



An
Bord
Pleanála

Inspector's Report

ABP-304353-19

Development	Construction of 4 houses
Location	Terry Jackson Motors, (site adjacent to Shankill Day Care Centre), Lower Road, Shankill, Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/0097
Applicant(s)	Terry Jackson
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Terry Jackson
Observer(s)	None

Date of Site Inspection

23rd July 2019

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site is located on Lower Road, Shankill, Co. Dublin. The site has a stated area of 0.062 hectares and is currently in use as a storage area for cars. Existing development on the site consists of two garages/ warehouses and an office building.
- 1.2. A single storey nursing home adjoins the site to the west, a bungalow adjoins the site to the east. A recent development of two storey dwellings and Terry Jackson Motors are located opposite the site. Open space and an attractive terrace of cottages at Guilford Terrace is located to the north of the site.
- 1.3. Development on the northern side of Lower Road is characterised by predominately single storey development. Development on the southern side of the road typically consists of two storey development.

2.0 Proposed Development

- 2.1. Permission is sought for the following:
 - Demolition of existing light industrial unit
 - Construction of a two storey terrace comprising of 4 No. 2 bedroom townhouses.

3.0 Planning Authority Decision

3.1. Decision

Permission refused for 2 No. reasons as follows:

1. Having regard to the design, layout and height of the proposed 2 storey terrace, immediately adjoining single storey properties, it is considered that the proposed development would be visually prominent and overbearing within the existing street. It is considered that the proposed development would be contrary to the provisions of Policy UD1: 'Urban Design Principles' in the Dun Laoghaire- Rathdown County Development Plan, 2016-2022 and would be visually discordant within the existing streetscape. The proposed development would set a poor precedent for future development in the area and would seriously harm the character of the area. It is

considered that the proposed development would seriously injure the amenities, or depreciate the value, of property in the vicinity and is therefore considered to be contrary to the proper planning and sustainable development of the area.

2. Having regard to the design, layout and height of the proposed development with limited separation distances to site boundaries, it is considered that the proposed development would be visually overbearing on adjoining properties. It is considered that the proposed development results in overdevelopment. It is considered that the proposed development would seriously injure the amenities, or depreciate the value, of property in the vicinity and is therefore considered to be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report considered that the proposed development failed to have regard to the context of the site and its relationship with adjoining single storey properties.
- It noted that the study at first floor level could function as a bedroom in future.
- It considered that the development would be somewhat overbearing on the adjoining single storey cottage to the rear.
- It considered that there may be potential, subject to relative consents, to enlarge the site to the north and/or west which may in turn offer an opportunity to improve development potential within the site. Alternatively, an alternative design/ layout may be more appropriate within the subject site.

3.2.2. Other Technical Reports

Drainage Department: Further Information Required.

Transportation Department: Further Information Required.

3.3. Prescribed Bodies

Irish Water: Further Information Required.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

PA V/015/19

Certificate of Exemption under Part V granted.

PA D04A/1073

Permission refused for the demolition of light industrial unit (formerly Woodbrook Motors) and the provision of a two and three storey development over basement carpark consisting of 3 x 1 bed apartments, 5 x 2 bed apartments and 2 x 3 bed apartments and ancillary site works.

Opposite the site

PA D11A/0214

Permission granted for alterations to Reg. Ref. D07A/0408/ PL06D.223943 amending the vehicular and pedestrian access to allow three separate entrances in place of one single shared entrance and an increase of car parking provision from four spaces to six spaces.

PA D07A/0408/ ABP PL06D.223943

Permission refused by PA and granted on appeal by the Board for the demolition of the existing single storey two bedroom dwelling and outbuildings and the construction of a two storey terrace of 3 No. four bedroom townhouses with new vehicular and pedestrian access directly off Lower Road and 4 No. car parking spaces.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative development plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The subject site is zoned Objective A: 'To Protect and/or improve residential amenity'. Relevant policies and objectives include:

Section 8.2.3.4 (vii) Infill: "New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings."

Section 2.1.3.4 Existing Housing Stock Densification: "Encourage densification of the existing suburbs in order to help retain population levels – by 'infill housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc."

In older residential suburbs, infill will be encouraged while still protecting the character of these areas."

Policy RES 3: It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.

Section 8.2.3.2 of the Plan sets out quantitative standards for residential development.

Section 8.2.4.5 provides car parking standards.

Section 8.2.8.4 provides standards for private open space.

5.2. Natural Heritage Designations

5.2.1. The nearest Natura 2000 site is the Rockabill to Dalkey Island SAC located c. 4 km to the north east of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature of the development comprising a small infill residential development and the urban location of the site, 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

The grounds of the first party appeal can be summarised as follows:

- The houses are designed to be simple family homes and the scale is in line with that across the street.
- The design of these buildings sets a rhythm to the street which has not existed.
- The 22m separation distance is not valid in this case.
- We do not accept that single storey housing represents good planning and development it is considered that the design as proposed represents good and fair development of the site.

6.2. Planning Authority Response

- It is considered that the grounds of appeal do not raise any new matter which in the opinion of the Planning Authority would justify a change of attitude to the proposed development.

6.3. Observations

- None.

7.0 **Assessment**

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings:

- Design, Scale and Visual Impact
- Impact on Residential Amenities
- Appropriate Assessment

7.2. **Design, Scale and Visual Impact**

7.2.1. The Planning Authority's decision to refuse permission considered that having regard to the design, layout, and height of the proposed 2 storey terrace and immediately adjoining single storey properties, the proposed design would be visually prominent and overbearing and contrary to the provisions of Policy UD1.

