



An  
Bord  
Pleanála

## Inspector's Report ABP 307210-20.

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<b>Development</b>	Demolition of existing extension and construction of single storey rear extension (192 square metres) for six additional rooms, conversion of garage (55 square metres) internal alterations, eleven car and five cycle spaces landscaping and site works.
<b>Location</b>	Ardagh House (Guesthouse), No 1 Highfield Road, Dublin 6.
<b>Planning Authority</b>	Dublin City Council.
<b>P.A. Reg. Ref.</b>	2075/20.
<b>Applicant</b>	PDB South River Ltd.
<b>Type of Application</b>	Permission
<b>Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Niall Turley.
<b>Date of Site Inspection</b>	22 <sup>nd</sup> August 2020
<b>Inspector</b>	Jane Dennehy.

## **1.0 Site Location and Description**

- 1.1. Ardagh House is a large two and three storey building with a rear garden and a front curtilage on a site which has a stated area of 1,520 square metres. It was constructed in the late nineteenth century and extended in the 1950s. and s located at the eastern end of Highfield Road at the junction at Dartry Road, Upper Rathmines Road and Palmerston Park where there is a signalised junction. There are detached houses to either side and apartment blocks on the opposite, northern side of the road. According to the written submission accompanying the application the building was in use as a guesthouse with twenty-two rooms for twenty-five years, prior to the purchase by the current owner and applicant.
- 1.2. The rear garden which was previously subdivided to facilitate a permitted residential development with access of Sunbury Gardens to the rear is roughly rectangular in shape, enclosed by stone walls and is laid out in lawns. (P. A. Reg. Ref. 3064/09 refers.) There is concrete paving at the rear of the house and there are some flower beds, in which there are stumps from some trees previously removed and shrubs.
- 1.3. The front curtilage is enclosed by walling and there is a narrow vehicular entrance at the eastern end of the frontage at the signalised junction. Several car spaces are delineated on a bitumen surface and commercial size refuse storage bins were, at the time inspection, located along the western side boundary.

## **2.0 Proposed Development**

- 2.1. The application lodged with the planning authority indicates proposals for the removal of an existing single storey extension to the rear at the west side comprising a laundry block with a stated area of 45 square metres and for construction of a new rear extension with a stated floor area of 192 square metres. The proposed extension which is to have a depth of twenty-four metres and a height of 3.32 metres provides for six en-suite bedrooms and an internal corridor. While the description in the public notices indicate eleven car spaces it is noted that there are no proposals

to provide additional carparking spaces to those already available within the front curtilage.

- 2.2. In the written submission accompanying the application it is stated that it is intended that the existing and proposed development be used as a guesthouse and it is stated that the building was operated as a guesthouse by the previous owner who vacated the property circa two years ago.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

By order dated 13<sup>th</sup> March 2020 the planning authority decided to grant permission subject to condition of a standard nature.

#### **3.2. Planning Authority Reports**

- 3.3. The report of the Transportation Planning Division notes the shared pedestrian and vehicular entrance adjacent to the signalised junction at Highfield Road, Rathmines Road Upper, Palmerston Park and Dartry Road. It is stated that as no additional parking is included in the proposal, no additional impact on the junction would be anticipated. A grant of permission subject to conditions is recommended.

- 3.4. The report of the Drainage Division indicates no objection subject to standard conditions.

- 3.5. The report of the Planning Officer notes the observations of the Transportation Planning Division, proximity to public transport and indicates acceptance of the proposed development subject to conditions.

#### **3.6. Third Party Observations**

The issues raised in third party observations include concerns about:

- the size and site coverage of the proposed extension,
- possible future use for shared living as opposed to guesthouse use

- additional traffic generation particularly with regard to the location of the entrance at the signalised junction,
- insufficient on-site parking provision,
- extensive removal of trees and vegetation and lack of comprehensive details of proposed arrangements for landscaping. The statement in the application that trees and established vegetation on the eastern portion of the site will be retained is not possible as a large portion would have to be removed to facilitate the development of the extension.

## 4.0 Planning History

4.1. According to the planning authority register the following planning history is relevant to the application site.

**P. A. Reg. Ref. 5130/07:** Permission was granted on 19th October 2007 for demolition of an existing house and construction of an apartment development at 8B Sunbury Gardens and part of the rear gardens of 1 Highfield Road (the application site)

**P A. Reg. Ref. 3064/09:** Permission was granted for demolition of an existing house and construction of an apartment development at 8B Sunbury Gardens and part of the rear gardens of 1 Highfield Road (the application site). The grant of permission was extended until 20<sup>th</sup> October, 2014.

