



An
Bord
Pleanála

Inspector's Report ABP 305827-19.

Development

Permission for development (A PROTECTED STRUCTURE) for: 1.) Construction of a 3 storey mews building to the rear of no.38, containing a 1-bed apartment at each of first and second floor levels with courtyard facing balconies, two car parking spaces, bin, bicycle and general stores at lower ground level, all accessed from Idrone Lane; 2.) a shared external courtyard between two structures, 3.) Alterations to the existing retail unit at ground and basement level to accommodate the construction of the new structure and change of use from retail to restaurant/café; 4.) Minor alterations to the ground floor entrance hall of no. 38 to provide separation for the first-floor residential unit, granted under reg. ref. D16A-0794, from the restaurant/café use, and all associated site works.

Location	38 Main Street & Idrone Lane, Blackrock, Co. Dublin.
Planning Authority	Dún Laoghaire-Rathdown Co. Council.
Planning Authority Reg. Ref.	D19A/0520
Applicants	Bryan & Martina Greene
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant	Tim Lloyd
Observers	None
Date of Site Inspection	19 th of February 2020
Inspector	Siobhan Carroll

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Blackrock Local Area Plan 2015-2021	7
5.3. Natural Heritage Designations	7
5.4. EIA Screening	7
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Applicant Response	8
6.3. Planning Authority Response	10
7.0 Assessment.....	10
8.0 Recommendation.....	13
9.0 Reasons and Considerations.....	14
10.0 Conditions	14

1.0 Site Location and Description

- 1.1. The subject site is located at no. 38 Main Street, Blackrock, Co. Dublin. The Main Street is generally characterised by mixed use retail and commercial development. The height of surrounding buildings is primarily two-storey.
- 1.2. The site has an area of 0.023ha. The site comprises a two-storey over basement building which is a Protected Structure. The building contains a commercial unit occupied by an Auctioneering firm which specialises in the sale of period furniture, paintings, silver, jewellery and decorative arts. The salesroom occupies the ground floor of the premises. There is office and storage use at first floor and also in the basement of the building.
- 1.3. The rear of the site bounds Idrone Lane which is a narrow laneway with a width of approximately 5 metres. It extends for circa 220 metres between Idrone Terrace and Bath Terrace. The lane provides access to commercial, office, educational and residential buildings located to the rear of the Main Street and also the rear of residential properties along Idrone Terrace.

2.0 Proposed Development

- 2.1. Permission is sought for the following;
 1. Construction of a 3 storey mews building to the rear of no.38, containing a 1-bed apartment at each of first and second floor levels with courtyard facing balconies, two car parking spaces, bin, bicycle and general stores at lower ground level, all accessed from Idrone Lane;
 2. A shared external courtyard between two structures,
 3. Alterations to the existing retail unit at ground and basement level to accommodate the construction of the new structure and change of use from retail to restaurant/café;
 4. Minor alterations to the ground floor entrance hall of no. 38 to provide separation for the first-floor residential unit, granted under reg. ref. D16A-0794, from the restaurant/café use, and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 12 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was sought in relation to the following;

1. In relation to the potential visual impact of the apartment building the applicant was requested to modify the building design to a sloped façade/hipped roof to Idrone Lane.
2. Clarify whether works are proposed to the exterior of the shopfront or whether new or additional signage is required.
3. Clarify the opening hours of the proposed café/restaurant, clarify location of air conditioning units and extraction equipment associated with the café/restaurant. Provide revised plans to address concerns in relation to potential overlooking from the café/restaurant to balcony of first floor apartment. Clarify refuse storage proposals.
4. Submit plans showing the provision of car parking spaces complying with the CDP standards in terms of minimum length and width.
5. Submit a Construction Management Plan.

Following the submission of further information including revised plans and proposals, the elevation treatment to the apartment building on Idrone Lane was modified, elevation treatment to the Main Street will remain unchanged, window design to the rear of café/restaurant was revised to address overlooking. The design of the proposed car parking spaces was revised to be in accordance with CDP requirements. The Planning Authority was satisfied with the revised proposal and details submitted and permission was granted.

3.2.2. Other Technical Reports

Transportation Planning – Report dated 16/11/19 – No objection subject to conditions.

