



An
Bord
Pleanála

Inspector's Report 305386-19

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| Development | Façade alterations incl. brick façade, timber sash windows, stone slates & internal alterations including attic storage. |
| Location | 17 Blessington Place, Dublin 7 |
| Planning Authority | Dublin City Council |
| Planning Authority Reg. Ref. | 3305/19 |
| Applicant(s) | Doban Properties Ltd. |
| Type of Application | Permission |
| Planning Authority Decision | Grant permission subject to conditions |
| Type of Appeal | Third Party v. Decision |
| Appellant(s) | Tobias Theiler |
| Observer(s) | None |
| Date of Site Inspection | 6 th November 2019 |
| Inspector | Louise Treacy |

1.0 Site Location and Description

- 1.1. No. 17 Blessington Place, D7 is a single-storey commercial premises located in the curtilage of No. 17 Blessington Street to the rear, which is a 3-storey over basement Protected Structure in residential use. The site is adjoined by a two-storey residential dwelling to the south-east and by a two-storey commercial property to the north-west.

2.0 Proposed Development

- 2.1. The proposed development comprises alterations to PA Reg. Ref. 3723/15, including a full brick façade of traditional brick and lime mortar, traditional style timber sash windows, natural stone slates and internal layout changes, including attic storage.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission subject to 4 no. conditions issued on 14th August 2019.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. Basis of the Planning Authority's decision.

3.3. Other Technical Reports

- 3.3.1. **Engineering Department Drainage Division:** No objection to the development, subject to 2 no. conditions.
- 3.3.2. **Conservation Officer's Report:** No review of the application undertaken. Notes that the Conservation Officer would not have supported the parent application (PA Reg. Ref. 3723/15).

3.4. Prescribed Bodies

- 3.4.1. **Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs:** None received.

- 3.4.2. **An Taisce:** None received.
- 3.4.3. **Heritage Council:** None received.
- 3.4.4. **An Chomhairle Ealaíon:** None received.
- 3.4.5. **Fáilte Ireland:** None received.
- 3.4.6. **National Transport Authority:** None received.
- 3.4.7. **Transport Infrastructure Ireland:** Recommends that a Luas Cross City S. 49 contribution condition be attached (if applicable).
- 3.4.8. **Irish Water:** None received.

3.5. **Third Party Observations**

- 3.5.1. 1 no. third party observation was made on the application by the appellant. The issues raised therein substantially reflect the grounds of appeal.

4.0 **Planning History**

- 4.1.1. **PA Reg. Ref. 3723/15:** Permission granted on 20th November 2015 for the demolition of the existing single-storey commercial unit and the construction of a two-storey, two-bedroom mews dwelling.
- 4.1.2. **PA Reg. Ref. 4506/18:** Planning permission refused on 1st February 2019 for a change of house design from a two-bedroom mews permitted under PA Reg. Ref. 3723/15, to a three-bedroom, 2.5 storey terraced house with a bedroom in the attic space.
- 4.1.3. Permission was refused for 3 no. reasons relating to: (i) reduced rear garden depth and separation distance to No. 17 Blessington Street; (ii) impact on the architectural character of the historic streetscape of Blessington Place and the setting of the Protected Structure; and, (iii) substandard development resulting from the lighting of the attic bedroom by way of rooflights.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. **Zoning:** The site is subject to land use zoning 'Z2' (Residential Neighbourhoods – Conservation Areas) which has the objective “*to protect and/or improve the amenities of residential conservation areas*”. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.
- 5.1.2. **Policy CH4:** 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.

5.2. Natural Heritage Designations

- 5.2.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. 1 no. third party appeal has been received from Mr. Tobias Theiler of No. 9 Blessington Place, D7 which adjoins the subject site. The grounds of the appeal can be summarised as follows:
- The planning application drawings incorrectly represent the height of No. 9 Blessington Place and conceal that the chimney of this property would be 685mm below the roof ridge of the proposed development;
 - The proposed development breaches fire safety regulations regarding the height of chimney outlets relative to neighbouring structures / roof lights and represents a fire hazard;
 - The planning drawings misrepresent the width of the application site, the shape of No. 9 Blessington Place and the slope of the party wall. If

implemented, the development would result in the partial demolition of the outer support wall of No. 9 Blessington Place and the entire rear party wall;

- The proposed development will result in a loss of daylight in the rear yard and living spaces of No. 9 Blessington Place;
- The parent application as granted in 2015, should be assessed under the 2016-2022 development plan. If assessed on this basis, the proposal would not meet the standards relating to private open space, separation distances, site coverage and car parking;
- The proposed rooflights serve no purpose and jar with existing roof designs in the area;
- The proposed development lacks regard for the historical character of the area and streetscape by reason of its height, size and design;
- The proposed development would overshadow neighbouring single-storey cottages and the square connecting Blessington Place and St. Joseph's Place;
- If planning permission is granted in this instance, low impact demolition and construction techniques should be required.

