



An
Bord
Pleanála

Inspector's Report ABP303953-19

Development	Construction of a dwellinghouse to the side of an existing dwelling.
Location	13 Beechwood Road, Ranelagh, Dublin 6.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	4645/18.
Applicant	Maureen Rabbit.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party -v- Refusal.
Appellant	Maureen Rabbit.
Observers	(i) Tom and Helen Horkan, (ii) Olwyn Lanigan, (iii) Philip Daly and Eleanor Bleahene, (iv) Niall Byrne, (v) John and Kate McKiernan.
Date of Site Inspection	6 th June, 2019.
Inspector	Paul Caprani.

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1.0 Introduction

ABP303953-19 relates to a first party appeal against the decision of Dublin City Council to issue notification to refuse planning permission for the construction of a new house utilising an existing vehicular entrance at Beechwood Road, Ranelagh, Dublin 6. Planning permission was refused for a single reason that the design and scale of the proposed development would be visually incongruous in a conservation area and would injure the residential amenities of neighbouring properties. A number of observations were submitted supporting the Planning Authority's decision.

2.0 Site Location and Description

- 2.1. The appeal site relates to a rectangular plot of land to the side and rear of No. 13 Beechwood Road. The subject site is located between the rear of No. 13 Beechwood Road (which faces eastwards onto Mountain View Road and No. 14 Beechwood Road which faces northwards onto the said road). The site is located approximately 3 kilometres due south of Dublin City Centre in the inner suburban area of Ranelagh. Beechwood Luas Station is located approximately 150 metres to the east of the site. The area is characterised by early 20th century relatively low density mature suburban development, comprising in the main of semi-detached dwellings. Both No. 13 and 14 Beechwood Road which are contiguous to the subject site comprise of two-storey red brick semi-detached dwellings.
- 2.2. No. 13 Beechwood Road incorporates a single-storey rear return a small portion to the rear of which is to be removed in order to accommodate the dwelling.
- 2.3. The site has a width of approximately 7.5 metres and a depth of approximately 15.5 metres. It forms part of the rear garden of No. 13 Beechwood Road. There is an existing vehicular gate providing access onto Beechwood Road from the site. The side elevation of No. 14 Beechwood Road is located approximately 4 metres from the western boundary of the appeal site. There are no windows on the side gable of No. 14 Beechwood Road overlooking the site, with the exception of a ground floor window serving a kitchen area.

2.4. The site has a stated area of 115 square metres. The garden on which the site is located can be described as a well planted garden with mature and semi-mature trees. A red brick c.1.5 metres high wall runs along the boundary of the site facing on Beechwood Road. A pair of semi-detached houses (Nos. 11 and 12 Beechwood Road) are located directly opposite the site on the northern side of Beechwood Road.

3.0 Proposed Development

3.1. Planning permission is sought for a detached two-storey contemporary style dwellinghouse on the subject site. The dwelling is to be located to the rear of the site c.7 metres from the front boundary. One off-street car parking space and a modest size front garden is to be located adjacent to the roadside boundary. The proposed dwelling is contiguous to the rear and side boundaries of the site

3.2. The proposed dwelling comprises of a boxed shape contemporary style structure. It rises to a height of 6.8 metres and incorporates a flat roof. The ground floor accommodates living accommodation and a single bedroom. At first floor level it is proposed to provide a double bedroom, a small study area and bathroom and an atrium area overlooking the seating area at ground floor level. The external finishes comprise of proposed brick cladding interspersed with rectangular glazed panels. A new gateway is proposed to serve the vehicular entrance and the existing brick front boundary wall is to be retained. The total floor area of the dwellinghouse is stated as being 79 square metres.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. Dublin City Council issued notification to refuse planning permission for a single reason which is set out in full below.

Having regard to the requirements of the Dublin City Development Plan 2016-2022 and in particular the Z2 zoning objective and Section 16.10.9, the proposed development, due to its design and scale would be visually incongruous to the streetscape of the conservation area and would injure the residential amenity of

occupiers of adjoining neighbouring properties in terms of overbearing and enclosure. It is therefore considered that this development if permitted would be contrary to the proper planning and sustainable development of the area.

