



An
Bord
Pleanála

Inspector's Report ABP-305156-19

Development	Demolish garage and erect single storey two bedroomed detached house, new boundary wall, landscaping, carparking and services.
Location	Roebuck Hall, The Palms, Roebuck Road, Clonskeagh, Dublin14
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/0379
Applicant(s)	Simon O'Leary
Type of Application	Permission
Planning Authority Decision	Grant with Conditions.
Type of Appeal	Third Party
Appellant(s)	1. Roebuck Hall Mgt. Co. Ltd 2. Patricia McDonnell.
Observer(s)	1. Ann & Noel Carroll 2. John & Mary Corr
Date of Site Inspection	17 th October 2019
Inspector	Hugh Mannion.

1.0 Site Location and Description

1.1. The site has a stated area of 0.0197ha and comprises part of the site of Roebuck Hall, Roebuck Road, Clonskeagh, County Dublin. Roebuck Hall has been converted to apartments and is a protected structure. The original curtilage appears to have been subdivided and a two-storey mews (perhaps an original outhouse/stable block) now has access from the adjoining The Palms. Another more recent mews house is located in the southeast corner of the site and accessed through the site. There are 22 car parking spaces and several bike parking spaces on site.

2.0 Proposed Development

2.1. The proposed development comprises the demolition of a shed/garage and erection of a single storey two bedroomed detached house, new boundary walls, landscaping, carparking and services at Roebuck Hall, The Palms, Roebuck Road, Clonskeagh, Dublin14.

3.0 Planning Authority Decision

3.1. Decision

Grant permission with 9 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The planner's report recommended a grant of permission.

3.2.3. Other Technical Reports

3.2.4. **Irish Water** reported no objection subject to condition.

3.2.5. **Drainage Division** recommended a grant of permission subject to conditions.

3.2.6. **Architects Department** reported no objection on architectural conservation grounds.

3.2.7. **Transport Planning Department** reported no objection subject to conditions.

4.0 Planning History

- 4.1. Under PL06D.211679 permission was refused a two-bed mews on this site because it would lead to over-development of the site, a deficit in parking provision and serious injury to the amenity of property in the vicinity.
- 4.2. Appeal reference PL06D.209381 was the applicant's appeal against an earlier refusal of permission for a mews house on the same site which was determined to be invalid by the Board.

5.0 Policy and Context

5.1. Development Plan

The site is zoned A – to protect and and/or improve residential amenity in the Dun Laoghaire Rathdown County Development Plan 2016-2022.

- 5.2. The Development Plan (8.2.3.4) (v) sets out criteria for development in side garden sites. These include;
 - Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
 - Impact on the amenities of neighbouring residents.
 - Accommodation standards for occupiers.
 - Development Plan standards for existing and proposed dwellings.
 - Building lines followed where appropriate.
 - Car parking for existing and proposed dwellings.
 - Side/gable and rear access/maintenance space.
 - Private open space for existing and proposed dwellings.
 - Level of visual harmony, including external finishes and colours.
 - Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A

modern design response may, however, be deemed more appropriate in certain areas in order to avoid a pastiche development.

- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable.
- Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained where possible.

5.3. Natural Heritage Designations

Not relevant

5.4. EIA Screening

5.5. Having regard to the nature of the proposed development; a single house within a settlement where public sewerage and potable water supply is available, 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 proposed development will impact negatively on the amenity of number 24 The Palms. This impact can be addressed by lowering the lowest part of the roof to the level of the boundary wall between the application site and 24 The Palms. The highest point of the new roof should not exceed the ridge height of the existing structure. No flues/extractors should be inserted in the walls.
- The applicant may not have sufficient legal interest in the application site to carry out the proposed works.
- The proposed development removed permitted car parking spaces.

- The proposed development will negatively impact on the setting of Roebuck House.
- The applicant has previously carried out unauthorised development.

6.2. Applicant Response

- The boundary wall has been measured correctly at 2.9m. the new development will not be visible from adjoining property.
- The proposed roof height almost replicates the height of the existing structure and no material impact on adjoining property will arise.
- The proposed development is a modest two bed house 12m from the nearest neighbouring house and will not impact on residential amenity because of vents from kitchens or otherwise.
- The entire application site is in the applicant's father's ownership.
- The application site does not comprise amenity open space or designated car parking spaces for other residents. The proposed development will not materially reduce the number of car spaces on site.
- The applicant has a right to drain to the sewerage system in the area.
- The proposed development will not negatively impact on Roebuck Hall, the protected structure, and the planning authority's architectural conservation advice and An Taisce supports this position.

6.3. Planning Authority Response

- No further comment to make.

6.4. Observations

6.5. Observations were received from Ann & Noel Carroll and John and Mary Corr. They make the following points;

- The site is zoned to protect residential amenity in the County Development Plan. The proposed development will negatively impact on Roebuck Hall which is a protected structure.
- The submitted plans do not properly describe the site and its relationship to adjoining property. The proposed development will impact negatively on the adjoining houses on The Palms.
- The proposed development will exacerbate a deficit of open space on the site.
- The proposed development will further diminish car parking on site.

6.6. Further Responses

6.7. The appellants responded to the grounds of appeal as follows;

- The permission has been refused for overdevelopment on this site previously.
- The size of the site is unclear. The applicant's drawings are inaccurate.
- Parking spaces have been reduced by previous works and are difficult to access/exit.

7.0 Assessment

7.1. Property Title.

7.2. The appeal makes the point that the applicant may not have sufficient legal interest to carry out the proposed development. The applicant states that his father retained ownership of the area surrounding the house including the application site and that he has a right-of-way for vehicular access.

