



An
Bord
Pleanála

Inspector's Report ABP 305494-19

Development	Demolition of garage store and construction a two storey house with associated works.
Location	Rugby Villas at rear of 24 Mount Pleasant Avenue Upper, Dublin 6.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	3466/10.
Applicant	Paul Slevin
Type of Application	Permission.
Decision	Grant Permission.
Type of Appeals	Third Party x Grant
Appellants	1. Paul Barry 2. Gerard O'Rourke
Observer	Damian Redmond
Date of Site Inspection	6 th January, 2019
Inspector	Jane Dennehy

1.0 Site Location and Description

1.1. The site which has a stated area of 93 square metres is formed from the original plot of No 24 Mount Pleasant Avenue Upper, Dublin 6 which is at the western end of Rugby Villas a cul de sac of two storey terraced houses. At present on the site there is a single storey garage/store structure, the front building line of which is direct onto the frontage. To the east side adjacent to Nos 17 and 18 Rugby Villas, there is a separate pedestrian gate which is a rear access to No 23 Mount Pleasant Avenue Upper. The houses on Rugby Villas open directly onto the street which is narrow in width and there is pay and display parallel parking on the street

2.0 Proposed Development

2.1.1. The application lodged with the planning authority indicates proposals for demolition of a garage store on the site and for construction a two-storey house with a stated floor area of 73 square metres on the site opening directly onto the street. Vehicular access is along Rugby Villas and associated site works are included in the application.

3.0 Planning Authority Decision

3.1. Decision

By order dated 4th September, 2019 the planning authority decided to grant permission subject to conditions of standard nature and an additional requirement for some minor design changes for finishes, textures and colours and for provision of a footpath along the site frontage under Condition No 3.

3.2. Planning Authority Reports

3.2.1. The **planning officer** in his report that the site and environs had the capacity to accept the proposed dwelling which is considered to be compliant with minimum statutory standards.

3.2.2. The **Transportation and Planning Division and Drainage Division** indicate no objections in their reports.

3.3. **Third Party Observations**

Submissions were lodged by the appellant and observer parties indicating objections over construction stage impacts and impacts on parking facilities, services and visual and residential amenities and on property value.

4.0 **Planning History**

There is a prior grant of permission under P.A. 3806/00 for the development the existing garage store and vehicular access off Rugby Villas constructed on the site.

5.0 **Policy Context**

5.1. **Development Plan**

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site location, in so far as it is located at the rear of No 24 Mount Pleasant Avenue Upper, is subject to the zoning objective: *Z2 to protect and or improve the amenities of residential conservation areas*. Rugby Villas onto which the site has frontage and a proposed access is subject to the zoning objective: *Z1: To protect, provide and improve residential amenities*.

Development Management Standards for residential development are set out Chapter 16 with guidance and standards for residential quality in section 16.10.2 and criteria for infill developments are set out in section 16.10.10. Objective QH 8 provides for higher density development which respects the character of surrounding development on vacant or under-utilised sites.

6.0 **The Appeals**

6.1. **Appeal by Gerard O'Rourke of No 12 Rugby Villas.**

According to Mr O'Rourke's appeal which was received on 26th September 2019:

- The house is to be inserted at a fifty degrees' angle between the two one hundred year old terraced houses on Rugby Villas which is out of character for the area where a right angle to terraces and it will have negative visual impact.
- The introduction of the footpath reduces the availability of limited on street parking facilities and the development will lead to increase traffic and demand for parking. eroding the amenities of the area.
- Construction and construction traffic will be particularly disruptive. The permitted hours for construction before 9.00 am and on Saturdays (Condition No. 7) are excessive and unreasonable.

6.2. **Appeal by Paul Barry of No 16 Rugby Villas.**

According to Mr Barry's appeal which was received on 23rd September 2019:

- The site was never intended for residential development, and the dwelling which is at an angle results in overlooking and overshadowing of Mr. Barry's property and would be visually intrusive and out of character with existing development in the vicinity.
- The additional dwelling would exacerbate existing pressures of the high-density area: Construction traffic will obstruct residents' access along Rugby Villas and the additional dwelling will result in additional demand on existing on street parking facilities.

