



An
Bord
Pleanála

Inspector's Report ABP-305361-19

Development	Construction of one-bedroom house with associated works.
Location	18 Upper St. Columba's Road Drumcondra Dublin 9.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3280/19.
Applicant(s)	Mark Ryan and Fiona Fair.
Type of Application	Full planning permission.
Planning Authority Decision	Refuse planning permission.
Type of Appeal	1 st Party.
Appellants	Mark Ryan and Fiona Fair.
Observers	Iona and District Residents Association Mr Tom Mac Inerney Michael and Mary Connell.
Date of Site Inspection	6 November 2019.
Inspector	Padraic Thornton.

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1.0 Site Location and Description

- 1.1.1. The site is currently part of the rear garden of No 18 Upper St. Columba's Road Drumcondra. No 18 Upper St. Columba's Road is an end of terrace house fronting onto Upper St. Columba's Road, which has its side elevation onto Lindsay Road. The side elevation and the rear garden abut the public footpath on Lindsay Road. There is a laneway (about 3 metres wide) to the rear (west) of the garden. The rear garden of No 18 abuts the rear garden of No 16 Upper St Columba's Road to the north.
- 1.1.2. No 18 Upper St. Columba's Road is a two-storey high house with a red brick and projecting bay, (at ground floor level), frontage onto St Columba's Road. The brick on the side elevation, on Lindsay Road is lighter in colour and of more varied composition. There is a similar brick finish to the side wall of the garden which abuts Lindsay Road. There are some openings, a double door, a single pedestrian door and boarded up openings which appear to have been windows to a former structure in the rear garden, in the south side wall to rear garden of Number 18. There is, however, no garage located in the rear garden to the rear of the double doors and the doors do not appear to have been used for vehicular access in recent times.
- 1.1.3. The lane to the rear of the site serves rear gardens of houses on Upper St Columba's Road, Lindsay Road and Iona Road to the north. There are a number of single storey structures in the rear gardens abutting the lane. There is no building in the rear garden of Number 16 Upper St Columba's Road abutting the lane. There is a mature deciduous tree in this rear garden close to the lane and close to the boundary wall with 18 Upper St. Columba's Road. The wall at the lane edge at the rear of number 18 is about 2 metres high and has a dashed front elevation onto the lane. There are some shrubs in the garden projecting above the top of the wall.

2.0 Proposed Development

- 2.1. The proposal is to construct a 2-storey one-bedroom house at the western or rear boundary of the site. The building would abut the lane to the west, the curtilage of No. 16 Upper St. Columba's Road to the north and the northern edge of Lindsay

Road to the south. The plans indicate that the floor area of the proposed house would be 55.8 sq. metres with 35 sq. metres at ground level and 20.8 sq. metres at first floor level. (The statement in the planning report submitted with the application that the new dwelling would have a total GFA of some 55.8 sq. metres appears to be an error and this appears to be the total floor area of the proposed house). The ground floor area would contain an open plan kitchen, dining and living area, a toilet and small utility and storage areas. There would be a bedroom and bathroom at first floor level. A 20 sq. metre open area is indicated to the east of the proposed house. A rear garden area of 26.5 metres is indicated being retained with the existing house. No off-street parking is indicated for the proposed or existing houses. The separation distance between the rear wall of the existing single storey extension to No.18 and the rear wall of the single storey section of the proposed house would be about 7 metres.

