



An
Bord
Pleanála

Inspector's Report ABP 304351-19.

Development	Change of use to two residential units (one two bed unit and one, one bed unit) from: part ground floor store room and stairwell and part first floor salon/offices, new first floor terrace, security lighting, doors and windows, remodelled elevations.
Location	No. 175 Kimmage Road, Lower, Dublin 6W.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	2236/19
Applicant	Morgan Crowe and Brid Large.
Type of Application	Permission.
Decision	Refuse Permission.
Type of Appeal	First Party X Refusal
Appellant	Morgan Crowe and Brid Large
Date of Site Inspection	12 th July, 2019.
Inspector	Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The site of the proposed development has a stated area of 190 square metres and is located to the south east of the junction of Kimmage Road Lower with Sundrive Road and Larkfield Avenue. There is is that of a two-storey end of terrace building which has been extended at two storey level at the rear. There is a rear access lane off Sundrive Road onto which there is an 'up and over' garage door in the rear elevation of the extension on the rear boundary of the site. The ground floor shop unit facing onto Kimmage Road West to the front of which is there is end-on parking is in IT retail/services use. The first floor has been in office use with the extension being in use as a hair salon. The total stated floor area of the buildings is 323 square metres.
- 1.2. Along the southern side of the building there is a side passage extending along the entire length of the site between the front and rear of the building. It is gated at both ends and access is shared with the adjoining property at No 177 Kimmage Road Lower to the south side. This building which is in retail use at ground floor level and the upper floor is in two apartments.

2.0 Proposed Development

The application lodged with the planning authority indicates proposals for change of use to two residential units, (one two bed unit which has a stated floor area of 91 square metres and, a one bed unit which has a stated floor area of 58 square metres). The proposed change of use applies to the existing store room and stairwell and part first floor salon/offices. Also included in the application are proposals for a new first floor terrace, security lighting, doors and windows, remodelled elevations. The existing ground floor retail unit is unaffected by the proposed development

3.0 Planning Authority Decision

3.1. Decision

By order dated, 3rd April, 2019 the planning authority decided to refuse permission the reason for which is based on serious injury to the residential amenities of future

occupants and to the occupants of the upper floor residential accommodation at the adjoining property at No 177 Kimmage Road Lower due to poor quality layout, proximity of windows to adjoining properties, inadequate sunlight and daylight access, insufficient private open space provision, overlooking from the proposed terrace and, substandard access arrangements.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer indicated a recommendation for refusal of permission based on the reasoning attached to the decision to refuse permission and indicated particular concern about proposals for access to the units via the rear lane, the internal layout, sunlight access and quality of the proposed private open space having regard to the use of the lane and immediate environs by third parties for storage purposes.

3.2.2. Technical Reports

The report of the Transportation Planning Division indicates a recommendation for a request for additional information based on its concerns about the lack of any proposals for carparking to serve the proposed development and potential for overspill parking in the area. It is also recommended that the applicant be requested in a further information submission, to provide cycle parking in accordance with development plan standards.

3.2.3. The report of the Drainage Dept indicates a recommendation for a request for additional information based on its concerns about lack of details of proposed arrangements for surface water drainage and management.

4.0 Planning History

According to the planning officer report, the application site has the following history:

P. A. Reg. Ref. 3089/99: Permission was granted for the two-storey extension to the original building along with a new shopfront.

P. A. Reg. Ref. 1535/04: Permission was granted for Retention of change of use from office to hair studio on the first floor, alterations to a prior grant of

permission providing for the five rooflights and a new external door at ground floor level.

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 location is within an area subject to the zoning objective: Z4: *“To provide for and improve mixed services facilities.* The location is also within a District Centre. (Section 13.8.4 – Zone 4)

Residential use is permissible within areas subject to the zoning objective ‘Z4’.

5.2. Statutory Strategic Guidance:

“Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities,” DOECLG 2018. (2018 Apartment Guidelines)

The guidance, standards and recommendations prevail if there is conflict with development plan/local area plan policies and objectives.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was received from AW Architects on behalf of the applicant 30th April, 2019 included in which are some proposed amendments to the design to address issues raised in the reason for refusal of permission attached to the planning authority decision. According to the submission the change of use from under-utilised commercial space to residential use is encouraged in the CDP and, there is no increase in building area within the proposed development:

- Access to the ground floor unit is to be from the Kimmage Road West via the gate at the front of the building where additional lighting is to be provided and side passage. A solicitor’s confirmation of ‘right of way’ over the side passage is included with the submission. The gate at the rear end of the passage, under the control of the city council could be also be upgraded.

- Daylight and private open space quality are to be improved by alterations to the ground floor unit provide for high level windows including a full-length glazed façade for Bedroom No 2 onto the rear ground floor terrace which is to be enclosed with mild steel and concertinaed hardwood screening.
- No additional windows are to be installed in the side elevation at first floor level. Existing windows are to be retained.
- The proposed development will result in additional passive surveillance of the rear laneway due to overlooking from a first floor living room.