6.2. The appeal submission is supported by the BLEND Residents' Association and Mr. Patrick Grant of No. 10 Blessington Court, Dublin 7.

6.3. Applicant Response

6.3.1. The applicant's response can be summarised as follows:

- The appeal grounds largely relate to the parent permission PA Reg. Ref. 3723/15 and as such, are not relevant to the current application;
- The dimensions provided in the application material are correct and relate to the parent application as permitted;
- Site works will ensure no encroachment on or damage to adjoining properties;
- The development standards of the 2016 development plan are not relevant to this application;

- The impact of the development on No. 9 Blessington Place is unchanged under this planning application;
- The proposed design changes are intended to reflect the traditional design of the area;
- The applicant has experience of working on constrained and historic sites and works will be carried out under the supervision of a chartered engineer.

6.4. **Planning Authority Response**

6.4.1. None received.

6.5. **Observations**

6.5.1. None received.

6.6. **Further Responses**

6.6.1. None received.

7.0 **Assessment**

7.1. I have reviewed the contents of the appeal submission and consider that the main issues in this case include:

- The impact of the development on No. 9 Blessington Place;
- The impact of the development on the surrounding streetscape;
- Compliance with development plan standards;
- Appropriate Assessment

7.2. These issues are dealt with in turn below.

7.3. **The impact of the development on No. 9 Blessington Place**

7.3.1. The appellant asserts that the proposed development will result in a loss of daylight in the rear yard and living spaces of No. Blessington Place. In considering these grounds of appeal, I note that the proposed development comprises minor internal and external alterations to the permitted mews dwelling, which will not alter the

overall height, form or scale of the dwelling. As such, I consider that the grounds of appeal regarding potential impacts on the residential amenity of No. 9 Blessington Place are unfounded.

7.3.2. The appellant also raises concerns regarding the accuracy of the planning application drawings, the construction impacts and potential fire safety impacts arising on foot of the proposed development. While these concerns have been noted, matters concerning fire safety and construction works are dealt with under separate codes. I further note the provisions of S. 34(13) of the Act, which states that a person shall not be entitled solely by reason of a permission under this section to carry out any development.

7.4. The impact of the development on the historic streetscape

7.4.1. The appellant submits that the proposed rooflights jar with existing roof designs in the area and that the proposed development lacks regard for the historical character of the streetscape by reason of its height, size and design. The appellant further submits that the proposed development would overshadow neighbouring single-storey cottages and the square connecting Blessington Place and St. Joseph's Place.

7.4.2. In considering these grounds of appeal, I note that the 4 no. rooflights to the front and rear roof profile were granted permission under the parent application. As such, the principle of the rooflights is not relevant to the assessment of this appeal case. Furthermore, the overall height and scale of the permitted mews dwelling remains unchanged under this application and as such, I consider that the overshadowing concerns which have been raised are without substance.

7.4.3. The current application seeks permission to make alterations to the front elevation of the permitted dwelling facing onto Blessington Place and St. Joseph's Place. These include the provision of traditional style timber sash windows at the ground and first floor levels, the use of traditional type bricks laid in lime mortar in Flemish bond for the entire front façade, with natural stone slates at roof level in place of the Tegral finish as previously proposed.

7.4.4. In my opinion, the external alterations which are proposed would have no negative visual impact on any neighbouring property or the character of the streetscape at this

location and as such, would be in accordance with the proper planning and sustainable development of the area.

7.5. Compliance with development plan standards

- 7.5.1. The appellant submits that the parent application as granted in November 2015, should be assessed anew under the development standards of the 2016 development plan.
- 7.5.2. This application seeks permission for minor internal and external alterations which do not fundamentally alter the mews dwelling as permitted. Thus, the principle of the development is not open for consideration in this instance. It is appropriate therefore, that the internal and external alterations for which permission is now sought, be assessed on their merits in terms of their compliance with current development plan standards.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development, the residential land use zoning of the site, and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the residential land use zoning of the site, and the nature and scale of the proposed development, it is considered that, subject to compliance with the condition set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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| 1. | The development shall be carried out in accordance with the plans and particulars lodged with the application. Reason: In the interest of clarity. |
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Louise Treacy
Planning Inspector

26th November 2019