- 2.2. The plans indicate that the building would have a flat roof. The first-floor area would be splayed backwards from the Lindsay Road frontage with the result that the frontage of this section at the road edge would be longer than the first-floor wall abutting the rear garden of No. 16 Upper St. Columba's Road. The east wall at ground floor level would be splayed in the opposite direction with the house at this level being wider abutting No 16. The plans indicate the front elevation at first-floor level on the Lindsay Road elevation slightly set back from the line of the ground floor elevation. A set back of about .7 of a metre is indicated. The plans do not indicate a balcony at first floor level but this is not clear.
- 2.3. The plans indicate that the front elevation on the Lindsay Road frontage would consist of a brick finish at ground floor level and a timber shingle finish at first floor level to be colour matched to the existing brick. The ground floor elevation would consist of the existing boundary wall with revised openings and new brickwork to match the existing bricks. 3 window openings are indicated in the lower section of the ground floor frontage with a long continuous window extending across the length of the 3 lower windows at a higher level. (The correspondence and planner's report indicate some confusion in relation to the window arrangement at ground floor level). There would be one window with an opening side section at first floor level on the front elevation. The plans indicate the rear or lane elevation finished in brick at

ground floor level and timber shingle cladding at first floor level. There are no windows proposed on this elevation.

3.0 Planning Authority Decision

3.1. The planning Authority decided to refuse planning permission for one reason.

3.2. The reason for the decision is that due to the depth and orientation of the site and the location of the proposed building at the party boundary the proposed development would be seriously injurious to the residential amenities of property in the vicinity by reason of overbearing impact and overshadowing. The development would also result in a poor level of open space remaining with the existing house. The development would therefore be contrary to the Z2 residential conservation zoning objective for the area set out in the Dublin City Development Plan 2016-2022.

3.3. Planning Authority Reports

3.3.1. Planning Report

3.3.2. The planning report sets out the zoning objective for the area and notes that the policies set out in Chapter 11 of the current Development Plan are relevant to consideration of the application. Chapter 11 deals with Built Heritage and Culture. Policy CHC 4 relating to development being undertaken within a Conservation Area is referred to. It is stated, however, that the development will not harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the conservation area. Section 14.8.2 of the plan states that the general objective for such areas is to protect them from unsuitable new developments or works which would have a negative impact on the amenity or architectural quality of the area. The guiding principle is to enhance the architectural quality of the streetscape and the area and to protect the residential character of the area.

3.3.3. The planning report deals in detail with development plan policies for new dwellings within Dublin City. This detailed part of the report deals with issues such as urban density, urban form and architecture, design principles. Section 4.5.3.1 of the Development Plan states that the plan will continue to physically optimise the

efficient use of urban land. Policy SG13 is to promote sustainable densities particularly in public transport corridors, which will enhance the urban form and spatial structure of the city and which are appropriate to their context. It is also stated that the sustainable densities sought will include consideration for the protection of surrounding residents, households and communities. Section 5.5.2 of the plan outlines that building at higher densities makes more efficient use of land and energy resources creating a compacted urban form and that varied house housing typologies will be sought within neighbourhoods in order to encourage a diverse choice of housing options. A number of policies from Chapter 5 encouraging the promotion of sustainable residential development and the development of vacant and under-utilised lands are quoted.

- 3.3.4. Section 16.10.2 of the development plan containing standards in relation to floor area, aspect, private open space, safety and security and acoustic privacy are referred to. Section 16.2.2.2 dealing with infill development is also referred to. It is stated that Dublin City Council will ensure that infill development respects and complements the prevailing scale, architectural quality and the degree of uniformity of the surrounding townscape and also that, within terraces or groups of buildings of unified design and significant quality, infill development will replicate and positively interpret the predominant design and architectural features of the group as a whole.
- 3.3.5. The planner's report concludes that the positioning of the building forward of the building line on Lindsay Road is not considered harmful to the original street pattern and layout of the area. It is also considered that the design is a positive intervention in the streetscape and that it ensures that the overall architectural quality of the area is retained. It is considered however that the proposed development would have a significant impact on the residential amenities of the property directly to the north i.e. No 16 Upper St Columba's Road due to overshadowing and an overbearing appearance. It is not accepted that the case is similar to the two precedent decision cases referred to by the applicants i.e. No 2A Hollybank Road and the development to the rear of No 98 Drumcondra Road Lower.
- 3.3.6. It is concluded in the planner's report that the development proposed meets minimum standards set out for floor areas, storage etc set out in Departmental Guidelines. It is stated, however, that generally up to 60-70 sq. metres of rear garden space is considered sufficient for houses in the city. The existing house would retain

