



An
Bord
Pleanála

Inspector's Report ABP305530-19

Development	Construction of a 3-storey terrace comprising of 3 mews dwellings and associated works.
Location	43 Avenue Road (rear of 43 Bloomfield Avenue) off the South Circular Road, Dublin 8.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3468/19.
Applicant	Mary F. Murphy.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party -v- Refusal.
Appellant	Mary F. Murphy.
Observer	Ian Devlin.
Date of Site Inspection	3rd December, 2019.
Inspector	Paul Caprani.

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1.0 Introduction

ABP305530-19 relates to a first party appeal against the decision of Dublin City Council to refuse planning permission for the construction of a 3-storey terrace comprising of 3 mews dwellings fronting onto Avenue Road to the rear of Bloomfield Avenue off the South Circular Road in Dublin 8. Dublin City Council issued notification to refuse planning permission for two reasons. The first reason stated that the proposed development would constitute overdevelopment and would create an undesirable precedent for similar type developments in the area and would be visually obtrusive when viewed from the main house and the adjoining properties. For the above reasons it is stated that the proposed development would be contrary to the Z2 zoning objectives for the site. The second reason raised concerns in relation to the lack of adequate off-street car parking. An observation has also been submitted which supports the decision made by the Planning Authority.

2.0 Site Location and Description

2.1. The appeal site is located on Avenue Road, off Bloomfield Avenue in the South Dublin Portobello area between the South Circular Road and the Grand Canal. As the crow flies, the subject site is approximately 2 kilometres south-west of Dublin City Centre. Bloomfield Avenue is an attractive inner suburban residential area comprising on the whole, of two-storey late 19th century red bricked dwellings. Avenue Road runs to the rear of Bloomfield Avenue and comprises essentially of a back laneway linking the northern portion of Bloomfield Avenue with St. Kevin's Road to the south. The roadway serving Avenue Road is narrow between 5 and 6 metres in width along its alignment. The laneway for the most part accommodates single-storey sheds and lock-up garages associated with dwellings facing onto the South Circular Road to the north, Victoria Street to the east and Bloomfield Avenue to the west. Some of the units fronting onto Avenue Road accommodate small commercial enterprises including vehicle repair shops, furniture restoration and small scale trading companies/offices. The majority of buildings fronting onto Avenue Road comprise of single-storey garage type structures. There are however a number of

two-storey structures; some of which accommodate mews type laneway residential units. Parking along the laneway is at a premium and is permitted only on one side of the road. A narrow footpath runs along the northern and eastern side of the road.

- 2.2. The subject site is located at the northern end of Avenue Road, on a corner site, to the rear of No. 43 Bloomfield Avenue. No. 43 Bloomfield Avenue faces westwards and is the dwellinghouse located contiguous to the southern side of the entrance onto Avenue Road from Bloomfield Avenue.
- 2.3. The subject site forms the rear garden of No. 43 which currently accommodates mature landscaping. There are no existing buildings on the subject site. The subject site had a total site area of 220 square metres and is roughly 30 metres in length and 7 metres in width. It is surrounded by a granite wall, parts of which have more recently been repaired with concrete block insertions.

3.0 Proposed Development

- 3.1. Planning permission is sought for the construction of 3 no. 3-storey terraced dwellings on the subject site. Each of the dwellings is to face northwards directly onto Avenue Road. The two most westerly dwellings (i.e. closest to the rear of No. 43 Bloomfield Avenue) incorporate an almost identical layout with living accommodation at ground floor level enclosing a small courtyard to the rear with bedroom, bathroom and study area at first floor level together with an additional en-suite bedroom and roof terrace at second floor level. The most easterly/corner unit incorporates bedroom accommodation together with a bathroom and study at ground floor level adjacent to a small front garden which runs along the eastern boundary of the site. The main living accommodation is located at first floor level with an external deck area and roof terrace. At second floor level an en-suite bedroom and relatively large roof terrace which looks eastwards over Avenue Road.
- 3.2. The external finishes are indicated on Drawing No. 18-001-06 and comprise primarily at ground floor level of a white render finish with grey aluminium rollup shutters adjacent to the main entrances. The first-floor level comprises of a white render finish with the external courtyard area serving the most easterly unit incorporating powder coated metal fins. The proposed en-suite bedrooms at second floor level

incorporate zinc cladding. The overall maximum height of the building amount to just over 9 metres.