4.2. Documentation Submitted with the Application

4.2.1. The application was accompanied by a completed planning application form, drawings, public notices and planning fee. In addition, an Architect's Design Statement was also submitted by McCullough Mulvin Architects. The report sets out the site location and context and planning policy as it relates to the site. The report goes on to set out a design overview and rationale for the proposed development. It states that the proposed development is mindful of its location in a residential conservation area and takes a number of steps to integrate into the existing context.

This includes:

- Respecting the established building line between No. 13 and No. 14 Beechwood Road.
- Utilising the existing entrance therefore requiring no new intervention in the boundary wall.
- Retaining existing tree stands within the front garden.
- Respecting adjoining amenity by maximising the separation distance between the proposal and adjoining dwellings.

4.2.2. In terms of design it is argued that the proposed massing, materiality and elevational treatment have all been arrived at with a view to enhancing the local environment and providing quality amenity. High quality materials are to be used throughout. It is argued that the setting and location of the house provides a comfortable relationship along the streetscape and with adjoining dwellings. The proposed flat roof reduces the massing of the dwelling considerably. The location of the building largely limits the potential for overshadowing and the proposal does not overshadow to any great extent private gardens in the vicinity. The fenestration arrangements of the building are also designed to prevent overlooking. No windows are proposed on the east or west elevations eliminating the potential to overlook the adjoining dwellings of Nos. 13 and 14 Beechwood Road. The private open space and internal layout are in

accordance with guidelines. In conclusion it is submitted that the proposed development is a high quality carefully considered approach to provide a dwelling at this location. The proposal sits comfortably within the streetscape of Beechwood Road and will enhance the existing established dwellings in this designated Z2 residential conservation area.

4.3. **Planning Authority's Assessment**

- 4.3.1. A report from the Drainage Department stated that there was no objection to the proposed development subject to standard conditions. A number of letters of objection were submitted raising numerous issues with regard to design, impact on residential amenity and traffic and parking considerations. The content of these submissions has been read and noted.
- 4.3.2. The **planner's report** considers the design and scale of the proposed infill property to be wholly out of keeping with period properties and therefore is visually incongruous to the streetscape. It is acknowledged that a contemporary design can complement historic streetscapes. However, it is not considered to be the case in the current application. It is not considered that the 'block-like' form provides a subordinate appearance but rather dominates the streetscape. No. 13 Beechwood Road is considered to be of considerable architectural merit being a red brick Victorian dwelling set within mature landscaped garden. It is also considered that a significant amount of western and south-western daylight would be lost to the rear garden of the parent property by having a two-storey mass against its rear boundary. The planner's report considers that the private open space is generally adequate and that No. 14 Beechwood Road, the adjoining dwelling to the west, would not be unduly impacted upon due to the absence of windows on its eastern elevation. It is also considered that the proposed development would have an overbearing effect on the rear garden of No. 4 Mountainview Road along the southern boundary of the site. It is stated that all neighbouring properties are located a sufficient distance away to dispel any potential overlooking impact of the proposed development. It is also noted that the proposal slightly exceeds the site coverage permitted for Z2 areas (51% where the limit is 45%), however overall it is considered to be acceptable. The proposal is also considered to be acceptable in terms of the provision of off-site parking.

- 4.3.3. Based on the above assessment Dublin City Council issued notification to refuse planning permission for the single reason set out above.

5.0 Planning History

There appears to be no planning history associated with the subject site.