26.5 sq. metres of rear garden. The standard for houses in the inner city as set out in the development plan is 5-8 sq. metres per bed-space. The proposed house would not, however, be located in the inner city as indicated on map K of the development plan. Having regard to the location of the site, relative to the Drumcondra train station and the Drumcondra Road QBC, it is considered that the development would not give rise to negative impact on the amenities of surrounding properties or have a negative impact on traffic safety due to the lack of off-street parking provision. The applicants' submission in relation to the blocking off of the existing double doors and the existence of residents on street parking are noted in this regard.

3.3.7. The planner concludes that planning permission should be refused for the reason set out above.

3.3.8. Other Technical Reports:

3.3.9. The Drainage Division report dated 17 July 2019 states that there is no objection to the proposed development.

3.3.10. No reports were received from the Roads and Traffic Division or from Irish Water or Irish Rail.

4.0 **Planning History:** The planning report indicates that there is no planning history relating to the site.

5.0 **Policy Context**

5.1. **Development Plan**

The site is located in an area with a land use zoning Residential Neighbourhoods (Conservation Areas) Zone Z2 which has a land use objective "to protect and/or improve the amenities of residential conservation areas". Residential use is one which is generally acceptable in principle in such areas.

The various policies and objectives relevant to housing development in residential conservation areas have been set out in the detailed planning report which has been summarised above.

Policy SC 14 of the development plan is to promote a variety of housing and apartment types which will create a diverse sense of place including coherent streets and open spaces. Policy SC 28 is to promote an understanding of the city's architectural character and to facilitate new development which is in harmony with the city's historic spaces and structures.

Policy QH 8 is to promote the sustainable development of vacant and under-utilised in-fill sites and to favourably consider high density proposals which respect the design of the surrounding development and the character of the area. Policy QH 14 includes promoting an opportunity for older people to avail of options to downsize. QH 22 is to ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.

The Development Plan indicates the designation of conservation areas of different types including residential conservation areas in lands zoned Z2 and Architectural Conservation Areas, of which there are 21 referred to. The site is located in a Z2 zone but not in an Architectural Conservation Area. The policy provisions for conservation areas set out in the plan, however, refer to all the conservation area types.

Policy CHC 4 of the development plan is to protect the special interest and character of all Dublin's conservation areas. Development in or affecting a conservation area must contribute positively to its character and distinctiveness. It is policy that development will not harm buildings, spaces, original street patterns

or other features, which contribute positively to the special interest of the conservation area.

It is stated in the development plan that the general objective for zone Z2 areas is to protect them from unsuitable new development or works which would have a negative impact on the amenity or architectural quality of the area. In dealing with design issues, it is stated that within terraces or groups of buildings of unified design and significant quality, infill development will replicate and positively interpret the predominant design and architectural features of the group as a whole. The density of such development should respect the character, context and urban form of the area and seek to protect existing and future residential amenity.

The indicative plot ratio for zone Z2 in the outer city area is indicated as 0.5-2.0 and indicative site coverage is indicated as 45%. It is indicated that a minimum of 10 sq. metres of private open space per bed-space would normally apply for housing. (5-8 sq. metres in the inner city. The site is outside the inner city as indicated on Map K of the Plan). Table 16.1 indicates a requirement of 1 parking space per house in this area. The plan states that these figures are maximum and there is some provision for less being required if such does not impact negatively on the amenities of surrounding properties and there is no potential negative impact on traffic safety.