4.0 Planning Authority's Decision

Dublin City Council issued notification to refuse planning permission for two reasons which are set out in full below.

1. *It is considered that the site of the proposed development by reason of its configuration and its relationship with adjoining properties is unsuitable and restricted for the residential development in the form proposed. The proposed development would create a visually obtrusive and dominant form when viewed from the main house and the adjacent property by reason of its scale and mass. The proposal would constitute overdevelopment and would create an undesirable precedent for similar type developments. In this regard the proposed development would be contrary to the Z2 zoning objective for the site, would seriously injure the amenities of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development would not provide off-street car parking and the subject laneway is not suitable to accommodate the resultant traffic conditions of plot subdivision safely. The proposed development would, therefore, be contrary to Section 16.10.16(g) of the Dublin City Development Plan 2016-2022.*

4.1. Documentation Submission with the Application

4.1.1. The application was accompanied by the following documentation:

- Details of the site notice erected on site.
- Details of the newspaper notice.
- A completed planning application form.
- Planning application fee.
- A social housing exemption certificate.

- A covering letter submitted with the application. The covering letter notes that the proposed development has been carefully considered with an emphasis on using sustainable modes of transport and in this regard no off-street car parking spaces have been provided. The rationale for the omission of the off-street car parking spaces is set out in Appendix A of the covering letter.
- Also submitted as part of the covering letter are details of the proposed foul water drainage, surface water drainage and proposals to connect to the public mains.

4.2. **Planning Authority's Assessment**

- 4.2.1. A submission from Transport Infrastructure Ireland notes the proposed development and states that if the proposed application is successful and is not exempt, a supplementary development contribution under the provisions of Section 49 of the Act for the Luas Light Rail System – Luas Cross City Line should be levied in this instance.
- 4.2.2. A report from the Drainage Division states that there is no objection to the proposed development subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage.
- 4.2.3. A number of observations were submitted objecting to the proposed development on the basis that the proposal constitutes overdevelopment of the site; and is lacking in terms of private open space and car parking and will result in piecemeal development which will impact on the amenities of the area.
- 4.2.4. A report from the Transportation Planning Division notes that the proposed bike stores and adjoining bin stores are of insufficient depth to cater for the intended use. The report notes that the subject site is located in Parking Area 1 which identifies a maximum car parking standard of one space per dwelling. It is considered that the provision of three family sized dwellings without the benefit of off-street car storage would result in car parking overspill on Avenue Road and would exacerbate the current car parking situation on the lane. It is noted that the depth of the plots approximately 7.2 metres to 8.3 metres could potentially accommodate three integrated garages but due to the plot size restrictions all access and egress manoeuvring would have to be facilitated within the laneway which could potentially

conflict with the footpath and existing vehicle entrances on the opposite sides. On the basis of the lack of car parking it is recommended that planning permission be refused for the proposed development.

