



An
Bord
Pleanála

Inspector's Report ABP – 304993-19

Development

Dormer projecting above ridge, to provide habitable accommodation at second floor level, vehicular entrance at rear with access from laneway and velux rooflights to the front.

Location

No. 3 New Ireland Road, Rialto, Dublin 8.

Planning Authority

Dublin City Council

P. A. Reg. Ref.

2930/19

Applicant(s)

Joseph Pisari and Nicola Beagan.

Type of Application

Permission

Decision

Grant Permission

Type of Appeal

First Party X Refusal.

Appellant

Joseph Pisari and Nicola Beagan.

Date of Site Inspection

11th October, 2019

Inspector

Jane Dennehy

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1.0 Site Location and Description

- 1.1. No 3 New Ireland Road is a mid-terrace two storey house with front and rear gardens at the eastern end of New Ireland Road close to the junction with the South Circular Road at Rialto Bridge. The site and its front garden are below the level of the public road and access from the front is via a pedestrian gate, steps down into the front garden and along a path to the front door.
- 1.2. At the bottom the rear garden there is a block stone wall on the rear boundary adjacent to linear amenity space, beside a hard-surfaced public path, (the former Grand Canal towpath) along the side of the the track for the LUAS Redline and the route of the Grand Canal. Access to the lane is confined to cyclists and pedestrians by a barrier erected at Rialto Bridge. There are existing rear vehicular entrances to the adjoining properties at Nos 1 and 5 New Ireland Road off the lane at the rear.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for
- (1) dormer extension at attic/second floor level to provide for habitable accommodation and a bathroom and,
 - (2) a vehicular entrance, 3.5 metres in width with double timber gates set between two gate piers to provide access to the rear garden from the public laneway at the rear.
 - (3) velux rooflights in the front roof slope.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 2nd July, 2019 the planning authority decided to refuse permission on the basis of the following reasons:

- 1 *“ Having regard to the scale of the dormer to the rear roof, and projection above the existing ridge line, it is considered that the proposed dormer constitutes a visually dominant and incongruous form of development to the*

rear of these properties. The dormer would seriously injure the residential amenities of adjoining properties and would be contrary to the guidelines set out in Appendix 17 of the Dublin City Development Plan, 2016-2022 and contrary to the proper planning and sustainable development of the area.”

2. *“The proposed vehicular access to the rear of the site would open onto a public pedestrian and cycle route which forms part of the City’s green network. Vehicular to the Grand Canal Bank Path is restricted from both the South Circular Road and Grand Canal View. It is considered that the provision of a vehicular access at this location may give rise to conflicts between pedestrians and cyclists and would endanger public safety by reason of a traffic hazard, which would be seriously injurious to the residential amenities of the area and contrary to the proper planning and sustainable development of the area.”*

3.2. Planning Authority Reports

- 3.2.1. The planning officer stated that the rooflights proposed for the front elevation would be more acceptable if located on the rear roof slope. There is a recommendation to refuse permission for the dormer extension and for the rear vehicular entrance, in which the recommendations of the Transportation Planning Division report (see para 3.2.2. below) are taken into account based on the reasoning attached to the decision.
- 3.2.2. The report of the Transportation Planning Division dated, 8th May, 2019 indicates the proposed development would endanger public safety by reason of traffic hazard due to conflict with pedestrian and cyclist movements. The location to the rear of the Grand Canal pedestrian and cycle path which forms part of a of the three metres wide Primary Cycle Route 7B linking the SCR and Grand Canal View and the Grand Canal cycle way and green network are noted in the report along with the ‘Z9’ zoning objective, and Policy Objectives G115, MT7 and MT12 which relate to green networks and infrastructure, and cycle and pedestrian facilities in the city’s environment. (Details are available in section 5 below.) The barrier at the bridge is described as an emergency and maintenance access barrier.

4.0 Planning History

There is no record of planning history for the application site.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the **Dublin City Development Plan, 2016-2022** according to which the site location is within an area subject to the zoning objective: *Z1: "To protect, provide for and improve residential amenities."*

Guidance and standards on extensions and alterations are set out in section 16.10.12 and Appendix 17.

The green linear space and path to the rear of the site come within an area subject to the zoning objective 'Z9' *to preserve, provide for and improve recreational amenity and open space and green networks.*

6.0 The Appeal

6.1. Grounds of Appeal

An appeal which includes photographs was received from the applicant on 29th July, 2019. The appeal grounds are confined solely to the decision to refuse permission for the proposed vehicular access and according to it:

- The City Council does not maintain the green space directly to the rear of Nos 1, 3 and 5 New Ireland Road although it does maintain the green space to the rear of most of the houses. The space at the rear of Nos 1, 3 and 5 New Ireland Road are not included in the draft plan for the new St. James Linear Park. The proposed cycle path terminates before this area. It is not intended to provide for a gate that would open into the lane.
- As other houses already have a rear vehicular access the applicant should not be denied the opportunity to provide one for No 3.

- Residents of New Ireland Road hold keys to the locking swing barrier. Four of the houses in the terrace of six houses, (Nos 1-11 New Ireland Road – even Numbers) have existing rear vehicular entrances. Occasional use of the existing entrances does not cause hazard for cyclists and pedestrians. The occasional use of the proposed access is not at odds with the development of St. James Linear Park. There are road markings (double yellow lines) at the access of the SCR and turning off it onto the lane is at a slow speed. The driver must alight his vehicular to open the swing barrier which must then be closed after passing through. Cyclists should take caution and dismount on approaching the barrier where there is no cycle path at the rear of Nos 1-5 New Ireland Road and no cycle path on the SCR.