6.2. Planning Authority Response

There is no submission from the planning authority on file.

7.0 Assessment

8.0 The planning authority decided to refuse permission based primarily on reasoning that the proposed development would constitute substandard development which would be seriously injurious to the residential amenities of the future occupants. The standard of the proposed residential accommodation is considered below and, in addition, consideration of proposed omission of any on-site parking provision for the proposed development.

8.1. The internal layouts and room sizes for the internal accommodation are in accordance with the minimum standards provided for in the 2018 Apartment Guidelines which, it is noted also supersede standards within the CDP. However, notwithstanding the proposed modifications included in the appeal submission, it is considered that proposed development would not achieve satisfactory qualitative standards with regard to outlook and sunlight and daylight access, especially from the principle living accommodation within the dwellings, private open space provision and access arrangements.

8.2. It is agreed with the planning officer that the private open space is substandard in unsatisfactory in terms of amenity potential for the future occupants. The ground floor terrace for the duplex unit, the stated area of which is seven metres is insufficient in size, has no connectivity with the main living space (open plan sitting

kitchen dining living room at first floor level) very limited access to sunlight and daylight and is adjacent to a services/access lane and rear private space used for refuse and related storage of properties on Sundrive Road. Daylight and sunlight penetration of the ground floor bedrooms through the high-level windows in the elevation facing the side passage would be limited owing to the position in the elevation overlooking the lane. In this regard it should be noted that as the proposed dwelling unit would be single aspect only, high quality outlook and aspect and light access is essential, as provided for in the 2018 Apartment Guidelines for single aspect units.

- 8.3. Notwithstanding the modifications proposed in the appeal submission, the first-floor terrace proposed to serve the one bed unit, while sufficient in size, is restricted in amenity potential due to the outlook towards and obstruction of daylight access and sunlight penetration by the one and two storey building on the opposite side of the side passage at No 177 Kimmage Road West. While there is scope for screening of the terrace to mitigate any potential for overlooking towards the property at No 177 Kimmage Road West it is considered that the use of the terrace potentially gives rise to disturbance or a perception of interference with privacy at that property.
- 8.4. The entrance for the duplex unit, although relocated to the side passage is located towards the rear access lane and involves routing alongside the services and refuse storage area for the three commercial and residential units. It is not clear in the case of the upper floor unit that access is attainable to the laneway for refuse waste storage purposes. Notwithstanding the applicant's proposals to provide for security lighting and a canopy, it is considered that the arrangement is not commensurate with and would not contribute to achievement of a positive standard of attainable residential amenity.
- 8.5. Although the planning officer indicated no objection to the absence of parking provision within the application, the concerns indicated in the Transportation Planning Division's report as to generation of overspill parking by the proposed development are supported, especially given the location at the junction of two arterial routes linking the suburbs and the city centre. It is considered that in addition to the refusal of permission on grounds of substandard attainable residential amenity for future occupants, the proposed development is also unacceptable due to generation of unauthorised parking and endangerment of public safety due to traffic

hazard on account of the lack of parking provision for the two proposed dwellings. It is noted also, that dedicated cycle parking provision, in accordance with CDP standards has not been included in the proposal.

8.6. Environmental Impact Assessment Screening.

Having regard to the nature and scale of the proposed development and to the brownfield site in a serviced central city location, 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.

8.7. Appropriate Assessment Screening.

Having regard to the small-scale nature of the proposed development and serviced central city 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.

9.0 Recommendation

9.1. In conclusion, while it is agreed that it is in the interest of consolidation sustainable development as provided for in national policy to achieve development of underutilised sites and to provide for high intensity development the subject proposal is unsatisfactory in quality and would result in a substandard standard of attainable residential amenity for the future occupants and, is overdevelopment. It is therefore recommended that the planning authority decision to refuse permission be upheld. In addition, given the site location, the lack of provision for parking to serve the development would lead to exacerbation of overspill parking and obstruction of traffic close to a busy junction of arterial routes serving the suburbs and city centre. This would a second reason for refusal of permission which was not included among the reasons for the planning authority decision.

10.0 Reasons and Considerations

1. It is considered that the proposed development would result in substandard attainable residential amenity for the future occupants due to the single aspect

in which the internal living space has a poor quality outlook across an access passage to the adjoining building and which lacks access to sunlight and daylight; substandard private open space provision which is positioned adjacent to the access passage and rear service lane and which has restricted access to sunlight and daylight and, reliance, for the duplex unit on access via a the side passage which is also intended for use as a utilities and refuse storage use for the existing retail and residential units.

2. The proposed development would endanger public safety by reason of traffic hazard due to lack of parking provision to serve the residential units resulting in generation of demand for additional parking leading to overspill onto the adjacent road way at a location adjacent to a junction of two arterial routes serving the suburbs and city centre.

Jane Dennehy
Senior Planning Inspector.
19th July, 2019.