- 4.2.5. The planning report notes that the proposal for a mews/infill type development would be acceptable in principle subject to compliance with relevant provisions of the City Development Plan. It notes that the proposed units would comply with internal standards for the quality housing for sustainable communities and while the indicative site coverage for Z2 lands is exceeded, the indicative plot ratio proposed at 1.62 is deemed to be acceptable.
- 4.2.6. It is also considered that the development should be setback from the road and a footpath and/or landscaping strip be provided in accordance with the requirements of the development plan. It is noted that No. 43 Bloomfield Road is a protected structure and the proposal would remove approximately 27 metres of the original boundary wall. This would affect the character of the protected structure in a Residential Conservation Area. The proposed development would be setback 4.4 metres from the rear extension of No. 43 Bloomfield Avenue. Due to the orientation of the site it is considered that no significant overshadowing would take place. It is also noted that no windows would directly overlook the property. However, a terrace would be provided at third floor level and this would have a negative impact on adjoining properties with regard to noise nuisance and loss of privacy. It is noted that concerns were raised in third party submissions that any future development of No. 42 would be compromised due to the layout of the proposed development. Privacy screening would be provided at first floor level and this would address any concerns with regard to overlooking.
- 4.2.7. On the basis of the assessment above the planning report recommends that planning permission be refused for the development for the two reasons referred to above.

5.0 Planning History

- 5.1. Reference is made in the planning report to historic applications. Under 1149/02 planning permission was granted for a change of use from a commercial/synagogue use to six apartments.

- 5.2. Under Reg. Ref. 1137/92 planning permission was granted for a mews residence at the rear with access from Avenue Road.
- 5.3. Details of a pre-planning application consultation undertaken on the 31st October, 2017 is contained in a pouch to the rear of the file. This relates to a mews dwelling to the immediate north of the subject site in the rear garden of No. 43 South Circular Road.

6.0 Grounds of Appeal

- 6.1. The decision was the subject of a first party appeal which is summarised below.
 - 6.1.1. The first section of the appeal sets out the site context and argues that Avenue Road has been blighted by the establishment of non-conforming commercial uses including workshops, motor repair garages and design studios etc. It is these uses that have given rise to the chronic traffic congestion on the road. In recent years however there has been the introduction of new residential uses which has resulted in an improvement in the road. Reference is made to a grant of planning permission for a terrace of three mews to the immediate south of the subject site. While these mews developments incorporated off-street garages, photographs are submitted which indicate that on-street parking blocks access to the garages in question. It is argued therefore that the provision of off-street car parking has done little to address or improve parking arrangements.
 - 6.1.2. Despite what is stated in the planning report, the grounds of appeal note that No. 43 Bloomfield Avenue is not a protected structure. Furthermore, reference is made in the planner's report to the removal of the granite wall surrounding the site which it is argued will have an effect on the character of the protected structure. It is argued that the dominant feature of the Portobello area is the red brick facades and granite walls do not form part of the intrinsic character of the area. Furthermore, the wall in question is heavily ivy-infested and unstable. It would be impossible to execute the proposal without removing large sections of the wall. However, should the Board consider it appropriate, the applicant is happy to incorporate granite walls where appropriate.
 - 6.1.3. With regard to the proposed mass and scale of the proposal which was raised as a concern in the planning report, it is stated that the proposed development takes

reference from the extant mews development at Nos. 38, 39 and 40 Avenue Road to the immediate south. It is argued that the terrace of three mews create a clear precedent for this type of development. It is suggested that the provision of a single house or even two dwellings on the subject site is contrary to current thinking with regard to creating more compact development on brownfield sites within the city centre.

- 6.1.4. It is not accepted that the open roof terraces will give rise to noise nuisance. With regard to loss of privacy, the provision of a terrace or balcony above eye level would successfully address this issue.
- 6.1.5. With regard to the lack of car parking and chronic traffic congestion on the road, it is submitted that the removal of cars from Avenue Road would be the single most effective solution in addressing existing traffic congestion. Furthermore, there are numerous statements in the City Development Plan which highlight the need for a modal shift from private modes of transport to alternative modes of transport in favouring of walking, cycling or public transport. Reference is made to a precedent decision by Dublin City Council on Eastmoreland Lane for three residential units which do not provide any off-street car spaces. It is also suggested that the residents at the adjacent mews development on Avenue Road do not use their internal garage spaces to park their vehicles. Depriving residents of valuable habitable space for internal and possibly unused car parking would be inappropriate and misguided. It is noted that a non-conforming car dealership is currently allowed operate on Bloomfield Avenue. It is suggested that this car dealership at the heart of a Victorian residential street should relocate.
- 6.1.6. It is also suggested that the demand for housing in the city centre in the modern-day digital age does not necessarily imply that future residents will be car owners. The proposed development's proximity to Dublin City Centre reduces the need for cars and car parking. It is also stated that there are excellent bus services on the South Circular Road and that the Luas light rail system is a short distance away. Working from home is also becoming a modern-day feature which obviates the need for a car for commuting purposes.
- 6.1.7. With regard to overdevelopment of the subject site, reference again is made to the precedent decision to the immediate south at Nos. 38 to 40 Avenue Road.