6.2. Planning Authority Response

There is no submission on file from the planning authority.

7.0 Assessment

- 7.1. It is noted that there are no references to the proposed dormer extension which is subject of the first reason to refuse permission. Also, there are no observations on the proposed velux rooflights for the front roof-slope about which the planning officer indicated concerns in his report. By reason of *de novo* consideration of the proposed development, (as if the application had been lodged with the Board in the first instance), these elements of the proposed development are first considered followed by consideration of the appeal against the decision to refuse permission for the proposed vehicular access at the rear.

7.2. The dormer extension.

- 7.2.1. The observations of the planning officer and the reasoning attached to the decision to refuse permission are fully supported in respect of this element of the development. The houses and the surfaces areas of the rear roof slopes are modest in size but also visible in views from the public realm, particularly from Rialto Bridge on the South Circular Road and opposite side of the LUAS track which are elevated above the site and adjoining cycle and pedestrian path forming part of the St James Linear Park, as part of the greenway and Grand Canal cycle network. It is

therefore particularly important that development that is negative in visual impact on views from the public realm not be permitted in the area.

7.2.2. The current proposal is for a dormer extension over the entire width of the roof slope from eaves to a height above the existing ridge height. It is visually conspicuous, excessively disproportionate to the existing dwelling size and to the existing roof profile of the houses within the terrace of six houses. The scale and proportions of the proposed dormer are contrary to the standards recommended in Appendix 17.11 on roof profiles and extensions and, Section 16.10.12 of the CDP providing for development that does not have adverse impact on scale and character of a dwelling. It is seriously injurious to the visual amenities of the terraces of houses in views from the public realm to the rear subject to the zoning objective 'Z9' *to preserve, provide for and improve recreational amenity and open space and green networks* for which there also are specific objectives for development as a public linear park and greenway cycle network.

7.2.3. Furthermore, the proposed dormer especially due to the location at attic level, size, and projection forward of the roof slope, would give rise to overlooking and perceived overlooking of the rear gardens of adjoining properties which would seriously their residential amenities.

7.3. The Velux Rooflights for the front roof slope.

7.3.1. The remarks in the planning office report that the velux rooflights proposed for the front elevation would, if relocated to the rear roof slope, be more appropriate to and acceptable from a visual perspective are also supported.

7.4. Creation of Vehicular Access at the Rear.

7.4.1. It is appreciated that there is little scope for the off-street parking to be provided in the front garden, given that the highly elevated level of the public road. Furthermore, any reduction in the supply, for the benefit of all road users of public pay and display public parallel parking along the site of New Ireland Road would be unacceptable.

7.4.2. While the existing vehicular entrances at the rear of the adjoining properties at Nos 1 and 5 New Ireland Road is appreciated, it is considered that no justification can be made for the proposed development having regard to the current planning policy framework within the CDP which the cycle (primary cycle route 7B) along the Grand Canal and linear park pedestrian route. Notwithstanding the claim as to ownership

of the space directly at the rear of some of the properties on New Ireland Road the use of the proposed vehicular entrance would lead to obstruction and conflict with pedestrian and cyclist movements along the public cycle and pedestrian path within the green network in an area subject to the zoning objective Z 9 : *to preserve, provide for and improve recreational amenity and open space and green networks.* over which access via a restricted key holder operated barrier to and from the South Circular Road at Rialto Bridge, close to the site location would be required. As a result, the proposed development would endanger public safety by reason of traffic hazard.

7.5. Environmental Impact Assessment.

Having regard to the minor nature of the proposed development and its location in a serviced inner urban area, 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.

7.6. Appropriate Assessment.

Having regard to the scale and nature of the proposed development and to the serviced inner urban location, no Appropriate Assessment issues arise. The proposed development would not 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. In view of the foregoing it is recommended that the planning authority decision to refuse permission be upheld and that permission be refused. Draft Reasons and Considerations follow:

9.0 Reasons and Considerations

1. It is considered that proposed dormer extension, by reason of the projection above the roof ridgeline of the terrace of five houses and, the excessive scale and proportions relative to the rear roof slope in width and depth, would be visually dominant, obtrusive and out of character with the existing and

adjoining dwellings within the terrace. As a result, it would seriously injure to the visual amenities of the terrace of dwellings in views from the public realm along adjoining linear pedestrian and cycle route which forms part of the Grand Canal bank path within the city's green network. Furthermore, it would give rise to an undue degree overlooking of the rear gardens of the adjoining houses which would seriously injure the residential amenities of those properties. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed creation of a vehicular entrance at the rear of the property would lead to obstruction and conflict with pedestrian and cyclist movements along the public cycle and pedestrian path within the green network in an area subject to the zoning objective Z 9 : *“to preserve, provide for and improve recreational amenity and open space and green networks”* over which access via a restricted key holder operated barrier to and from the South Circular Road at Rialto Bridge, close to the site location would be required. As a result, the proposed development would endanger public safety by reason of traffic hazard and would therefore be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
18th October, 2019.