Section 16. 10. 9 of the development plan deals specifically with development in corner or side gardens. The plan recognises that such development is a means of making the most efficient use of serviced lands and it will generally be allowed on suitable sites. It is stated that some corner /side gardens however are more suitable for extensions to the original house rather than providing a poor-quality additional house which may also compromise the quality of the original house. A number of factors to be considered include

- The character of the street

- Compatibility with design and scale of adjoining buildings paying particular attention to building lines, height, materials etc.
- Impact on the amenities of adjoining sites
- Open space standards
- Provision of car parking
- Landscaping and boundary treatment
- The maintenance of front and side building lines where appropriate.

5.2. Natural Heritage Designations

5.3. The nearest European Sites to the proposed development are located in the North Dublin Bay area. Designated sites in this area include North Dublin Bay SAC and SPA, Baldoyle Bay SAC and SPA, North Bull Island SPA, Howth Head SAC, Howth Head Coast SPA and South Dublin Bay and the River Tolka Estuary SPA.

6.0 The Appeal

6.1. Grounds of Appeal

6.2. The appeal states that residential development is a permitted use in Z2 zoned areas and the planner's report states that the proposed dwelling is acceptable in principle. Reference is made to the planning report, architectural design report and shadow assessment submitted with the application. The site is a generous end of terrace one with frontage onto Lindsay Road and the site is separated from properties on Lindsay Road by means of a laneway

6.3. It is submitted that the design proposed, which includes retention of the existing boundary wall and the curve at the junction of the laneway is a positive intervention in the streetscape. It would ensure that the architectural quality of the area would be retained. The materials and building fabric will be of a high architectural merit. The final finishes will be as indicated on the architectural design report and the 3D

images submitted are for context only. (Submissions had been made in relation to discrepancies in the submitted documentation).

- 6.4. It is submitted that the proposed house would meet or exceed the standards for houses set out in the development plan and in the Departmental guidance. 20 sq. metres of private open space, which complies with development plan standards, would be provided for the proposed house. 26.5 sq. metres would remain with the existing house. It is submitted that, whilst no off-street parking is proposed, the development would result in an additional on-street space becoming available due to the garage entrance door becoming obsolete. This additional on-street space would be a planning gain. Reference is made to the planning authority view in relation to the location close to a train station and quality bus corridor. The planning authority has no objection from the perspective of car parking.
- 6.5. The grounds of appeal note the objections to the development as set out in the refusal decision i.e. impact on No. 16 Upper St. Columba's Road and the amount of private open space being retained with No 18. Reference is made to submissions made in support of the application and to the lack of any objection from the owners/occupiers of No 16. It is submitted that the planning authority did not agree with objections other than those used in the refusal reason.
- 6.6. In responding to the overshadowing objection raised by the planning authority the appellants submit that the rear garden of No. 16 Upper St. Columba's Road is already overshadowed by No 103 Lindsay Road and a large tree in the rear garden although it is acknowledged that some overshadowing of the centre part of the garden would arise during the afternoon in the spring and autumn months. It is submitted that the first-floor section at the boundary with No 16 extends to only 4 metres and this part of the house has been kept to the minimum to avoid impact on No 16. The overall height of the building could also be reduced from 5.95 to 5.65 metres to help overcome the reason for refusal relating to overshadowing of No. 16.
- 6.7. The appellants submit the development in the rear garden of No 18 which could be carried out as exempted development, such as the construction of an extension to the house or a garage building in the rear garden, would have more impact on No 16

in terms of overbearing and overshadowing than the proposed house. Drawings indicating such structures in the rear garden and shadow analysis of their impact are submitted with the grounds of appeal.