6.0 Grounds of Appeal

- 6.1. The decision was the subject of a first party appeal on behalf of the applicant. The appeal notes that the Planning Authority refused permission for a single reason, namely that the proposed development is visually incongruous in the streetscape of a conservation area and would therefore injure the residential amenities of neighbouring properties in terms of overbearing and enclosure. The local authority planning report goes on to confirm that the application conforms with development standards in every respect and that no overlooking arises. The particular orientation of the site means that the development would not cause any overshadowing or reduction in sunlight to the adjacent houses.
- 6.2. It is suggested that the planning assessment was somewhat simplistic and subjective and is principally based on the opinion that the planner did not like the look of the proposal. It is stated that the planner's conclusions run completely counter to government policy on architecture which discourages pastiche architecture and encourages good contemporary contextual development. It is stated that the height of the proposal is in line with the cornices of adjacent houses and the materials will match the house on both sides. The site is unusually large enough for a small house which can be built without injuring the amenity of adjoining houses. While there will be some light impact on the parent house this is well within the norms for inner city development. The site is located close to Beechwood Road, Luas Station which represents an appropriate location where higher density should take place. It is stated that "the architecture of the scheme is about an internal spatial section held within a brick armature perceived with varying light and shade through the frame of the front façade". The size of the proposal is small and will be naturally subservient to the larger Victorian buildings around it. The front façade formed in

brick is treated as a delicate brick screen with piers rather than a monolithic block and this will have its own visual interest on the streetscape.

- 6.3. It is also noted that the window ope to the rear of the proposed development has been incorporated into this design to allow additional sunlight into the upper level of the proposed dwelling. While there is no possibility of overlooking, this ope can be omitted.
- 6.4. While the height of the proposal has been carefully judged against the parapet height of the surrounding houses, if necessary the proposal could be reduced by approximately 500 millimetres. However, this is not recommended from an architectural viewpoint.

7.0 Appeal Responses

Dublin City Council have not submitted a response to the grounds of appeal.

8.0 Observations

A total of five observations were submitted all supporting the decision of the Planning Authority. The contents of each of the observations are briefly set out below.

8.1. Observation of Tom and Helen Horkan of No. 14 Beechwood Road.

- It is noted from the coloured elevational drawings submitted by architects, that many of the Victorian features of adjoining dwellings, including doors and bay windows have been incorrectly depicted on the drawings submitted. The drawings indicate modern PVC doors and bay windows. The Board are requested to note that the original Victorian doors which are in keeping with the Z2 residential conservation area, are actually incorporated within the houses. It is also stated that the drawings submitted contain an error in incorrectly depicting the side garden of No. 14.
- It is also considered that the proposed development would be only 3 metres from the observers' glass kitchen door and this would have a significant impact on light. Concerns are expressed that the observers' side garden would be reduced to a dark tunnel. Also submitted with this observation is the original objection submitted to the Planning Authority on behalf of the

observers by Ann Marie Sheridan Planning Consultant. This submission expresses concerns in relation to overshadowing and overbearing impacts. It is also suggested that the quality of private open space associated with the proposed dwelling is deemed to be poor.

8.2. Observation of Olwyn Lanigan of No. 10 Beechwood Road.

8.2.1. This observation expresses concerns in relation to the following:

- The proposed development is out of character with the established architectural form of the area.
- The appearance of the proposed dwelling contains no element of decorative detail and comprises of minimum articulation.
- The alignment and size of the windows proposed does not correspond with sliding sash windows of houses in the immediate area.
- The proposal is contrary to the existing Victorian architectural character of the area and the Z2 zoning objective for the area.
- The flat roof and plain undecorated brick façade would detract from the visual cohesion of the area and would be incoherent.
- The proposal therefore would set an undesirable precedent for similar type development.

8.3. Observation on behalf of Philip Daly and Eleanor Bleahene of No. 4 Mountainview Road.

- This detailed observation sets out details of the site and its surroundings. The proposed development and the planning policy context as it relates to the site. The submission quotes in detail extracts from the planner's report and also refers to the first party appeal.
- The observation states that the proposed development does not adhere to the policy and objective statements contained in the development plan in relation to residential conservation areas.
- It is argued that the contemporary form of the proposed development will have a significant adverse impact of the Victorian character of the surrounding

area. The proposed dwelling displays a flat roof with an unproportioned solid to void ratio which is inconsistent with the character of the surrounding area.

