Dublin City Development Plan, 2016-2022. The proposed development would therefore, by itself and by the

precedent it would set for other development, seriously injure the amenities of property in the vicinity, be contrary to the provisions of the Dublin City Development Plan 2016-2022 and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

There are concerns about the amount of natural light that would reach the proposed patios and habitable rooms that are behind a 2m screen wall. The open space is in front of the dwelling split into 2 patios. Adequate open space has not been provided in qualitative or quantitative terms for the proposed dwelling in line with the development plan requirements for mews dwellings. The Roads Planning Division has stated that provision for bins storage needs to be made to ensure there is no overspill onto the adjoining lane that is in the charge of the council. The planning authority has serious concerns about the scale, site coverage, the provision of open space and the standard of amenity for the proposed occupants. There is also concern about waste storage facilities for the existing development. The proposal would be overdevelopment of the site. Permission should be refused.

3.2.2. Other Technical Reports

The Transportation Planning Division stated that dedicated car parking is not required. The proposed development would leave no space to the rear of the existing development on the site and information should be sought of the waste storage facilities for that development to ensure there is no overspill onto the adjoining lane that is in the charge of the council.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

Reg. Ref. 2661/07 – the planning authority granted permission for a change of use of a laundette to a pizza shop.

5.0 Policy Context

5.1. **Guidelines for Planning Apartments on the Design Standards for New Apartments, 2018** – Specifies minimum floor area of 45m² for one bedroom apartments and 63m² for two bedroom apartments for three people. The minimum size for a double bedroom is 11.4m², that for single bedrooms is 7.1m². The standards for one bedroom apartments require a combined living area of 23m², storage of 3m² and private amenity space of 5m². The respective requirements for 2-bedroom 3-person apartments are 28m², 5m² and 6m². Section 3.35 states that private open space in the form of patios at ground floor or balconies on upper floors should be provided for apartments that adjoin and have a functional relationship with the main living areas of the flat

5.2. Development Plan

The Dublin City Development Plan 2016-2022 applies. The site is zoned Z3 for neighbourhood facilities. The site coverage standard for this zone is 60% and the indicative plot ratio is 1.5-2.0. Standards for houses are set out in section 16.10.2 of the plan, those for apartments at section 16.10.1.

5.3. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

- The site has not been used in conjunction with the main building on the site since permission for the take away was granted in 2007. Until the applicants

bought the site 2 years ago it was used to store tyres by a neighbouring motor repair business that is now closed. There was never a house on the site. The building is part of a purpose-built parade of shops with communal parking to the front. Access is from a side laneway, as is the access for the first floor apartment over the takeaway. So what is proposed is a one-bedroom apartment rather than a mews house. So the standards for apartments should be applied and not the standards for mews houses at section 16.10.6 of the development plan. The proposed development complies with the standards for apartments at section 16.10.1 of the development plans as well as the national standards for apartments in 'Quality Housing for Communities' issued by the department in 2007.

- The proposed apartment would have adequate aspect and natural light. The lounge and the study have clerestory windows on the southern elevation allowing sunlight to penetrate for long periods of the day, as well as windows and doors that open onto internal courtyards. The ceilings would be 2.7m high, allowing a clearance of 700mm over the front wall of 2m. The courtyards have a southerly aspect and translucent glass blocks could be used to increase the penetration of light into them.
- The 2018 Design Standards for New Apartments state that private amenity space can be provided for apartments in patios for ground floor units or in balconies at upper levels which should adjoin and have a functional relationship with the main living area. There is a flat roof behind the first floor apartment over the takeaway where such a balcony could be provided as shown on a drawing attached with the appeal. This would be a better amenity than a ground level space at a remove from the apartment.
- The proposed apartment would have 10m² of open space that would comply with the 2018 design standards. The site coverage is therefore appropriate.
- The site is well served by local amenities and public transport and is beside shared car parking. The proposed apartment does not need its own space.
- Bin storage is provided for the proposed apartment and the takeaway. It can be increased in size as required because the apartment is 17m² larger than

the minimum standard for one-bedroom apartments set down in the guidelines.

6.2. **Planning Authority Response**

The planning authority did not respond to the appeal

7.0 **Assessment**

7.1. The proposed apartment would provide a reasonable quantity of internal accommodation for its occupants. It would meet the standards in this regard set down in the 2018 guidelines for a one-bedroom apartment. The proposed unit includes a 8.95m² study. It is unlikely that a prohibition on the use of that room as a bedroom would be capable of enforcement under planning legislation. The proposed apartment would fall somewhat below the standards on internal space for a two-bedroom unit, but the shortfall might not be significant if the apartment were otherwise acceptable. The external appearance of the apartment would improve its surroundings. Separate car parking would not be required for the proposed apartment. It would not deprive the flat above the takeaway of existing private open space nor the possibility of providing some on a balcony, as suggested in the appeal. The proposed apartment is probably the optimal design that could be achieved for a separate residential unit at ground floor level on the site.

7.2. However the site is not suitable for a separate residential unit at ground floor level. It abuts a rear laneway between 3m and 6m wide that was laid out to serve five commercial premises in a parade of shops. Two of the commercial units are occupied by takeaways, one by a beauty salon and one by an off licence. The established use of the premises on the opposite side of the lane to the south remains commercial, even if the previous occupant has departed. The zoning of the site allows residential development, and such uses occur on the first floor level over the shops where they are afforded a satisfactory degree of separation from the facilities below. However the stated zoning objective is to such provide such neighbourhood facilities, rather than residential use. The proper role of the lane is therefore to provide access for deliveries, waste management and other services for those commercial premises. If this role is curtailed, it would displace such activities to the

front of the shops where they would damage the amenities of the area and interfere with parking and traffic on the public road. The proper use of the lane for deliveries and waste management would disturb the occupation of habitable accommodation immediately beside it at the same level, as the proposed apartment would be. The attempt to protect the proposed apartment with a screen wall along the front of the site would deprive the apartment of a suitable level of sunlight and would block its outlook, although it is unlikely that a ground floor window looking out onto that lane would provide a suitable outlook for residential accommodation in any event. The quality of the proposed residential accommodation is therefore inadequate, and the proposed apartment would be contrary to the proper planning and sustainable development of the area.

8.0 Recommendation

8.1. I recommend that permission be refused.

9.0 Reasons and Considerations

The proposed residential unit would fail to provide an adequate level of amenity for its occupants due to its situation immediately beside a lane providing access to the back of several commercial premises, having regard to the disturbance that would arise from the established use of that lane for deliveries and waste management, and to the restricted outlook and natural light that would be available to the proposed residential unit. The proposed development would therefore seriously injure the amenities of the area.

Stephen J. O'Sullivan

Planning Inspector

3rd February 2019