



An
Bord
Pleanála

Inspector's Report

ABP-304766-19

Development	Retention of additional area to the rear & profiled roof element.
Location	59, Heytesbury Lane, Dublin 4, D04 X6N2
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1188/19
Applicant(s)	Cathal Garrard
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Cathal Garrard
Date of Site Inspection	26 th September 2019
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.0026 hectares, is located on the western side of Heytesbury Lane to the north east of Ranelagh. Heytesbury Lane runs to the rear of properties fronting Wellington Road to the east and Waterloo Road to the west. The laneway is characterised by a number of mews properties set back from the laneway. The appeal site is occupied by a two-storey dwelling. Adjoining development to the south consists of a two-storey dwelling (no. 61), to the north is also a two-storey dwelling (no. 57). To the east is no. 59 Wellington Road, which backs onto the site and is a three-storey terraced dwelling. The appeal site would once have been part of the curtilage of no. 59 Wellington Road. The appeal site is located in a designated Conservation Area.

2.0 Proposed Development

2.1. Permission is sought for retention of 30.6sqm of additional floor area to the rear at first floor level, new profiled roof element containing attic level accommodation (51.5sqm) and minor internal layout modifications.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused based on the following reasons...

1. The site is zoned Z2 in the Dublin City Development Plan 201602-22 which seeks, 'to protect and/or improve the amenities of residential conservation areas'. The development is considered to be substandard and would introduce poor quality design which is considered to be visually incongruous and as such is contrary to Policy CHC4 of the Dublin City Development plan 2016-2022. The retention of the existing would give rise to adverse visual amenity impacts and would seriously injure the amenities of property in the vicinity. The proposed would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed new profiled roof element containing attic level accommodation, by reason of the height, bulk and massing of the second floor extension, would be out of character with the pattern of development in the area, creating three floors of accommodation which is contrary to section 16.10.16 for mews properties and as such is considered too seriously injure the amenities of the properties in the area would set a precedent for other similar types of unacceptable development and would therefore be considered to be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (27/05/19): The first floor extension to the rear was considered to be of a poor standard and quality in terms design and inappropriate in a conservation area. The provision of additional accommodation and a second floor level was deemed to be excessive in scale and would be injurious to the visual amenities of the area and the amenities of adjoining properties. Refusal was recommended based on the reasons outlined above.

3.2.2. Other Technical Reports

Drainage Division (14/05/19): No objection subject to conditions.

3.3. Third Party Observations

3.3.1 Two submissions...

Paul Gilligan, 61 Wellington Road, Dublin 4.

Ethna Fitzgerald, 57 Heytesbury Lane, Ballsbridge, Dublin 4.

The issues raised can be summarised as follows...

- Validation issue regarding location of site notice, lack of existing elevation drawings and misleading drawings.
- Poor quality design and finish of first floor extension, inappropriate in bulk, scale and visual impact.

- Increased height out of character and scale with adjoining properties. Adverse impact on adjoining property to the west due to bulk and scale. Inappropriate development adjoining protected structures.
- Unauthorised use of dwelling for multiple occupancy rather than a single dwelling.
- Overlooking of adjoining property.

4.0 Planning History

4.1 No planning history.

Adjoining site...

4.2 PL29S.217102 (1248/06): Permission granted for a single-storey extension to the front and rear and refusal of construction of a second floor at no. 57 Heytesbury Lane. The reason for refusal of second floor level was as follows...

1. Having regard to the pattern of development in the area, it is considered that the proposed development at second floor level, by reason of its height, would be out of character on this mews lane, would be visually obtrusive, would seriously injure the amenities of the area and of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

4.3 PL29S.210791 (5520/04): Permission refused for an extension to existing mews. Refused for one reason....

1. It is considered that the proposed development, by reason of the height, bulk and massing of the second floor extension, would be out of character with the pattern of development in the area, would be visually obtrusive, would seriously injure the amenities of the area and of property in the vicinity and, by itself and by the precedent it would set for similar development in the vicinity, would be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant Development plan is the Dublin City Council Development Plan 2016-2022. The appeal site is zoned Z2 with a stated objective 'to protect and/or improve the amenities of residential conservation areas'.