- 6.1.8. The final section of the grounds of appeal address some of the issues made in the third-party observations submitted to the Planning Authority. It is suggested that many of these observations are based on personal opinion. It is also suggested that many of the opinions submitted in the observations are not based on factual information. The submission goes on to address various concerns raised in observations to the Planning Authority with regard to impact on residential amenity and traffic.
- 6.1.9. In conclusion, it is stated that the design proposal represents an innovative architectural response to the corner site and will provide a high standard of development on the laneway which to date has been blighted with industrial sheds and workshops and choked with commercial traffic. The current proposal aims to have car parking wholly eliminated from Avenue Road which it is argued is the only practical solution.
- 6.1.10. A number of appendices are attached which include photographs of the existing congestion and car parking outside the existing mews development. Also contained in Appendix G is the architectural response to Dublin City Council's decision.

7.0 **Appeal Responses**

It appears that Dublin City Council have not submitted a response to the grounds of appeal.

8.0 **Observations**

- 8.1. One observation was submitted.
- 8.2. It supports the decision of the Planning Authority and contains the following arguments.
- The relevant massing and scale of the development in the mews development to the south of the subject site does not create a precedent and these sites are very distinct from one another in terms of the relationship with adjoining properties.
 - While the planner assesses the relationship between the principle living areas proposed and the existing living areas on the house on Bloomfield Ave, no

such assessment is made with regard to the rear of the dwellinghouses to the immediate east facing onto Victoria Street. It is argued that the front elevation onto Avenue Road is approximately 22 metres from the principle living spaces of houses on the Western side of Victoria Street and is only 15 metres from the building line of the principle living spaces of dwellings adjacent to the northern boundary.

- It is stated that any development at the rear of No. 43 Bloomfield Avenue needs to respect the pattern of development of the area and avoid visual dominance and overbearance. It is stated that another important precedent from the established pattern of development on Avenue Road is the development of single family units.

9.0 Development Plan Provision

- 9.1. The site is governed by the policies and provisions contained in the Dublin City Council Development Plan 2016-2022.
- 9.2. The subject site is located in an area zoned by the Z2 zoning objective which seeks to protect and/or improve the amenities of residential conservation areas.
- 9.3. Policy CHC4 seeks to protect the special interest and character of all Dublin's conservation areas. Development within or affecting all Conservation Areas will contribute positively to the character and distinctiveness of the area and take opportunities to protect and enhance the character and appearance of the area and its setting wherever possible.
- 9.4. Section 16.10.9 of the development plan relates to corner/side garden sites. It states that the development of a dwelling or dwellings in a side garden of an existing house is a means of making the most efficient use of serviced residential lands. Such developments, when undertaken on suitable sites to a high standard of design can constitute valuable additions to the residential building stock of an area and will generally be allowed for by the Planning Authority on suitable large sites.
- 9.5. The Planning Authority will have regard to the following criteria when assessing proposals for development of corner/side garden sites.
 - The character of the street.

- The compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings.
- Impact on the residential amenities of adjoining sites.
- Open space standards and refuse standards for both existing and proposed dwellings.
- The provision of appropriate car parking facilities and a safe means of access and egress from the site.
- The provision of landscaping and boundary treatments which are in keeping with other properties in the area.
- The maintenance of the front and side building lines where appropriate.