- It is noted that no daylight/overshadowing assessment has been undertaken. It is stated that the subject site is highly restricted and would severely impact on the sunlight received at the observer's dwelling at No. 4 Mountainview to the south. It is stated that the private open space enjoyed by the dwellings to the east and south of the subject site would be significantly overshadowed by the proposed dwelling.
- The proposed development on a confined site with proximity to common boundaries would have a significant level of overbearing and enclosure on surrounding properties. The scale and layout of the proposed development results in a substantial negative impact on surrounding established residential dwellings.
- With regard to private open space provision, it is noted that the Planning Authority generally seek for up to 60 to 70 square metres of private open space to be provided to the rear of the building line. It is considered that the front gardens provide very little private open amenity for dwellings. It is submitted that there is a lack of private amenity open space provided with the development.
- The loss of an existing car parking space is also of concern. The development plan requires that one car parking space should be provided for a dwelling.
- With regard to the proposed alterations suggested in the first party appeal, concern is expressed that the omission of the proposed rear open will ultimately introduce an expansive blank two-storey wall on the southern boundary. It will also result in the quality of the accommodation being significantly reduced.
- It is stated that the applicant has not demonstrated the appropriateness of the proposal through the use of precedent examples. Reference is made to a precedent decision where planning permission was refused for a mews development to the rear of No. 9 Beechwood Road and details of this decision are set out in the observation. It is noted that the decision to refuse planning

permission for the mews development at No. 9 Beechwood Road was located on a site very similar to the site which is the subject of the current appeal.

8.4. Observation by Mr. Niall Byrne of No. 11 Heathfield Road, Terenure.

- This observation supports the decision of the Planning Authority reiterating similar concerns in relation to the incongruous nature of the proposed development in a streetscape of a conservation area.
- It is also suggested that the proposal, notwithstanding what is stated in the grounds of appeal, does not result in a subordinate appearance but rather dominates the streetscape.
- It is also suggested that there would be detrimental level of overshadowing at No. 4 Mountainview Road which would stretch to the observers' property further south at No. 6 Mountainview Road.

8.5. Observation on behalf of John and Kate McKiernan of No. 11 Beechwood Road.

- This observation was submitted by Logical Real Estate Consulting. It expresses concerns in relation to the design and form of the proposed dwellinghouse which is considered to be considerably out of character with the surrounding residential properties. It is considered that the development is significantly out of character with the neighbouring mature Victorian streetscape.
- Concerns are expressed that there are frequent occurrences of the backing up of public drains and that the proposed additional dwelling will impact on the capacity of the drainage. The overbearing impact of the proposal on adjoining properties is significant and the proposal will also impact on existing views of the Dublin Mountains.
- The felling of mature trees is also an unwelcome aspect of the proposed development.
- An additional dwelling at this location will also add to the existing traffic and parking problems in the area.

9.0 Development Plan Provision

- 9.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016-2022. It is governed by the zoning objective Z2 'to protect and/or improve the amenities of residential conservation areas'. Residential use is a permissible use under this zoning objective.
- 9.2. The development plan notes that residential conservation areas have extensive groupings of buildings and associated open space with an attractive quality of architectural design and scale. The overall quality of the area in design and layout terms, is such that it requires special care in dealing with development proposals which affect structures in such areas both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.
- 9.3. Policy CHC4 seeks to protect the special interest and character of all Dublin's conservation areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting wherever possible.
- 9.4. Enhancement opportunities may include:
1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.
 2. Reinstatement of missing architectural detail or other important features.
 3. Improvement of open spaces and the wider public realm, and reinstatement of historic routes and characteristic plot patterns.
 4. Contemporary architecture of exceptional design quality which is in harmony with the conservation area.
 5. The repair and retention of shop and pub fronts of architectural interest.
- 9.5. Development will not:
1. Harm building spaces, original street patterns or other features which contribute positively to the special interest of the conservation area.