Drainage Planning – Report dated 13/8/19 – No objection subject to conditions.

Conservation Division – Report dated 27/8/19 – Further information sought.

3.3. **Prescribed Bodies**

Irish Water – No objection

3.4. **Third Party Observations**

- 3.4.1. The Planning Authority received 1 no. submission/observation in relation to the application. The main issues raised are similar to those set out in the appeal.

4.0 **Planning History**

There is an extensive planning history pertaining to the site which is detail in the report of the Planning Officer. The most recent relevant decisions are as follows;

PA Reg. Ref. D16A/0794 – Permission was granted for the restoration of the original first floor living accommodation over the shop, consisting of a living/dining room, a separate kitchen, two bedrooms and a bathroom at the Protected Structure.

PA Reg. Ref. D13A/0047 – Permission was granted for minor alterations to internal non-structural walls, (a Protected Structure) to comprise an alternative use in the ground floor as a restaurant and insertion of a restaurant kitchen and stores in the Basement.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The subject site at 38 Main Street & Idrone Lane, Blackrock, Co. Dublin is located on Map 2 of the Dun Laoghaire Rathdown Development Plan 2016-2022 and is identified as being Zoned Objective DC 'to protect, provide for and/or improve mixed-

use district centre facilities'. Restaurant and cafe is permitted in principle under this zoning objective.

5.1.2. Section 8.2.11.2(iii) refers to Development in Proximity to a Protected Structure

5.1.3. Any proposal for development will be assessed in terms of the following:

- The proximity and potential impact in terms of scale, height, massing and alignment on the Protected Structure, to ensure that harmony produced by particular grouping of buildings and the quality of spaces and views between them is not adversely affected.

5.1.4. Section 8.2.3.4(x) refers to Mews Lane Development

5.2. **Blackrock Local Area Plan 2015-2021**

5.2.1. Under Policy BK22, it is the council policy “to support the continued vitality and viability of Blackrock District Centre by facilitating a mix of uses and activities.”

5.2.2. The site is located within Proposed Candidate Architectural Conservation Area.

5.2.3. RPS No: 192 – 38 Main Street, Blackrock, Commercial Premises.

5.2.4. Appendix E – Shopfronts & Signage – The shopfront of the subject premises no. 38 Main Street is cited as an example of a traditional shopfront which comprises of a display window divided with decorative glazing bars known as mullions which are surrounded by a stall-riser below, pilasters on each side and a fascia above. The door is often recessed. Decorative corbels or consoles were used at each end of the fascia.

5.3. **Natural Heritage Designations**

5.3.1. The nearest Natura 2000 site is the South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA located c. 0.1km to the north of the site.

5.4. **EIA Screening**

5.4.1. 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.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was submitted by Tim Lloyd. The issues raised are as follows;

- The appellant is a resident of no. 16 Idrone Terrace, Blackrock.
- It is submitted that Idrone Lane is not suitable for mews development. Previous development on the lane relates to office use. The appellant states that there has been no recent residential development on the Idrone Lane.
- Concern is raised in respect of the design and construction of the proposed metal fin façade.
- The appellant considers that the proposed mews apartments would overlook his garden and dwelling.
- The proposed height of the mew building could cause overshadowing of the appellants property.
- The proposed design of the mews apartment is considered out of character with surrounding development.
- Concern is raised in relation to potential noise and disruption that the proposed development would cause. Reference is made to potential noise from sliding doors to serve the garage parking.
- It is suggested that there should be no connection between Idrone Lane and the restaurant in terms of customer access and servicing the premises.

6.2. Applicant Response

A response to the third party appeal was submitted by Horan Rainsford Architects on behalf of the applicants Bryan & Martina Greene. The issues raised are as follows;