9.6. Section 16.10.16 relates to mews dwellings. The following is stated:

- (a) Dublin City Council will actively encourage schemes which provide a unified approach to the development of the mews lanes and where consensus between all property owners has been agreed. This unified approach framework is the preferred alternative to individual development proposals.
- (b) Development will generally be confined to two-storey buildings. In certain circumstances three-storey mews developments incorporating apartments will be acceptable where the proposed mews building is subordinate in height and scale to the main building, where there is sufficient depth between the main building and the proposed mews building to ensure privacy, where an acceptable level of open space is provided and where the laneway is suitable for resulting traffic conditions and where the apartment units are of sufficient size to provide a high quality residential environment. This is in line with national policy to promote increased residential densities in proximity to the city centre.
- (c) Mews buildings may be permitted in the form of terraces, but flat blocks are not generally considered suitable in mews laneways locations.
- (d) New buildings should complement the character of both the mews lane and the main building with regard to scale, massing, height, building depth, roof

treatment and materials. The design of such proposals should represent an innovative architectural response to the site and should be informed by established building lines and plot width.

- (e) The amalgamation or subdivision of plots on mews lanes will generally not be encouraged. The provision of rear access to the main frontage premises shall be sought where possible.
- (f) All parking provision in mews lanes will be in off-street garages, forecourts and courtyards. One-off street car parking spaces should be provided for each mews building subject to conservation and access criteria.
- (g) Potential mews laneways must have a minimum carriageway of 4.8 metres in width (5.5 metres where no verges or footpaths are provided). All mews lanes will be considered to shared surfaces and footpaths need not necessarily be provided.
- (h) Private open space shall be provided to the rear of mews buildings and shall be landscaped so as to provide for a quality residential environment. The depth of this open space for the full width of the site will not generally be less than 7.5 metres unless it is demonstrably impractical to achieve and shall not be obstructed by off-street parking.
- (i) The distance between the opposing windows of mews dwellings and the main dwellinghouses shall be generally a minimum of 22 metres.

9.7. In terms of car parking the subject site is located in Car Parking Area 1. The car parking standards set out in Table 16.1 shall generally be regarded as the maximum parking provision and parking provision in excess of these standards will only be permitted in exceptional circumstances. In Car Parking Area 1, one no. space shall be provided per residential unit. The development plan also states that a relaxation of maximum car parking standards will be considered for any site within Parking Zone 1 provided it is located in close proximity to quality public transport and subject to requirements below. This relaxation of standards will apply to residential development where the applicant sets out a clear concise case satisfactorily demonstrating a lack of parking need for the development based on factors including:

- The locational suitability and advantages.
- Ease of access to alternative sustainable transport modes.
- The availability of car sharing/car clubs and charging points for electronic vehicles.
- It will also be necessary to adequately demonstrate that the lack of car parking on site should not reasonably give rise to negative impacts on the amenities of surrounding properties or in the immediate street once the development is occupied.

10.0 EIAR Screening Determination

Having regard to the nature of the development comprising of three residential units in an urban area it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore be excluded by way of preliminary examination.

11.0 Planning Assessment

I have read the entire contents of the file and visited the site in question. I consider the following issues to be of importance in dealing with the application and appeal before the Board.

- Principle of Development
- Overdevelopment of the Subject Site
- Impact on the Visual Amenity and Character of the Area
- Impact on Adjoining Amenities
- Traffic and Parking Issues

11.1. Principle of Development

11.1.1. The subject site is located in an area governed by the zoning objective Z2 which seeks to protect and/or improve the amenities of residential conservation areas.

Residential use is a permissible use in principle under this zoning objective. Furthermore, the principle of infill development on corner/side gardens is acceptable in principle on the basis that it makes the most efficient use of serviced residential lands particularly in areas where good quality public transport exists. The development plan however points out that such development will only be permitted subject to appropriate and qualitative safeguards in relation to amenity.