5.1.2 The appeal site is within a designated conservation area.

Policy CHC4: 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. 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. Re-instatement of missing architectural detail or other important features
3. Improvement of open spaces and the wider public realm, and re-instatement 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.

Section 16.10.16: Mews Dwellings

a) Dublin City Council will actively encourage schemes which provide a unified approach to the development of residential mews lanes and where consensus between all property owners has been agreed. This unified approach framework is the preferred alternative to individual development proposals.

b) Stone/brick coach houses on mews laneways are of national importance. Dublin City Council recognises the increasing rarity of stone/brick coach houses and the need to retain and conserve all of the surviving examples, particularly in relation to

their form, profile and building line as well as any original features remaining. Proposals to demolish such buildings will generally not be accepted.

c) Development will generally be confined to two-storey buildings. In certain circumstances, three-storey mews developments incorporating apartments will be acceptable, where the proposed mews building is subordinate in height and scale to the main building, where there is sufficient depth between the main building and the proposed mews building to ensure privacy, where an acceptable level of open space is provided and where the laneway is suitable for the resulting traffic conditions and where the apartment units are of sufficient size to provide for a high quality residential environment. This is in line with national policy to promote increased residential densities in proximity to the city centre.

d) Mews buildings may be permitted in the form of terraces, but flat blocks are not generally considered suitable in mews laneway locations.

e) New buildings should complement the character of both the mews lane and main building with regard to scale, massing, height, building depth, roof treatment and materials. The design of such proposals should represent an innovative architectural response to the site and should be informed by established building lines and plot width. Depending on the context of the location, mews buildings may be required to incorporate gable-ended pitched roofs.

f) The amalgamation or subdivision of plots on mews lanes will generally not be encouraged. The provision of rear access to the main frontage premises shall be sought where possible.

g) All parking provision in mews lanes will be in off-street garages, forecourts or courtyards. One off-street car space should be provided for each mews building, subject to conservation and access criteria.

h) New mews development should not inhibit vehicular access to car parking space at the rear for the benefit of the main frontage premises, where this space exists at present. This provision will not apply where the objective to eliminate existing unauthorised and excessive off-street car parking is being sought.

i) Potential mews laneways must have a minimum carriageway of 4.8 m in width (5.5 m where no verges or footpaths are provided). All mews lanes will be considered to be shared surfaces, and footpaths need not necessarily be provided.

j) Private open space shall be provided to the rear of the mews building and shall be landscaped so as to provide for a quality residential environment. The depth of this open space for the full width of the site will not generally be less than 7.5 m unless it is demonstrably impractical to achieve and shall not be obstructed by off-street parking. Where the 7.5m standard is provided, the 10 sq.m of private open space per bedspace standard may be relaxed.

k) If the main house is in multiple occupancy, the amount of private open space remaining after the subdivision of the garden for a mews development shall meet both the private open space requirements for multiple dwellings and for mews development.

l) The distance between the opposing windows of mews dwellings and of the main houses shall be generally a minimum of 22 m. This requirement may be relaxed due to site constraints. In such cases, innovative and high quality design will be required to ensure privacy and to provide an adequate setting, including amenity space, for both the main building and the mews dwelling.

5.2. Natural Heritage Designations

5.2.1 None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by O’Dea and Moore Architects on behalf of Cathal Garrard. The grounds of appeal are as follows...

- In respect of condition no. 1 it is noted that a rendered finish could be applied and that such could be dealt with by way of condition. It is considered that the design of first floor extension for retention is relatively simple in form and would be acceptable in the context of the visual amenities of the area.
- In relation to condition no. 2 it is noted that the provision of accommodation at second floor level is appropriate with it noted that there are a number of

examples of such accommodation within the area including along Heytesbury Lane (examples cited). The design proposed does not read as three-storeys with the second floor level within the roof space. The proposal is also more in keeping with existing properties on adjoining sites which have pitched roofs.

- The proposal would not be overdevelopment of the site as there is a private opens pace to the rear that is 15m in depth and 85sqm in area.

6.2. Planning Authority Response

6.2.1 No response.

7.0 Assessment

7.1. Having inspected the site and examined the associated documents, the following are the relevant issues in this appeal.

Design, scale, visual/ adjoining amenities.