6.3. **Applicant Response**

There is no submission on file from the applicant.

6.4. **Planning Authority Response**

There is no submission on file from the planning authority.

6.5. Observations

A submission was received from Damian Redmond of 17 Rugby Villas on 22nd October 2019 who objects to the proposed development. According to the submission:

- The proposed development is not consistent with the zoning objective, the interests of residential amenity or prior refusals of permission for residential development. It is at odds with and detracts from the existing architectural character in the residential conservation area and would set precedent.
- Current policies for densification are not relevant to infill development in the area.
- It is contrary to minimum separation distances specified in the CDP between the rear facades of two storey houses. The house would be two metres from No 17 and would obstruct its access to light and depreciate property value because No 17 would no longer be at the corner site.
- There are also concerns about adverse impact on residential amenities during construction through parking and noise.

7.0 Assessment

7.1. The issues central to the determination of the decision and considered below, having regard to issues raised by the third parties are:

- Density of development in the area and nature of use.
- Impact on residential and visual amenities
- Impact on Property Value.
- Impact on demand for on street parking and traffic safety and convenience.
- Environmental Impact Assessment Screening.
- Appropriate Assessment.

7.2. Density of development in the area and nature of use

- 7.2.1. Having regard to both the CDP, 'Z1' and 'Z2' zoning objectives both of which are applicable to the site, given the location at the rear of Mount Pleasant Avenue and facing onto Rugby Villas, there is no question as to the acceptability of development for residential use in principle.
- 7.2.2. However, the contentions in third party submissions that national and local policies for consolidation of residential development in established serviced areas utilising vacant and underutilised sites are inapplicable to the subject site location are not accepted.
- 7.2.3. The area in which the site is located a historic, mature inner suburban area which has not been overdeveloped. Prevailing densities are relatively modest, being long established with minor increases by way of interspersed additions on subdivided and infill sites and apartment blocks at Mount Pleasant buildings, a mid twentieth century municipal complex, is a stand-alone development capable of dictating its own density. The site has previously been subdivided from the rear private open space of No 24 Mount Pleasant Avenue Upper to facilitate the existing garage/store development. Thus, a proposal for a residential unit in replacement of the existing garage structure as an infill on the existing site can be considered, subject to it being satisfactorily demonstrated that sufficient qualitative standards are achieved.

7.3. Impact on residential and visual amenities.

- 7.3.1. With regard to visual amenity, and compatibility with the surrounding built environment, the footprint respects the site configuration which is offset at an angle in its relationship with Rugby Villas at the end of the cul de sac. In this respect and by virtue of the retention of the existing boundary and pedestrian gate (at the frontage to the rear of No 23 Mountpleasant Avenue Upper) and with part of the dwelling being concealed behind the gable end of No 16 Rugby Villas, the development represents a relatively low profile dwelling in fenestration and façade detail, roof profile and ridge height, (at 6720 mm) terminating the vista along Rugby Villas although the eaves slightly exceeds that of the existing terraced houses.
- 7.3.2. Notwithstanding the angle of the front building line and the orientation relative to the property at Nos 17/18 Rugby Villas, the proposed fenestration in the front elevation does not give rise to direct overlooking of the internal accommodation in that the direct views are along the street with peripheral vision only being attainable towards

the fenestration in the adjoining properties. With regard to the existing property at No 24 Mount Pleasant Avenue Upper and adjoining properties, it is of note, owing to the relatively shallow depth of the proposed house, that no fenestration is proposed for the upper floor rear elevation. The two proposed bedrooms benefit from generous fenestration provision which faces south with the staircase and landing being located at the western end facing towards the gable end of No 16 Rugby Villas.

- 7.3.3. Given the position, north of the properties on Rugby Villas in particular, it is not apparent that any potential for overshadowing of third party properties would occur although the rear private open space for the proposed dwelling would be subject to some overshadowing from the proposed dwelling. However, the configuration, size and relationship with the proposed dwelling is considered to be of a satisfactory standard. Inclusion of a condition providing for omission of exempt development entitlements is recommended, should permission be granted, to allow for a planning review if further development is to be considered.