7.3. Issues of title to land are addressed at paragraph 5.13 of the Development Management Guidelines for Planning Authorities. The principal point is that the development management system is not a mechanism for resolving issues of title to land and section 34(13) of the Planning and Development Act 2000, as amended, provides that a grant of planning permission in the event of other impediments does not confer a right to development. The Guidelines provide that where an applicant asserts ownership of property and there is nothing to cast doubt on that assertion the

planning authority should not inquire further. However, when doubts are raised, *inter alia*, in a third-party submission then further information may be requested by way of a notice under article 33 of the regulations. The planning authority did not raise this point with the applicant.

7.4. Having regard to the material submitted in connection with the application and appeal I conclude that the applicant has sufficient legal interest to make the application.

7.5. **Amenity Open Space**

7.6. The apartments in Roebuck Hall do not have balconies and therefore do not meet the current New Apartment Design Standards. The mews house in the southeast corner likewise has no or minimal private open space. The shared open space around the building has largely been turned over to car and bike parking. Originally there may have been 24 car parking spaces but three or four of these have been fenced off and 8 cars are now tightly parked within the area of the application site.

7.7. Under the original grant of permission for the conversion of Roebuck Hall for apartments (see copy of PL6/5/87767 in pouch – plans/drawings are unavailable) it appears that the Board anticipated that most or all of the remaining open space around Roebuck Hall would provide landscaped amenity/parking areas for future residents of the apartments. The area around Roebuck Hall now provides parking, bike parking and circulation space for all the uses (apartments, two houses and the shed/garage proposed for demolition) which have access to it. This space also provides the main amenity space including children’s play space or sitting out space for the residents of Roebuck Hall and the more modern mews house to the rear of the site. While the quality of this space is poor at present the potential for improvement is there and this potential would be seriously negatively impacted upon by the proposed development. Furthermore, the loss of shared space will displace activity in a manner as to impact on the amenity of adjoining property.

7.8. I conclude that the proposed development would unreasonably impact on the amenity of the existing residential uses and adjoining uses.

7.9. Car parking.

7.10. The history files indicate that there are 18 apartments in Roebuck Hall. There are a further two dwelling units within the original curtilage of the main house, and which access the curtilage of Roebuck Hall. Table 8.2.3 in the County Development Plan requires a minimum of 1 space per one-bedroom unit; the minimum overall requirement at present therefore is 20 spaces. At least two of the original car parking spaces along the eastern boundary have been given over to bike parking so I conclude that there are 22 functioning spaces remaining.

7.11. Having regard to the general presumption against over-provision of parking spaces and the proximity of the site to public transport and significant educational institutions (especially UCD) I consider that the proposed development would not so reduce on-site parking provision as to give rise to on-site traffic congestion or on-street parking in a manner to endanger public safety by reason of traffic hazard.

7.12. Impact on adjoining property.

7.13. The site adjoins the rear garden of 23, 24 and 26 The Palms. The existing shed/garage has a hipped tiled roof which is about 3.6m to the ridge. The boundary wall on the on the southern boundary (adjoining 89 The Palms) is about 3m but the boundary wall with 24 The Palms is lower at about 2.7. The appeal makes the point that the application drawings are inaccurate in relation to the dimensions on site and that the proposed development will negatively impact on the amenity of adjoining property.

7.14. The net issue here is the impact of the proposed development on the amenity of 24 The Palms and adjoining houses.

7.15. The proposed house is almost due west of numbers 23, 24 and 26 The Palms. The difference in height between the existing shed/garage wall and that of the new house will be negligible in terms of overshadowing. There are no proposed windows on the eastern elevation of the new house which could give rise to overlooking of adjoining property. The mass of the proposed house will not be such as to appear overbearing when viewed from adjoining property. Having regard to these factors I conclude that the proposed development will not seriously injure the amenity of adjoining property through overshadowing or overlooking.

7.16. Impact on the Protected Structure.

7.17. The appeal makes the point that the proposed development will negatively impact on Roebuck Hall which is a protected structure.

7.18. Roebuck Hall is a protected structure but the surrounding housing in The Palms appears to have been constructed on what was originally the curtilage/attendant grounds of the house. The Board granted permission for the conversion of the main house to apartments in 1992. The planning authority's Conservation Office in the present case reported no objection to the proposed development on architectural conservation grounds.

7.19. The proposed house would be marginally visible from main road of The Palms to the front/northeast of Roebuck Hall and not otherwise visible from the public realm. Having regard to this factor and the changes which have previously taken place in the house and in its setting I conclude that the proposed development would not negatively impact on the architectural conservation value of Roebuck Hall.

7.20. Appropriate Assessment.

7.21. Having regard to modest scale of the proposed development and foreseeable emissions arising therefrom 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 permission be refused as set out below.

9.0 Reasons and Considerations

	The proposed development is located in an area zoned to protect and/or
--	--

improve residential amenity in the Dun Laoghaire Rathdown County Development Plan 2016 to 2022. Having regard to the extent of residential development in and adjoining Roebuck Hall for which the undeveloped area, including the application site provides parking, circulation and amenity open space it is considered that the proposed development would comprise over-development of the site in a manner as to seriously injure the residential amenity of the occupants of the Roebuck Hall apartments and of neighbouring property, would materially contravene the zoning objective for the site set out in the County Development Plan and be contrary to the proper planning and sustainable development of the area.

Hugh Mannion
Senior Planning Inspector

12th November 2019