Adjoining amenities.

Appropriate Assessment.

7.2 Design, scale, visual/adjoining amenities.

7.2.1 There are two aspects to the proposal, the retention of a first floor extension to the rear and an extension at second floor level. Permission was refused on the basis that the design and finish of the first floor extension was of poor quality give its location within a Conservation Area and on the basis that the second floor extension would be out of character and contrary to development plan policy for mews development.

7.2.2 The extension at first floor level to the rear for retention has a floor area of 30.6sqm and currently has an external finish of chipboard painted white with three pvc windows on its eastern elevation. The extension currently has a flat roof, which is to

be replaced by a pitched roof as a result of the second floor extension. The overall scale of the extension is relatively modest in comparison with the existing structure on site and does not project beyond the existing rear elevation of the structure on site. In addition the first floor extension does not project beyond the rear elevation of no. 57 to the north, which is a two-storey dwelling. The first floor extension projects a small amount beyond the rear elevation of the two-storey dwelling to the south, however not to a significant degree and the overall scale of the first floor extension is acceptable in the context of the amenities of adjoining properties. The eastern elevation and windows on such retain a significant separation from the rear elevation of the dwelling immediately to the east fronting onto Wellington Road and backing onto the site. I am satisfied that overall scale and design of the extension would be acceptable in the context of adjoining amenities.

7.2.3 The decision and assessment of the proposal highlighted concerns regarding the quality of the design of the extension including the external finishes and its context in a Conservation Area. The first floor extension has a chipboard external finish painted white. The overall scale and design of the extension does not have a significant visual impact in the area due its location to the rear of the existing structure and the fact that it is not visible from the public realm in the vicinity of the site or the majority of the properties in the vicinity. The design of the extension is not of great architectural merit and is quite a simple design. Notwithstanding such I do not consider that the design is unacceptable in standard. I would consider that the external finish could be improved with the appellant suggesting that a condition be imposed requiring a render finish or an alternative finish, the extension appears to be unfinished and the current external finish is unlikely to have been the final finish as it would not be weather resistant. I would consider subject to a condition requiring an alternative external finish for the first floor extension to be agreed prior to the commencement of development, that the design and scale of the first floor extension for retention is acceptable in the context of the visual amenities of the area and its status as a designated Conservation Area.

7.2.4 The second aspect of the proposal is an extension at second floor level. The existing structure on site has a small pitched roof to the front and a significant expanse of flat roof behind it. It is proposed to provide an increased ridge height and pitched roofs on the western and eastern elevation and a flat roof section in between. Permission was refused based on excessive scale and the fact that an additional storey would be contrary Development Plan policy in regards to mews dwellings (policy set out above). I would note that Development Plan policy on mews dwellings does not rule out development of accommodation above first floor level and such should be assessed on its merits. The proposal at second floor level entails development within an enlarged roof space with a pitched roof to the front and the back. I would note that the overall ridge height of the extension is in keeping with the ridge height of the existing dwelling to the south (no. 61) which features a pitched roof. The ridge height is higher than that of the dwelling to the north (no. 59) however it features flat roof. I would consider that the provision of the second floor level within a pitched roof is acceptable in the context of the character and visual amenities of the area. I do not consider that such would be excessive in scale relative to adjoining properties or be out of character with a number of the two-storey mews dwellings along the lane featuring pitched roofs which is a common feature in this area.

7.2.5 The orientation and location of windows on the proposed extension conform to the existing pattern of development with such located on the eastern elevation at first floor level and on the eastern plane of the roof profile. This orientation is in keeping with the existing pattern of development and there is also sufficient separation distances provided between opposing properties. The design scale and orientation of proposed development has adequate regard to the amenities of adjoining properties.

7.3 Appropriate Assessment:

7.3.1 Having regard to the nature and scale of the proposed development and its 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 a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the design and scale of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual amenities of the area, the character of a designated Conservation Area and would not seriously injure the amenities of adjoining property. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) An alternative external finish more in keeping with external finish of the existing dwelling and properties in the area for the first floor extension subject to retention shall be submitted and agreed in writing.

Revised drawings and samples showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

3. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. 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.

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.

Colin McBride
Planning Inspector

26th September 2019