2. Involve the loss of traditional, historic or important building forms, features and detailing including roofscapes, shopfronts, doors, windows and other decorative detail.
 3. Introduce design details and materials such as PVC, aluminium and inappropriate designed or dimensioned timber windows and doors.
 4. Harm the setting of the conservation area.
 5. Constitute a visually obtrusive or dominant form.
- 9.6. Section 16.10.9 relates to the development in corner/side garden sites.
- 9.7. The development of a dwelling or dwellings in the side garden of an existing house is a means of making the most efficient use of serviced residential lands. Such developments, when undertaken on suitable sites and to a high standard of design can constitute valuable additions to the residential building stock of an area and will generally be allowed for by the Planning Authority on suitable large sites. However, some corner/side gardens are restricted to the extent that they would be more suitable for extending an existing home into a larger family home rather than to create a poor quality independent dwelling, which may also compromise the quality of the original house.
- 9.8. The Planning Authority will have regard to the following criteria in assessing proposals for the development of corner/side garden sites.
- Character of the Street
 - Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings.
 - Impact on the residential amenities of adjoining sites.
 - Open space standards and refuse standards for both existing and proposed dwellings.
 - The provision of appropriate car parking facilities and a safe means of access and egress from the site.
 - The provision of landscaping and boundary treatments which are in keeping with other properties in the area.

- Maintenance of the front and side buildings lines where appropriate.

10.0 EIA Screening Determination

Having regard to the nature of the development, comprising of a single dwellinghouse in an urban area, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore be excluded by way of preliminary examination.

11.0 Planning Assessment

I have read the entire contents of the file, have had particular regard to Dublin City Council's reason for refusal and the appeal submission contesting this reason. I have also had regard to the observations contained on file. Lastly, I conducted a site inspection of the site and its surroundings. I consider the critical issues in determining the current application and appeal are as follows:

- Principle of Development and Design Considerations
- Overshadowing and Overlooking
- Overbearing Impact
- Private Open Space Provision
- Traffic and Drainage Issues

11.1. Principle of Development and Design Considerations

11.1.1. Residential development is acceptable in principle on the subject site as residential use is a permissible use under the land use zoning provisions of the development plan. Furthermore statements contained in the said plan permit dwellings on corner/side garden sites subject to qualitative safeguards.

11.1.2. A particularly important consideration in relation to the principle of development and design considerations relates to the fact that the site is located within a designated residential conservation area. The construction of Beechwood Road commenced in the 1880s however it was not completed until after 1900. As a result, the street accommodates various styles of houses. The Board will note that the pair of semi-

detached houses adjacent to the site, at Nos. 14 and 15 are not identical in style. Notwithstanding the variety of house styles, the street and the surrounding streets are very much Victorian in character. The area constitutes a mature residential suburb that is aesthetically pleasing from an architectural viewpoint. For this reason, the area has attracted the residential conservation zoning objective. The late 19th century/early 20th century has remained essentially unaltered over the last century. There has been little or no physical intervention in the streetscape other than small extensions and these have mainly been confined to the rear of the dwellings in question and out of the public eye. The area attracts the designation as a residential conservation area primarily on the basis of the urban historic character which has remained, by and large, unaltered.

- 11.1.3. It is within this context that the Board should determine the current application and appeal. The grounds of appeal suggest that the Planning Authority undertook a rather crude and subjective view that the proposed dwelling due to its design and scale is visually incongruous. The grounds of appeal suggest that “the planner simply did not like the look of the scheme”. The grounds of appeal also suggest that government policy on architecture discourages pastiche architecture and encourages good contemporary contextual development.
- 11.1.4. The key consideration is not solely whether or not the design is aesthetically pleasing in itself, but rather whether or not the design detracts from the character of the area which prompted the residential conservation status in the first instance. I consider the overall architectural approach to the building to be innovative and aesthetically pleasing. I also consider that the design approach is inventive in creating a building that is subservient in terms of scale which assists in reducing the visual impact. The respect for the existing building line and the use of a similar palette of materials on the external elevation as the surrounding buildings also helps to assimilate the structure into the streetscape to some extent.
- 11.1.5. However, I am nevertheless of the opinion that the insertion of a contemporary flat roof cube type building is completely at variance with the prevailing mature Victorian character of the residential conservation area. Any dilution of the prevailing character undermines the rationale for the conservation designation and sets an undesirable precedent for similar development which would further undermine the rationale for the designation. The development plan notes that one of the key challenges in

relation to the built environment is to implement an effective planning policy for the conservation and protection of areas and structures of special interest in Dublin. Permitting contemporary style development, no matter how good architecturally, where it represents a significant departure from the prevailing architectural style does little to enhance and in my view diminish the character of special interest which the development plan seeks to protect and preserve.