11.1.2. The development is assessed in the context of these qualitative safeguards under the separate headings below.

11.2. **Overdevelopment of the Subject Site**

11.2.1. The first reason for refusal states that the proposal would “constitute overdevelopment of the subject site”. The Board will be aware that the recently adopted National Planning Framework places greater emphasis on providing new development, particularly residential development within the existing footprint of built-up areas. There is a greater and renewed emphasis on ‘compact development’ within the National Planning Framework. In terms of securing compact and sustainable growth, the NPF notes that a preferred approach would be compact development “that focusses on reusing previously developed “brownfield” land, building up infill sites which may not have been built on before or reusing and redeveloping existing sites and buildings”. National Policy Objective 3A seeks to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements and Objective 3B seeks to deliver at least half of all new homes in the five largest cities and suburbs of the State.

11.2.2. National Policy 11 states that in meeting urban development requirements, there will be presumption in favour of development that can encourage more people and generate more jobs and activities within existing cities, towns and villages subject to development meeting appropriate planning standards and achieving targeted growth.

11.2.3. Furthermore, the recently adopted Sustainable Urban Housing (Design Standards for New Apartments) (March 2018) also signals a shift in government policy towards securing more compact and sustainable urban development to enable people to live nearer to where jobs and services are located and this requires that as an “absolute minimum 275,000 new homes in Ireland’s cities are required to be located within built up areas”. This will necessitate a significant and sustained increase in housing

output and apartment type development in particular. Central and accessible urban locations are deemed to be generally suitable for high density development. It is noted in these locations that no upper limit is set for the density of development.

11.2.4. With the above policy statements in mind, and the increasing emphasis of higher density development particularly in central urban locations close to employment and public transport, it is clear in my opinion that the Board can adopt a more flexible approach in achieving higher density standards on such sites.

11.2.5. It is proposed to construct three apartments on a 220 square metre site which equates to a density of approximately 135 units per hectare. While this is a significantly higher density than that which prevails in the surrounding area, having regard to the overall policies in relation to achieving more compact growth and sustainable densities it is not considered that such a high density should be dismissed in principle.

11.2.6. While the proposed development would exceed the indicative site coverage standards set out in the development plan, it is within the indicative plot ratio standards in the said plan.

11.2.7. On the basis of the policy statements concerning density in the more recently adopted national guideline documents referred to above, I do not consider that planning permission should be refused on the basis that the proposal constitutes an overdevelopment of the subject site.

11.3. Impact on the Visual Amenity and Character of the Area

11.3.1. The predominant character on Bloomfield Avenue is that of an aesthetically pleasing mature inner suburban residential area characterised by two-storey red brick dwellings. It is on this basis that the area attracted the Z2 residential Conservation Area zoning objective. However, it is clear from the photographs attached both to this report and the grounds of appeal, that the area along Avenue Road to the rear of Bloomfield Avenue is significantly different in terms of character notwithstanding the zoning objective. The existing character of Avenue Road comprises of predominantly single-storey lock up garages of little architectural merit comprising a mixture of industrial, storage, commercial and residential development. The proliferation of on-street car parking also informs the general character of this back street. The overall character of the area should be informed by the contiguous and adjacent uses on

Avenue Road as opposed to the predominantly residential area on the adjoining Bloomfield Avenue. It is on this basis that it is my considered opinion that the proposed development would contribute to the character of Avenue Road in a positive manner as opposed to a negative manner. I would refer the Board to Drawing No. 18-001-00 which contains a montage of the proposed development in the context of the adjoining buildings. It is my opinion that the height, scale and mass of the proposed development cannot be considered out of context or inappropriate with the existing streetscape on Avenue Road. The overall size, scale and external finishes of the building would represent an improvement of the visual amenities of the area and would contribute, as opposed to, detract from the visual amenities and general character of the area.