- Contrary to the assertion made by the appellant that Idrone Lane is unsuitable for new development, the first party note that there are many examples of mews structures along Idrone Lane.
- There is residential development to the rear of no. 18 Idrone Terrace and no. 20 Idrone Terrace.
- It is noted that permission was refused once previously for a mews dwelling at no.1 Idrone Terrace under Reg. Ref. D02A/0586 & PL06D.201180. Permission was refused by the Board on the basis of impact upon the Protected Structure and wider conservation considerations.
- The proposed development is in accordance with the current Development Plan standards and requirements in respect of mews development.
- The increased residential use will contribute to passive surveillance on Idrone Lane. The level of noise and traffic which the development would generate would be negligible.
- In relation to the servicing of the café/restaurant the extract from the kitchen will be accommodated within the footprint of the existing building.
- Regarding operating of the café/restaurant, the premises would only be serviced at the rear. There would be no public access or deliveries from Idrone Lane. In relation to the hours of operation of the café/restaurant, the applicants' preference is morning and daytime into the evening time. It is noted that there are a number of restaurants that operate successfully throughout all hours of the day without any disruption or unsocial behaviour.
- The addition of a similar establishment should be widely welcomed by the local community as it would improve and enhance the town centre. The first party respectively request that the Board consider amending the condition attached by the Planning Authority and permit opening hours between 7am and 11pm.
- Regarding potential traffic generated it is stated that the proposed development would add a negligible additional traffic movements. It is noted that dedicated storage space has been designed into the scheme.

6.3. Planning Authority Response

- It is considered that the grounds of appeal do not raise any new issues which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

7.0 Assessment

I consider that the main planning issues in the assessment of the proposed development can be dealt with under the following headings:

- Compliance with policy
- Built Heritage and design
- Impact on residential amenity
- Appropriate Assessment

7.1. Compliance with policy

- 7.1.1. The proposed development comprises the change of use of an existing retail unit to a café/restaurant. The unit is located within the designated retail core under the Blackrock Local Area Plan 2015-2016 and has frontage to the main retail thoroughfare. The site is zoned Objective 'DC' to protect, provide for and/or improve mixed-use district centre facilities. Under this zoning objective a café/restaurant is permitted in principle. The residential element of the proposed scheme comprising a mews development with access from Idrone Lane is also a use which is permitted in principle under this zoning objective.
- 7.1.2. I note that permission was previously granted for a restaurant in the ground of the building under Reg. Ref. D13A/0047. Accordingly, I would consider that the proposed café/restaurant use at ground floor with associated kitchen in the basement would be acceptable.
- 7.1.3. Condition no. 2 of the permission granted by the Planning Authority restricted the hours of operation of the café/restaurant to between 12pm and 11pm, Monday to Sunday. The first party in the response to the appeal have stated that their preference is that the permitted opening hours be from 7am and 11pm. They note

in their submission that there are a number of restaurants that operate successfully throughout all hours of the day without any disruption or unsocial behaviour.

- 7.1.4. Under PA Reg. Ref. D16A/0794 permission was granted for the restoration of the original first floor living accommodation over the shop. The proposed scheme includes minor alterations to the ground floor entrance hall of no. 38 to provide separation for the first- floor residential unit previously granted. Accordingly, I note that it is intended that the first floor of the building will be in residential use. In relation to the proximity to residential units, having regard to the Main Street location of the premises and the limited nature and scale of the proposal, I consider that the operation of the proposed café/restaurant between the hours of 7am and 11pm would be acceptable.

7.2. **Built Heritage and design**

- 7.2.1. The subject property no. 38 Main Street, Blackrock is a Protected Structure (RPS No. 192). The shopfront of the subject premises is cited in the Blackrock LAP as an example of a traditional shopfront which comprises of a display window divided with decorative glazing bars known as mullions which are surrounded by a stall-riser below, pilasters on each side and a fascia above
- 7.2.2. The proposal involves the construction of a mews apartment with the curtilage of the Protected Structure. Section 8.2.11.2(iii) of the Development Plan refers to Development in Proximity to a Protected Structure. It advises that any proposals should be assessed in terms of the proximity and potential impact in terms of scale, height, massing and alignment on the Protected Structure. The report of the Conservation Officer raised concern in relation to the height and scale of the proposed mews building. The Planning Officer in their assessment noted that the height of a previously granted extension (Reg. Ref. D06A/0899) was higher than the current proposal. In relation to the design of the façade onto Idrone Lane the Planning Authority considered it appropriate to require the modification of the design to reduce the visual impact.
- 7.2.3. In response to this aspect of the further information request, the overall height of the building was reduced from 8320mm to 8120mm. A stepped back profile was proposed to the façade and the height of this elevation was reduced from 7900mm to 7530mm. I would consider that the revised design which includes the setting back

and marginal reduction in height of the proposed building reduces the visual impact to a satisfactory extent.