11.1.6. For these reasons I would conclude that the proposed dwellinghouse represents an inappropriate insertion at this sensitive and historic location notwithstanding its design qualities.

11.2. **Overshadowing and Overlooking**

11.2.1. Concerns are expressed in a number of observations that the proposed development would have an unacceptable impact in terms of overshadowing and overlooking. The building in question has been sensitively designed to ensure that the proposal does to result in any overlooking of adjoining buildings or gardens. The fenestration arrangements are restricted to the front (north) and to the rear (south) elevations. Only one window is proposed on the south elevation and this window comprises of a clerestorey window which is recessed and serves a void area at first floor level above the living area which will mitigate against any direct overlooking. The applicant has also indicated in his appeal that should the Board consider it appropriate this window could be omitted therefore eliminating any potential for overlooking of the rear garden of No. 4 Mountainview Road.

11.2.2. In terms of overshadowing I consider that very little overshadowing of the rear garden of No. 4 Mountainview will arise due to the fact that the proposed dwellinghouse is located to the north of the garden in question. Some overshadowing will occur of the adjoining garden at Nos. 13 and 14 Beechwood Road during the early morning and late afternoon. However, having regard to the overall size and scale of the dwellinghouse I do not consider that the impact would be so profound as to warrant a reason for refusal. While some additional overshadowing will take place it should be borne in mind that national strategic policy seeks to facilitate more compact urban development within existing built-up areas and this will inevitably increase overlooking and overshadowing. The increased

levels of overlooking and overshadowing in the case of the current application will not be so material as to warrant justification to refuse planning permission.

- 11.2.3. The Board will note from the photo's attached to my report that that the side area of no. 14 is presently overgrown and overshadowed and it is considered that the proposed dwelling would exacerbate this to a negligible extent.

11.3. Overbearing Impact

- 11.3.1. I would however have some concerns in relation to the overbearing impact that would arise in the case of No. 4 Mountainview Road. The proposed dwelling is setback within the site and is contiguous to the common boundary with No. 14 Beechwood Road and 4 Mountainview Road. This results in the provision of a large blank façade in excess of 6 metres in height contiguous to the common boundary of both houses. The location of such a large blank façade would in my view have an unacceptable overbearing impact on the rear garden of No. 4 Mountainview Road and the side garden of No. 14 Beechwood Road.

11.4. Private Open Space Provision

- 11.4.1. The development plan notes that generally up to 60 to 70 square metres of rear garden area is considered sufficient for houses in the city. It also states that a minimum standard of 10 square metres of private open space per bedspace will normally be applied. In the case of the current application which proposes a three-bedroom dwelling, a total of 37 square metres has been provided as private open space in the front garden (excluding the parking area). There is no rear garden in the case of the proposed dwellinghouse. The open space provision complies with the minimum standards set out in the development plan and while it is all located to the front of the dwelling, a high boundary wall runs along the front boundary enabling the open space to be provided to be secure and secluded and therefore of good amenity value.

11.5. Traffic and Drainage Issues

- 11.5.1. The provision of one additional dwellinghouse with an off-site car parking space is unlikely to exacerbate perceived problems in respect of drainage, traffic or parking provision within the wider area.

12.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

13.0 Conclusions and Recommendation

Arising from my assessment above I recommend that the decision of Dublin City Council be upheld in this instance and that planning permission be refused based on the reasons and considerations set out below.

14.0 Reasons and Considerations

1. It is considered that the proposed development which is located in a residential conservation area, due to its contemporary style and design, would harm the character of a residential conservation area and as such would seriously injure the visual amenities of the area would be contrary to Section 16.10.9 of the Dublin City Development Plan 2016-2022 which seeks to ensure that when developing corner/side garden sites that new development does not harm the character of the street in question. It is therefore considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

Paul Caprani,
Senior Planning Inspector.

20th June, 2019.