11.3.2. Notwithstanding the arguments set out in the observation submitted, I would consider that there is a precedent for a residential development of a similar size and scale at Nos. 38 to 40 Avenue Road approximately 20 metres to the south of the subject site. It is apparent that new residential infill development is being introduced along Avenue Road and such uses are in accordance with the residential zoning objective and will, if designed properly, contribute in a positive way to the visual amenities and character of the area. In conclusion therefore, I do not consider that the proposed development in any way detracts from or adversely impacts on the visual amenity and character of the area.

11.4. Impact on Adjoining Amenities

11.4.1. Both the Planning Authority's first reason for refusal and the observation submitted suggest that the proposed development would have an unacceptable impact on the amenities of adjoining residences primarily through inadequate separation distances between the proposed development and surrounding houses. The nearest dwellinghouses are located on Bloomfield Avenue, the South Circular Road and Victoria Street to the east. The configuration of the fenestration of the proposed units will ensure that negligible overlooking will occur in the case of the existing houses on Bloomfield Avenue. The main dwellinghouses on the South Circular Road are located a significant distance to the north of the site in the range of 50 to 60 metres. I do acknowledge that mews developments have been located on the northern side of Avenue Road to the rear of some of the dwellinghouses fronting onto the South Circular Road. However, these new units are setback from Avenue Road. The units

on the northern side of Avenue Road are in the region of 15 metres from the building line of the proposed development. Similarly the rear elevations of Nos. 7 to 10 Victoria Street to the east are in the region of 12 to 20 metres from the eastern elevation of the proposed block. The incorporation of metal fins along the external decking area of the most easterly proposed unit will mitigate against direct overlooking into the rear elevations of the dwellings to the east at first floor level.

11.4.2. The fenestration arrangements at second floor level ensure that the windows serving these bedrooms face southwards and do not directly overlook adjoining development. The roof terraced area at second floor level have the potential to give rise to some overlooking particularly in relation to the rear gardens of the dwellings facing onto Victoria Street. If the Board have any concerns in this regard it could consider incorporating 1.5 or 2 metre high opaque glazing along the eastern perimeter of the block serving the largest roof terrace which directly overlooks the rear gardens in question.

11.4.3. In terms of noise emanating from the roof terraced areas, I do not consider this to be a significant or material issue having regard to the existing uses along Avenue Road which include industrial and commercial activities which will inevitably give rise to some noise. Furthermore, the subject site is located within the city centre where ambient noise levels are likely to be high. Noise levels associated with any roof terrace or courtyard area would be similar to that associated with any private amenity area/garden of dwellings in the vicinity.

11.4.4. With regard to the layout and design of the development, I note the report of the local authority planner office which states that the proposed units fully comply with the minimum requirement in terms of room sizes and dimensions set out in Section 16.10.2 of the Development Plan and the standards set out in "Quality Housing for Sustainable Communities (2007)". I further note that requisite levels of private open space are provided for each of the units in the form of a courtyard area at ground floor level, generous balcony areas and an external decking for the most easterly unit at first floor level and large generous areas of roof terracing at second floor level. Furthermore, all the private open space areas are south facing which is most beneficial from an amenity point of view. Finally, I do not consider that the proposed development will in any way exacerbate or accentuate overshadowing in the area to

any appreciable extent having regard to the existing built up nature of surrounding lands.