- 6.8. In responding to the planning authority's concern about the amount of private open space being retained with the existing house the appellants submit that the exempted development regulations permit extensions up to 40 sq. metres so long as the private open space to the rear of the house is not reduced to less than 25 sq. metres. It is pointed out that a private open space area of 26.5 sq. metres would be retained with No 18. It is submitted that adequate private open space to serve the 2 houses is being provided for in the proposed development.
- 6.9. The appellants refer to the National Planning Framework and in particular to National Policy Objective 13 contained therein which, it is submitted is highly relevant. (NPO 13 states that in urban areas planning and related standards, and in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth). It is submitted that implementation of the NPF requires increased density, scale and height in urban developments. Reference is also made to the Guidelines for Planning Authorities on Urban Development and Building Height in this regard. These policy guidance documents support the re-development of brownfield and the development of infill sites. Reference is made to the good level of public transport facilities in the area and to its suitability for higher density development.
- 6.10. The appellants reference 2 cases where planning permission was granted for development in the area which, it is submitted, are precedents for granting permission in the current case. The cases in question (ABP Ref PL 29N-240531 and Dublin City Council Ref. 3709/10) are located at 2A Hollybank Road and in the rear

garden of No. 98 Drumcondra Road Lower. Reference is also made to ABP Ref. No 303953-19. (This case is located in Beechwood Road Ranelagh).

6.11. Planning Authority Response

There is no evidence on file of any response having been received from the Planning Authority

6.12. Observations

Observations were received by the Board from the Iona and District Residents Association, Michael and Mary Connell of 134 Lindsay Road and Mr Tom Mac Inerney of 103 Lindsay Road. All three observations are objections to the proposed development.

The following bullet points summarise the reasons for the objections.

- Inadequate sized site for 2 houses
- Lack of adequate private open space for the existing and proposed houses
- Inadequate parking provision
- Excessive site coverage
- Undesirable precedent for further similar developments in the area
- Development would be out of character with the existing development in a conservation area
- Injury to the amenities of existing properties in the vicinity due to visual obtrusiveness and overshadowing
- Lack of clarity about elements of the design
- Site is not under-used or vacant
- Development would be in conflict with development policies in relation to conservation areas and would be harmful to the street pattern and visual character of the area.
- The development would be in conflict with various provisions in the development plan dealing with proposals for development if corner/side

gardens e.g. compatibility of design and scale with adjoining dwellings
paying attention to established building lines etc

- Conflict with the Z2 Residential Conservation area zoning of the area.

There were 16 observations submitted to the planning authority in relation to the application. 12 of these were objecting to the proposed development. 4 were in support of the proposal.

The objections to the proposal reflect the bullet points above and are summarised in the planner's report.

The submissions in support of the development generally support the appellants arguments in relation to the need for increased density of development in areas where services are available and which are well served by public transport. It is submitted that the proposed dwelling would be to a high standard of design and would not have a negative impact on residential or visual amenities. The observations in support of the application are summarised in the planner's report.

7.0 Assessment

- 7.1. I consider that the main issues arising in this case relate to the compatibility of the development with the Z2 conservation area zoning provision set out in the development plan, development plan policies relating to the development of corner/side gardens and the impact of the development on the residential amenities of properties in the vicinity.
- 7.2. Lindsay Road and the surrounding streets, built in the early 1900s, form a very attractive and architecturally high-quality residential area of significant townscape character. The houses on Lindsay Street are not of unified design as indicated in the architectural appraisal submitted with the application. There are, however, unifying elements in the layout and design which contribute to the overall architectural quality of the area. These elements include the building heights, brick finishes, pitched roofs and regular building lines. The building line on Lindsay Road is clearly

distinguishable from that on Upper St. Columba's Road at the eastern end of Lindsay Road. The rear gardens of the houses on Upper St. Columba's Road give a significant visual break between the building lines on Lindsay Road and the side walls of the houses fronting onto Upper St Columba's Road.

