



An
Bord
Pleanála

inspector's Report ABP-304067-19

Development	Retention for: Reduction of 1 onsite car parking space, ground-floor study, minor alterations to elevations of mews building, all to rear.
Location	62 Strand Street, Skerries, Co. Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F19A/0003
Applicant	Pat Leahy
Type of Application	Retain
Planning Authority Decision	Grant Retention
Type of Appeal	Third Party
Appellant	Ryan Donnelly
Date of Site Inspection	30 th May 2019
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located at 62 Strand Street, Skerries, Co Dublin where a two storey terraced dwelling fronts the street and a two storey mews dwelling fronts the laneway at the back.
- 1.1.2. The site is given as 0.025 hectares.

2.0 Proposed Development

- 2.1. The proposed development comprises retention of a ground-floor study with consequent reduction of 1 on-site car parking space. The description also includes retention of minor alterations to the elevations of the mews building. All development is to rear of the main building. Alterations are highlighted on the drawing submitted.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to grant permission subject to 5 standard conditions.
- 3.1.2. The decision was in accordance with the planning recommendation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report, which recommends permission, includes:

The reduction in car spaces is from 3 to 2 spaces located at ground floor level in the garage of the rear mews building; due to the provision of a study room (14.85 sq m) at ground level in the rear mews building, accessed from the hall and served by a ground floor window on the west elevation. The minor alterations include an increase in the height of the side walls (north and south elevations) of the mews building from 5.1m to 5.8m arising from the addition of parapet walls. There is no change to the roof ridge height of 6.8m. the ground floor door and window on the west elevation have been repositioned, and the size of one of the window opes at first floor on the west elevation has been increased.

3.2.2. Other Technical Reports

Planning & Strategic Infrastructure, Transportation Planning Division: no objection, 2 spaces is per development plan standards.

Conservation Officer: the ACA places a level of protection on the exterior of buildings which positively contribute to the character of the area. The proposal does not impact on the front streetscape and the Conservation Officer has no specific comments or requirements.

Water Services: no objection.

3.3. Prescribed Bodies

Irish Water: no objection.

3.4. Third Party Observations

3.4.1. Observations on the file have been read and noted.

4.0 Planning History

F14A/0249 permission granted for 2 storey extension to rear, modifications to front elevation and new wall to front of main dwelling. Modifications to mews including revised layout, changes to fenestration and wider vehicular entrance.

5.0 Policy and Context

5.1. Development Plan

5.1.1. The Fingal Development Plan 2017-2023 is the operative plan. Relevant provisions include:

The site is zoned TC to protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.

The site is located within the ACA for Skerries.

5.2. Natural Heritage Designations

5.2.1. The nearest Natura sites are the Skerries Islands SPA site code 001218 located c 900m from the subject site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appeal against the planning authority decision to grant permission has been submitted on behalf of the third party by Corr & Associates Spatial Planning. The grounds includes:

- The application does not appear to reflect the works carried out: a number of elements are omitted.
- The site notice was not erected until after the 15th January 2019.
- A vent facing third party's property does not have permission and should have either been included in the application, removed, or the application invalidated.
- The description states 'minor alterations'. Significant changes have been made to the roof profile of the mews and main dwelling and should have been included.
- Site is within an ACA and should be assessed accordingly.

6.2. Applicant Response

6.2.1. A response to the grounds of appeal has been submitted on behalf of the applicant by Hughes Planning & Development Consultants. The response includes:

- The permission includes the following elements:
 - Reduction in car parking spaces from 3 to 2.
 - The replacement of a parking space with a study room at ground floor measuring 3.3m x 4m, total floor area 14.85 sq m.
 - Minor alterations to elevations: increase in wall height of the side walls (north and south elevations) of the mews building from 5.1m to 5.8m, no change to the roof ridge height. The ground floor door and window have been repositioned. One window at first floor has been increased in size. The plans illustrate the changes.
- Re accuracy of plans:
 - It is acknowledged that the roof of the mews has five velux windows which were not approved under Reg Ref F14A/0249. These are to the rear of the main building and cannot be seen from the street. They acknowledge that, as the site is within an ACA, the velux windows may have required planning permission. The proposed development respects the special character of the area and does not alter the visual character of the streetscape, per ACA 8.1.2.
 - It is acknowledged that a vent has not been included on the plans and was not part of the permission granted. These items have been included in the planner's report. Should the Board require it, amended notices and plans can be provided.
- Re. validity of notice, this is referred to in the planner's report.
- The development plan is cited in relation to the ACA and parking requirements.

6.3. Planning Authority Response

6.3.1. The planning authority has responded to the grounds of appeal, which includes:

- The building elements which were included in the decision are itemised in the planner's report.
- The application was deemed valid as the notices were in place on the date of inspection.
- The PA is satisfied that the development does not affect the character of the ACA.
- The reduction in parking spaces was acceptable to the Transportation Planning Section, and a levy should not be applied.

7.0 **Assessment**

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, site notices, development description and drawings and the ACA and the following assessment is dealt with under those headings.

7.2. **Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

7.3. **Site Notices**

- 7.3.1. The application was lodged on the 8th January. The appellant states that the site notice was not in place on the 15th January. The planner's report notes that the site notice was in place on the date of inspection and that the planning authority determined that the application is valid.
- 7.3.2. The notification process has clearly been effective in informing the third party and facilitating his objection and appeal.
- 7.3.3. There is no reason to question the validity of the application, based on the display of the notice on the site.

7.4. Development Description and Drawings

- 7.4.1. The validity of the application is challenged by the third party / appellant on the basis that there are elements in the works carried out, which were not included in the application, but should have been.
- 7.4.2. In the response on behalf of the applicant it is conceded that the roof windows, indicated on the drawings submitted as 'previously approved', were not part of the previous permission; and that a vent referred to by the third party is also not part of the previous permission.
- 7.4.3. The applicant is prepared to submit revised notices and drawings.
- 7.4.4. The planning authority's response to the appeal is that the building elements which were included in the decision are itemised in the planner's report.
- 7.4.5. There is no indication as to when the features referred to in the grounds were developed. Neither feature is associated in any way with the building elements in respect of which this retention application has been made. Only those elements highlighted on drawing 19-100-PL-01 are included in this appeal. The granting of permission for the building elements the subject of this application/appeal would not authorise any building elements not included in the application/appeal, either those to which the grounds of appeal refers or any others.

7.5. ACA

- 7.5.1. The appellant states that the site is within an ACA and should be assessed accordingly.
- 7.5.2. The conservation officer has reported on this application and states that the proposal does not impact on the front streetscape; and she has no specific comments or requirements in relation to the proposed retention.
- 7.5.3. In my opinion the proposed development does not impact on the ACA.

7.6. Other Issues

- 7.6.1. The appellant states that a vent facing his property does not have permission. This is not part of the development the subject of this appeal and in any case is a legal

matter outside the remit of the Board. Section 34 (13) of the Planning and Development Act applies.

8.0 Recommendation

- 8.1.1. In the light of the above assessment I recommend that planning permission be granted for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

Having regard to the zoning provisions of the Final County Development Plan, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed retention would not seriously injure the amenities of the area or contribute to on street parking or traffic congestion, and that proposed retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 8th day of January, 2019, 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.</p> <p>Reason: In the interest of clarity.</p>
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2	<p>This permission extends only to those elements highlighted in colour on drawing No. 19-100-PL-01 submitted to the planning authority on the 8th January 2019 with the application.</p> <p>Reason: In the interest of clarity.</p>
3	<p>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.</p> <p>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.</p>

Planning Inspector

24 June 2019