7.2.2. Policy UD1 of the Dun Laoghaire Rathdown County Development Plan requires that all development is of a high quality design that assists in promoting a 'sense of place'.

7.2.3. The site is currently underutilised as a car park and storage area for cars by Terry Jackson Motors opposite the site. I consider that its redevelopment is welcomed.

7.2.4. However, in my view, little regard has been had to the site context or to the creation of a sense of place or to the existing character of the area. The site has a number of constraints, notably the presence of very low density housing in the area and historic buildings to the rear.

7.2.5. The site is located on Lower Road just off the main street in Shankill. Development varies significantly between both sides of the Lower Road with a combination of old and new two storey development on the southern side of Lower Road and the northern side characterised by single storey terraced cottages and bungalows, many of which have been renovated in recent years. Guilford Terrace is a very attractive unsurfaced cul de sac consisting of 5 No. terraced cottages to the north of the site. The houses in Guilford Terrace are not protected structures. A single storey nursing home is located to the west of the site.

- 7.2.6. The single storey cottages to the rear are separated from the site by a narrow lane and I consider that the proposed development with a ridge height of c.8m would have an overbearing and oppressive impact on these cottages.
- 7.2.7. Whilst I do not consider that the pattern of modern bungalows and single storey nursing home directly adjacent the site should be copied, I consider that a balance must be struck between achieving a higher density on the site and maintaining the attractive vista on the approach to the site from the main street of Shankill.
- 7.2.8. I refer the Board to the proposed contiguous elevation submitted with the application which indicates that the neighbouring property is 4.8m in height. I consider that the height and scale of the proposed development would be incongruous in terms of its design with the streetscape at this location.
- 7.2.9. In conclusion, I consider that the proposed development provides an inadequate design response that fails to create a sense of place and is of insufficient architectural quality and as such would seriously injure the visual amenities of the area.

7.3. Impact on Residential Amenities

- 7.3.1. In terms of established residential amenities and having regard to the proposed development, I would consider that the relevant issues for consideration are overlooking and overbearing impact. The main concerns in relation to the impact on intended occupants relates to the quality of the open space.
- 7.3.2. The majority of the site is bounded to the north by a parcel of open space which appears to be associated with Guilford Terrace. A narrow unsurfaced laneway is located between the site and No. 5 Guilford Terrace.
- 7.3.3. I note that the Planning Authority has referred to the 22m distance between opposing first floor windows. In my view, this consideration does not apply in this case as the houses at Guilford Terrace are single storey. Whilst there may be some overlooking of the front gardens of No. 5 Guilford Terrace, I do not consider that it would be unduly significant.
- 7.3.4. I would have concerns regarding the overbearing impact of the proposed terrace with a length of c.26m and a height of c.8m when viewed from the single storey cottages to the north.

- 7.3.5. In addition, I would have some concerns regarding the quality of private open space. The amounts of private open space are not stated on the drawings submitted, however, I consider that all houses have in excess of the minimum requirement of 48m² for two bedroom houses as set out in Section 8.2.8.4 of the Development Plan.
- 7.3.6. The Planning Authority has noted that the drawings submitted show a 'study' at first floor level and considers that this has the ability to function as a single bedroom resulting in 3 rather than 2 bed units. I note that the size of the study is below the size requirements for a single bedrooms as set out in government guidelines, however should the Board be minded to grant permission, it could be conditioned that this room would not be used as a bedroom.
- 7.3.7. The Transportation Department requested Further Information requiring the applicant to submit revised drawings showing the set back of the proposed residential development from the Lower Road edge to accommodate a public footpath minimum width 1.5m along the frontage of the site. This request is reasonable and necessary in my view. A redesign of the site would be necessary and having regard to the limited rear garden depths of c. 6-8m, the quantity of private open space would be significantly reduced and may in some cases be under the requirements of the Development Plan. The proposed gardens are north facing and such a measure would negatively impact on what is already poor quality space of limited depth. Such a measure would also increase the potential for overlooking and overbearing impacts on No. 5 Guilford Terrace.
- 7.3.8. In conclusion, I would have concerns regarding the overall scale, bulk and design of the development and its potential to impact negatively on adjoining residential properties, most notably No. 5 Guilford Terrace. I also have concerns that the quality of open space provision would fail to establish a satisfactory level of amenity for future occupants.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development and the 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.

8.0 Recommendation

8.1. I recommend that planning permission for the proposed development should be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the established built form and character of the street, it is considered that the proposed development would be incongruous in terms of its design and out of character with the streetscape. The proposed development provides an inadequate design response to this sensitive infill site, would be of insufficient architectural quality and would seriously injure the visual amenities of the area. The proposed development would be contrary to the stated policy of the planning authority as set out in the current development plan under Policy UD1 to ensure that all development is of a high quality design that assists in promoting a 'sense of place' and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development due to its overall scale, height, siting, and limited set back from the northern boundary would be visually intrusive and have an overbearing impact on adjoining properties and would fail to provide an adequate quality of private open space for the intended occupants. As such, the proposed development would detract from the residential amenities of adjoining properties, would conflict with the provisions of the current Development Plan for the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

Emer Doyle
Planning Inspector

31st day of July 2019