- 7.3. I consider that the symmetry of the existing street pattern, as referred to above, which contributes to the attractive architectural character of the area would be disrupted by erecting the proposed house directly abutting the footpath on Lindsay Road at the location proposed. I accept that, of itself, the design of the proposed building is innovative and of good quality. I consider, however, that due to its location and having regard to its design, (two-storey flat roof) the proposed development would be visually prominent, incongruous and injurious to the streetscape and the architectural character of the conservation area. I accordingly consider that the proposed development would be in conflict with the provisions of the development plan which seek to protect the special interest and character of Dublin's conservation areas. (Policy CHC 4)
- 7.4. In addition to being in conflict with provisions relating to conservation areas I consider that the proposed development would be in conflict with the development plan provisions relating to development in corner or side gardens and in particular the requirement that regard should be had to existing building lines, the character of the street and the impact on the amenities of adjoining properties. (The latter point is dealt with later in this report). The two first points are particularly relevant here due to the site being in a conservation area. I consider that the house proposed, forward of the building line on Lindsay Road, would be out of character and detrimental to the townscape and visual amenities of the area.
- 7.5. The two-storey house proposed would abut the southern boundary of the garden immediately to the north i.e. No 16 Upper St. Columba's Road. I agree with the conclusion set out in the planner's report that it would be visually intrusive and overbearing when seen from the rear garden of No. 16 and that it would give rise to injury to the amenities of this property due to overshadowing. I also consider the existing overshadowing from the tree in the rear garden of No 16 and that at the roadside has been over emphasised in the assessment. The deciduous trees in question would be in leaf for part only of the year and the owner of No. 16 could remove the tree in the garden at any time as there is no evidence of it being

protected by a Tree Preservation Order. Due to orientation etc. I do not consider that the house proposed would give rise to serious overshadowing or loss of light to either No 103, (on the opposite side of the lane) or No 134 (on the south side of the road) Lindsay Road.

- 7.6. I note the appellants submissions in relation to the effect exempted development might have in relation to overshadowing if carried out on the site. Such exemptions, however, are designed, on a national basis, to facilitate extensions etc. to existing residential properties and do not relate to proposed developments which must be considered on their merits. I also note that the house extension indicated on the plans, which forms the basis for one set of the shadow analysis drawings is indicated to have a floor to ceiling height of 3.8 metres. The reason for this is not indicated and is not clear from the plans. The top external height of the existing ground floor flat roofed extension is indicated to be about 3.4 metres
- 7.7. The site area for the new dwelling is stated to be 62.5 sq. metres. The private open space area is stated to be 20.1 sq. metres. This indicates a built over area of 42.4 sq. metres which gives a site coverage of almost 68%. This is well above the indicative figure of 45% for the area contained in the development plan. A similar calculation for the new site of the existing house gives a site coverage of 69%. These site coverage areas indicate a very high density of development. This results in a very small private open space area remaining for the existing house. A rear garden area of 26.5 sq. metres is very little for a substantial sized house such as No 18 Upper St. Columba's Road. (The reduced garden area would also have less sunshine than the existing garden). A 5 bed-space house would require a private open space provision of 50 sq. metres at 10 sq. metres per bed space as referred to in the current Dublin City Development Plan, which also states that generally up to 60-70 sq. metres is considered sufficient for a house. I agree with the planner's conclusion that the proposal results in a poor level of private open space remaining with the existing house. I consider that this would not be in accordance with the zoning objective "to protect and/or improve the amenities of residential conservation areas".
- 7.8. The issue of precedent has been raised by the applicants and in observations. I noted several similar rear gardens at street corners in the area during my inspection of the area. The site of the existing house is not particularly large and is in effect only

a rear garden as there is no side garden such as exists at many junctions. The rear garden of No 16 directly to the north is of a similar size. If permission is granted in the current case, I consider that it would set a most undesirable precedent for similar developments in the area which, in my opinion, would be seriously damaging to the conservation area and in conflict with the zoning.