- 7.2.4. I note that the existing premises was extended to the rear with the floor space covering the entire site footprint at ground floor level. Under the current proposal the new building would be setback over 5m from the rear of the original building at first floor level. I consider provides an adequate separation distance between the buildings.
- 7.2.5. As detailed in the further information response the existing elevation to Main Street including the signage will remain unchanged. Any future signage to serve the premises will be subject to a separate planning application. I consider this is important in order to protect the traditional shopfront which a primary feature of the Protected Structure.
- 7.2.6. I note that the Planning Authority conditioned that the air conditioning units and extraction equipment be subject to a separate planning application in order to ensure there is no undue impact upon the Protected Structure. Should the Board decide to grant permission, I would recommend the attachment of a similarly worded condition.
- 7.2.7. Accordingly, having regard to matters discussed above, I am satisfied that the proposed scheme would not unduly impact upon the character or setting of the Protected Structure.

7.3. Impact on residential amenity

- 7.3.1. The appellant raised concern in relation to the impact of the mews development upon the existing residential amenity of his property in terms of overlooking, overshadowing and potential noise and disruption.
- 7.3.2. Firstly, in relation to the matter of potential overlooking of the appellant's property, I note that there is a separation distance of over 28m between the front of the mews building and the rear of the appellant's dwelling at no. 16 Idrone Terrace. Accordingly, I consider this is a satisfactory separation distance to prevent any undue overlooking of the appellants property from upper floor windows. Furthermore, I would note the proposed screen fin design proposed to the façade. This would further reduce any potential overlooking of properties to the north at Idrone Terrace.

- 7.3.3. Regarding potential overshadowing, having regard to the separation distance of over 28m provided between the proposed new building and the of the appellants property to the north and also the other neighbouring properties on Idrone Terrace, I am that it would not result in any undue overshadowing of the neighbouring residential properties.
- 7.3.4. In relation to potential noise and disruption, the appellant referred to the garage parking and also customer access and servicing and deliveries to the café/restaurant. I would note that the existing Auctioneers has access to the rear of the premises from Idrone Lane and therefore, the property is already serviced at this location. In response to appellants concerns the first party confirm that café/restaurant, would only be serviced at the rear and that there would be no public access or deliveries from Idrone Lane. Regarding the proposed car parking, having regard to the fact that other buildings on the lane are served by garage parking and given the limited scale of the car parking with 2 no. spaces proposed, I would consider this acceptable.

7.4. Appropriate Assessment

- 7.4.1. The appeal site is not within or adjoining any Natura 2000 site. Having regard to the nature and scale of the proposed development, the location of the site in a serviced suburban area and the separation distance 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.

8.0 Recommendation

- 8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the zoning objective for the area as set out in the current Dún Laoghaire-Rathdown County Development Plan 2016-2022, and the Blackrock Local Area Plan 2015-2021, the location of the site within the defined core retail area under the LAP and to the nature, design and limited scale of the proposed development it is considered that, it would not unduly impact upon the character and setting of no. 38 Main Street, Blackrock which is a Protected Structure (RPS no. 192) and subject to compliance with the conditions set out below, that the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, 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 as amended by the further plans and particulars submitted on the 27th day of September 2019, 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. The café/restaurant and takeaway facility shall only be operated between 0700 hours to 2300 hours Monday to Sunday (inclusive) and shall not be operated at any other time.

Reason: In the interest of residential amenity and orderly development.

3. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

4. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

5. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

6. All air conditioning and extraction units associated with the proposed café/restaurant use shall be the subject of a separate planning application.

Reason: In the interest of residential and visual amenity.

7. The site and building works required to implement the development shall be carried out only between the hours of 08.00 to 18.00 Monday to Fridays, between 08.00 to 14.00 on Saturdays and not at all on Sundays and Public

Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

8. 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 noise management measures and off-site disposal of construction and demolition waste.

Reason: In the interests of public safety and residential 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.

Siobhan Carroll
Planning Inspector

2nd of March 2020