11.5. Traffic and Parking Issues

- 11.5.1. The second reason for refusal specifically related to the absence of off-street car parking as a reason for refusal. It appears that this reason for refusal was specifically predicated upon the report prepared on behalf of Dublin City Council by the Transportation Planning Division. This in my view is the most significant issue pertaining to the application and appeal before the Board. The Development Plan is clear in stating that in Parking Area 1 a maximum of 1 car parking space should be provided for each of the dwelling units. In the case of the mews development to the south of the subject site granted by Dublin City Council under Reg. Ref. 4794/07 each of the mews dwellings to the rear of No. 38, 39 and 40 Bloomfield Avenue incorporated integrated garages. The applicant in the grounds of appeal highlights that these garages are not currently used and photographs are submitted indicating that on-street parking prohibits access to the garages in question. There are photographs attached to this report which also clearly indicate that on-street parking is taking place to the front of these residential units. Furthermore, the grounds of appeal argue that Avenue Road currently suffers from serious traffic congestion and on-street parking and the provision of more car parking spaces would only exacerbate this issue.
- 11.5.2. As already referred to earlier in my report, there is a need to develop brownfield inner city sites with good access to public transport at sustainable densities. The National Planning Framework highlights the need for a more dynamic “performance based approach appropriate to urban location type which will enable the level of public transport service to improve as more development occurs and vice versa”. More importantly it goes on to state that there should also generally be no car parking required for new development in or near the centres of the five cities and a significantly reduced requirement in the inner suburbs of all five.
- 11.5.3. Likewise, in the case of the Design Standards for New Apartments paragraph 4.19 which relates to central and are accessible urban locations such as the subject site that in more central locations that are well served by public transport the default policy is for “car parking provision to be minimised, substantially reduce or wholly

eliminated in certain circumstances. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such as rail and bus stations located in close proximity”.

- 11.5.4. The subject site is located within the canals and is well served by public transport with various bus routes along the South Circular Road being located less than 150 metres away and the Luas Green Line located less than a kilometre away. Clanbrassil Street which is also an important radial route and a heavily trafficked bus route to and from the city centre is located less than 350 metres from the subject site.
- 11.5.5. With these factors in mind and having regard to recent national policy statements in respect of car parking in accessible urban locations the Board should in my view give serious consideration in granting planning permission for the proposed development in the absence of providing any off-street car parking to serve the development.

12.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, 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.

13.0 Conclusions and Recommendation

Arising from my assessment above I consider the proposed development is acceptable in principle and complies with the zoning objectives relating to the site. Having regard to recent national guidelines which seek to increase densities on infill brownfield sites within city centres and in close proximity to good public transport infrastructure I consider the development of three residential units on the subject site to be acceptable in principle. Furthermore, having assessed the proposed development I am generally satisfied having regard to the site's location that off-street car parking is not necessitated in this instance and that the proposed development would not give rise to any significant or material impacts in terms of

surrounding residential amenity. For the above reasons I would recommend that the Board overturn the decision of the Planning Authority and grant planning permission for the proposed development in accordance with the plans and particulars lodged and based on the reasons and considerations set out below.

14.0 **Decision**

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

15.0 **Reasons and Considerations**

Having regard to the Z2 residential zoning objective associated with the site together with the nature and extent of the development proposed and the pattern of development in the area it is considered that subject to compliance with conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

16.0 **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 the 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. Full details of the materials, colours and textures of all external finishes to the proposed dwellings 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.

3. Details of all external boundaries shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Details of all storage areas including bike storage and bin storage shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of residential amenity.

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

5. The applicant or developer shall enter into a water and/or wastewater connection agreement with Irish Water prior to the commencement of this development.

Reason: In the interest of orderly development.

6. Proposals for a street name/numbering scheme and associated signage

shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames within the residential area.

7. Construction work shall only take place between the hours of 0800 to 1900 hours Monday to Friday and 0800 hours to 1400 hours on Saturday and not at all on Sunday or bank holidays. Work outside the above time shall only take place with the written agreement of the planning authority.

Reason: To safeguard the residential amenities of the surrounding area.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. [The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.].

Reason: In the interest of sustainable waste management.

9. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] shall be submitted to, and

agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

- (b) This plan shall provide for screened bin stores, which shall accommodate not less than three standard-sized wheeled bins within the curtilage of each house plot.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

- 10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

- 11. 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.

12. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Line in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority

and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

Paul Caprani,
Senior Planning Inspector.
9th December, 2019.