



An
Bord
Pleanála

Inspector's Report ABP 303662-19

Development	Construction of a House
Location	2 Jamestown Road, Inchicore, Dublin 5.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4409/18
Applicant(s)	Skyscape Property Holdings Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party V Condition 3(a)
Appellant(s)	Skyscape Property Holdings Ltd.
Observer(s)	None
Date of Site Inspection	10 th April 2019
Inspector	Irené McCormack

1.0 Site Location and Description

1.1. The appeal site is located in Inchicore on the south side of Dublin. The site is a vacant site located at the junction of Jamestown Road and Tyrconnell Road. The area is residential in character and the site is located at the end of a terrace of red-brick two storey dwellings. The Grand Canal is located to the south of the site. There is a vacant public house located on the opposite side of Tyrconnell Road and the Blackhorse Luas station is located to the southeast.

2.0 Proposed Development

2.1. Permission is sought for the construction of a 3-storey 2 bed end of terrace dwelling. The proposed dwelling is a modern design with three principle elevations. The proposed house will be finished in red brick with a standing seam zinc roof finish.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted permission subject to 11 conditions. The following condition is of note:

C3. stipulated:

Development shall not commence until revised plans, drawings and particulars showing the following amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the house. The development hereby approved shall comply with the following:

- (a) The front building line of the additional house hereby approved shall be consistent with the building line established by nos. 2,4, and 6 Jamestown Road i.e. the front elevation of the additional house hereby approved shall be set back by 1.7m where it projects forward of its living room (ground floor) and bedrooms 2 (1st floor) and 3 (2nd floor).
- (b) The east elevation of the additional house hereby approved shall be finished in its entirety in brick.
- (c) The approved development shall involve the construction of a rear garden boundary wall running from the south western corner of the approved

additional house to the rear garden boundary along the side of the house.

This 2-metre-tall rear boundary wall shall be finished in brick.

(d) All bicycles and refuse bins shall be stored within the rear garden area only.

(e) The front garden shall be landscaped. The front garden boundary shall involve extending the dwarf wall in front of the existing house around the property boundary corner.

(f) There shall be no cars parked on the subject site at any time.

Reason: In the interest of visual amenity, clarification of the scope of this permission and to ensure an appropriate standard of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the planning authority. The Planning Officer notes the zoning objectives for the area and that the proposal is for a single house consistent with the established character of the area. No off-street car parking provision is considered acceptable in the context of the site and the proximity to the Luas. The design and layout are broadly in line with residential standards, the marginal short fall in private open space is considered acceptable. Forward projection omitted having regard to the building line being forward of established building line and in order to provide a consistent boundary treatment.

3.2.2. Other Technical Reports

Drainage Department- Report received 30th November 2018 – No objection

4.0 Planning History

Site:

ABP PL29S.248628 /DCC REF. 2469/17 – Permission granted on appeal for the construction of two houses and all associated site works.

Reg. Ref. 2578/00 - Permission sought to construct a 2-storey apartment building comprising 4 units. The applicant did not respond to an FI request in relation to legal interest, revised design and compliance with open space & car parking standards.

5.0 Policy and Context

5.1. Development Plan

Dublin City Council Development Plan 2016 to 2022

Zoning objective: The proposed development would be located within an un-zoned site which is located adjacent to an area covered by the “Z1” zoning objective in the Development Plan which seeks to “To protect, provide and improve residential amenities.”

Built Heritage: Located within the Grand Canal Conservation Area.

Residential Quality Standards (Section 16.10.2)

Houses shall comply with the principles and standards outlined in Section 5.3: ‘Internal Layout and Space provision’ contained in the DEHLG ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007).

Corner/Side garden sites (Section 16.10.9): The following criteria apply:

- The character of the street
- Compatibility of design and scale with adjoining dwellings (established building line, proportion, heights, parapet levels & materials)
- Impact on the residential amenities of adjoining sites
- Open space standards & refuse standards
- Appropriate car parking facilities & safe access to the site
- Landscaping & boundary treatments in keeping with the area
- Maintenance of the front & side building lines, where appropriate

5.2. Natural Heritage Designations

There are no natural heritage designations within the vicinity of the site.

5.3. EIA Screening

Notwithstanding the initial EIA pre-screening carried out on receipt of the appeal. On the issue of Environmental Impact Assessment screening I note that the relevant

classes for consideration are class 10(b)(i) “*Construction of more than 500 dwelling units*” and 10(b)(iv) “*Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere*”. Having regard to the size of the development site (.158ha) and scale of the development it is sub threshold and the proposal does not require mandatory Environmental Impact Assessment. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

AKM Design have submitted a first party appeal on behalf of the applicant. The grounds of appeal relate to condition no. 3 (a) only.

- The applicant is requesting the deletion of condition no. 3 (a).
- The planning authority placed too much emphasis on potential impact of small (1.7m) front projection.
- The design respects the established building line and respects the character of the area. The submission notes a similar break in building line on the opposite side of the site.
- The design approach is of a smaller scale than that permitted in 2017 with a reduced visual impact.
- The projection is required to ensure adequate room sizes and the omission of the projection would significantly modify the design and reduce the floor areas to below standard.

- The site is vacant for a long time and the proposed development will have a positive visual impact.

6.2. **Planning Authority Response**

None received

6.3. **Observations**

None received

7.0 **Assessment**

- 7.1.1. The first party appeal relates solely to Condition 3 (a) attached to the Notification of Decision to Grant Permission issued by the Planning Authority which relates to modifying the design of the development.
- 7.1.2. I am satisfied that it is appropriate to confine the scope of the assessment to the consideration of Condition 3 (a) only in accordance with S.139 of the Planning and Development Act (as amended).
- 7.1.3. Condition no. 3 (a) requires that the building line be consistent with the established building line of nos. 2,4, and 6 Jamestown Road. The condition required the front elevation to be set back by 1.7m where it projects forward.
- 7.1.4. While the wording of the condition is somewhat confusing I interpret it that the 1.7m forward projection be omitted in its entirety from the development.
- 7.1.5. The site is a vacant corner site at a visually prominent location addressing three roads. The proposed dwelling is a modern flat roofed three-storey design attached to a terrace of three two-storey red brick dwellings. The design is taller than the adjoining terrace and, in my opinion, the contrasting form reflects an appropriate bookend to the terrace at this prominent location. I note the new dwelling will also be finished in red brick.
- 7.1.6. The adjoining terrace of dwellings includes a defensible area behind boundary walls of 5m and each dwelling has ground and first floor square bay windows forward of the main building line. As such the 1.7m forward projection would not represent a visually prominent feature so as to be detrimental to the character of the area and the proposed dwelling will be recessed from the footpath in a similar manner to the adjoining. This is acceptable and in line with the established character of the area.

7.1.7. In summary I consider the omission of the forward projection is not justified. I recommended Condition No 3 (a) be omitted from the schedule of conditions attached by the Planning Authority.

7.2. **Appropriate Assessment**

7.2.1. Having regard to the nature and small scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Recommendation

7.3. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 as amended, to omit Condition No. 3 (a) from the grant of permission.

8.0 **Reasons and Considerations**

Having regard to:

- (a) the provisions of the Dublin City Development Plan 2016-2022,
- (b) the design, nature and scale of the development proposed, and
- (c) the pattern of development in the area,

It is considered that the omission of Condition No 3 (a) from the grant of planning permission is acceptable and in accordance with the proper planning and sustainable development of the area.

Irené McCormack
Planning Inspector

2nd May 2019