7.4. Impact on Property Value.

- 7.4.1. The claim that the value of No 17/18 Rugby Villas would be depreciated because it would cease to be a corner site is not accepted in that it is considered that the proposed infill dwelling, particularly with regard to the existing site configuration would not result in the relationship or in alteration to the configuration of the site at No 17 /18. The front façade of the proposed dwelling is perpendicular to the front façade of No 16 Rugby Villas and faces the gable wall. There, is no direct front to front or back to back relationship between the two properties to which consideration and assessment of the applicability of minimum prescribed minimum separation distances would be applicable. It is not agreed that the proposed development adversely affects the value of property at No 16 Rugby Villas or other adjoining dwellings in this regard.

7.5. Impact on demand for on street parking and traffic safety and convenience.

- 7.5.1. At present there is continuous parallel pay and display public parking located along the western side of the street and the lower end of the east side of the street as well is in the surrounding local road network serving existing development. A continuous double yellow markings are located along the frontage of Nos 17 and 18. It appears

that the pedestrian gate may be used as an access for refuse collections and that the garage door is to be unobstructed to facilitate vehicular access and as such end on parking at the site frontage at present and rear access to No 24 Mount Pleasant Avenue is not available. Given the inner suburban location, and availability of various transport modes and services and facilities, it would be unreasonable a proposal for an infill dwelling in the area to be rejected solely on the basis of potential for an increase, (which would be minor) in demand for on street parking and generation of additional vehicular traffic and turning movements. Provision for a footpath at the frontage will result in improvements to the pedestrian environment and orderliness.

7.5.2. With regard to the concerns as to disturbance, obstruction and inconveniences during a construction stage, it is acknowledged that the road width is restricted, and that construction related parking does affect the status quo but it is inevitable and necessary. However, this would be experienced during a limited period only and this is reasonable subject to good construction practice. Similarly, rejection of the proposed development on these grounds would not be justifiable.

7.6. **Environmental Impact Assessment Screening.**

Having regard to the nature of the proposed development and its location in a serviced 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.

7.7. **Appropriate Assessment**

Having regard to the planning history for the site, the zoning objective, the location of the site which is on serviced land, to the existing development on the site and in the vicinity and, to the nature and scale of the proposed development, 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

In view of the forgoing it is recommended that the planning authority decision to grant permission be upheld and that the appeals be rejected.

9.0 Reasons and Considerations

Having regard to the zoning objective zoning objective: Z2:” *to protect and or improve the amenities of residential conservation areas*” for the site and to the zoning objective: Z1: *“To protect, provide and improve residential amenities”* for Rugby Villas onto which the site has frontage and access, as set out in the Dublin City Development Plan 2016 to 2022, to the architectural character and established pattern and layout of development in the vicinity, to the site configuration and layout, to the orientation of the proposed dwelling, its design, form height, materials and finishes, it is considered that subject to compliance with the conditions set out below, the proposed development, would not seriously injure the visual amenities of the established character of the streetscape on Rugby Villas, the residential amenities of the adjoining properties and the future occupants of the dwelling, would not devalue property in the vicinity, would be acceptable in terms of traffic safety and convenience and, would 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. 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.

3. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: To allow for further planning review in the interests of the protection of the residential amenities of the area.

5. Arrangements for demolition and clearance of the site and for construction of the development shall be managed in accordance with a Demolition, Waste and Construction Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

Reason: In the interests of clarity and the residential amenities of the area.

6. Hours of construction work shall be confined to 0700 to 1900 Mondays to Fridays inclusive, excluding bank holidays and 0800 to 1400 hours on Saturdays. Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the planning authority.

Reason: In the interest of residential amenities of surrounding properties and clarity.

7. Landscaping, planting and boundary treatment, and external communal amenity space provision shall be fully implemented within the first planting season following completion of construction.

Reason: In the interests of the visual amenities of the area and orderly and sustainable development.

8. Details of materials, colours and textures of all external finishes which shall include the provision of samples for the proposed new roof shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

9. 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.

Jane Dennehy,

Senior Planning Inspector
7th January, 2020.