- 7.9. The applicants refer to precedents at 2A Hollybank Road, to development at the rear of 98 Drumcondra Road Lower and a house in the side garden of No. 13 Beechwood Road. The house at 2A Hollybank Road is set back at or close to the building line at first floor level and is also located opposite buildings in commercial use which are not in a residential conservation area. The building is also located to the north of the properties to the rear and so would not have a significant impact in terms of overshadowing. The building at the rear of 98 Drumcondra Road Lower faces a relatively new development which is not in a residential conservation area and although to the south of the gardens to the rear there is a relatively large building with a pitched roof in the lands directly to the north. The house permitted in the side garden of No. 13 Beechwood Road would be set back on the existing building line of Nos 13 and 14 Beechwood Road. The sites of the developments in question were also larger than that now proposed e.g. the site at Beechwood Road was 115 sq. metres in comparison to 62.5 sq. metres in the current case. The nearby case referred to on Board Ref ABP-301878-18 is probably more pertinent to the current case. The house proposed in that case would be at the rear of No 58 St Alphonsus Road fronting onto St Brigid's Road Upper i.e. the next road to the east of Upper St. Columba's Road. The building proposed would have been forward of the building line on St Brigid's Road at first floor level. Planning permission was refused partially because of the infringement on the building line. The residential conservation zone does not extend to St Brigid's Road. The development then proposed was accordingly not in a conservation zone.
- 7.10. I accept generally the applicants' submissions in relation to increased densities in serviced areas and that increasing densities in built up areas, particularly where served by good public transport is in line with the National Planning Framework and recent Guidelines in relation to density and building height. I do not, however consider that the site now proposed can reasonably be considered to be in need of re-development or is an infill development site in the sense that such term is

generally understood. The curtilage of the existing house is not particularly large and is generally similar to that prevailing in the area. The high architectural and townscape character of the area and the residential conservation area designation are significant factors weighing against the development.

7.11. No off-street car parking facilities are proposed for the proposed or existing houses. The development would in effect rule out the possibility of providing such parking (except by reducing further the small private open areas proposed). The applicants submit that the removal of the existing double doors serving the site would allow for the provision of an extra on-street space. The gap between the existing lined and marked parking at the roadside and the eastern edge of the lane at the rear of the property is, however, somewhat less than 4 metres and so would be inadequate to accommodate a normal car parking space particularly if access to the lane is not to be obstructed. Having regard, however, to the location of the site relatively close to the city centre, the public transport facilities available in the area and the extent of permit and pay parking available on the street, the absence of off-street parking would not justify a refusal of planning permission if the development was otherwise acceptable.

7.12. **Appropriate Assessment considerations:** Having regard to the distance of the site from European Sites, to the small scale of the proposed development and to the absence of any direct pathway from the site to the designated sites I consider that the proposed development individually, or in combination with any other plans or projects, would not be likely to have any significant effect on any European Site. An Appropriate Assessment as referred to in the EU Habitats Directive is accordingly not required in this case.

7.13. **Environmental Impact Assessment.** Having regard to the nature, small scale and location of the proposed development in an existing urban area I consider that it is unlikely have significant effects on the environment. It is, accordingly, not necessary to carry out an environmental impact assessment of the proposal.

8.0 Recommendation

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

9.0 Reasons

1. Having regard to the architectural quality and character of the residential conservation area where the development is proposed, to the design of the building and in particular to the prominent location of the site in the streetscape and to the siting of the building forward of the building line on Lindsay Road it is considered that the development would be visually out of character and detract significantly from the architectural quality and special interest of the residential conservation area . The development would be contrary to policy CHC 4 of the current Dublin City Development Plan which seeks to protect the special interest and character of Dublin's conservation areas. The development would accordingly be contrary to the proper planning and sustainable development of the area.
2. Due to the location of the proposed development in close proximity to and directly south of the rear garden of No 16 Upper St. Columba's Road the development would seriously injure the amenities of residential property in the vicinity by reason of overbearing visual impact and overshadowing. It would also significantly detract from the amenities of No 18 Upper St. Columba's Road due, in particular, to the very small private open space provision being retained with the existing house. The development would, accordingly, be contrary to the Z2 zoning of the area which has a land use objective to protect and/or improve the amenities of residential conservation areas. The development

would, accordingly, be contrary to the proper planning and sustainable development of the area.



Padraic Thornton
Padraic Thornton
Planning Inspector

26 November 2019