**Under Reg. Ref. 0452/19:** Further to a request for a Declaration under Section 5 of the Planning and Development Act, 2000, as amended, by the current applicant, the planning authority decided that works comprising a garage conversion for storage use, internal alterations at ground, first and second floor levels and closure over of a ground floor window of a window is exempt development within section 4 (1) (h) of the Planning and Development Act, 2000 as amended.

4.2. There are no details of the planning history, if any, available relating to use as a guesthouse or the nature of the use prior to use as guesthouse, stated to have been for a period of circa twenty two years prior to acquisition of the then vacant property by the current owner approximately two years in advance of lodgement of the current

application. Therefore, it has not been confirmed whether this use is or is not an authorised use.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan 2017-2023 according to which the site area, is subject to the zoning objective: Z2: “*To protect and/or improve the amenities of residential conservation areas*”. Guesthouse use is ‘open for consideration’.
- 5.1.2. Policies and objectives for guesthouse and bed and breakfast accommodation are set out in section 16.11. The definition for a guesthouse is “a building or part thereof where sleeping accommodation, meals and other refreshments are available to residents and non-residents and which as a minimum of five rooms and, no more than nineteen rooms.”
- 5.1.3. The location is at the edge of Area 2 and Area 3 for car and cycle parking standards according to Map J. According to Table 16.1 and 16.2, for Area 2 there is a requirement for one space per bedroom and for Area 3, there is a requirement for one space per three rooms. For cycle parking facilities, there is a requirement for one space per fifteen rooms for Area 3.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. An appeal was received from Niall Turley, of No 1A Highfield Road on his own behalf on 21<sup>st</sup> May, 2020. Attached are copies of two documents the contents of which are outlined in brief below:
- 6.1.2. According to one of the two documents:
- Mature trees in the rear garden were to be retained and protected but they have been removed when the decision to grant permission was issued so the four-week appeal period was ignored. Mr Turley when he reviewed the

application assumed that the trees would be retained as it was indicated in the applicant's landscaping strategy for the rear garden that they would be retained. There is no possibility for delivery of the landscaping strategy at this stage, or by which a revised landscaping plan can be brought into the current planning process. Permission should therefore be refused because the application has been materially changed.

6.1.3. According to the other document:

- The density of the guesthouse operation would be significantly increased. The footprint of the extension increases the site coverage leaving disproportionate area left as open space.
- The site entrance is at the junction, is too narrow and sightlines are poor. There will be intensification of use of this entrance leading to congestion and increased demand for parking. A traffic impact assessment report should have been submitted to the planning authority.
- The building is of architectural interest and is within a Residential Conservation Area. It is doubtful that standards for Fire and DAC certificates can be achieved and any such works would have negative impact on the buildings.
- A flood risk assessment should be submitted as there is risk of flooding in the site.
- The existing signage is poor quality and unsuitable for the location. They should be removed instead of retained as proposed. If permission is granted there should be a condition with a requirement for the signage to be removed.

**6.2. Applicant Response**

There is no submission from the applicant on file.

**6.3. Planning Authority Response**

There is no submission from the planning authority on file.

## 7.0 Assessment

7.1. The issues central to the determination of a decision and considered below are:

Trees and Established Vegetation – Removal.

Density and Intensity of Development.

Footprint and site coverage.

Traffic Safety and Convenience.

Signage.

Environmental Impact Assessment Screening

Appropriate Assessment

### 7.2. Trees and Established Vegetation – Removal.

7.2.1. In the written submission accompanying the application an extract from section 16.3.3 of the CDP is included as reproduced below: -

*“The successful retention of suitable trees is a benchmark of sustainable development. Trees of good quality and condition are an asset to a site and significantly increase its attractiveness and value. They add a sense of character, maturity and provide valuable screening, shelter and privacy and will often have a useful life expectancy beyond the life of the new buildings”.*

7.2.2. Beneath this extract the applicant’s agent in the submission states that the proposed rear extension is positioned along the rear boundary and that it ensures that existing mature trees and established planting on the western portion of the garden are protected.

7.2.3. It was also noted in the course of the inspection that there some tree stumps on the eastern side of the site and along the eastern boundary. The stumps were indicative of small to medium sized trees of unknown species. On review of the application plans and drawings, it was noted that existing trees are denoted on some plan drawings, but details of species or condition are not provided. In the western section of the site it was noted that there are no trees along the western boundary but on the outer side of the boundary wall there are some trees in the gardens of the

adjoining property. It is also of note that no trees or vegetation in the applications site or adjoining sites are subject to specific objectives for protection within the CDP.

- 7.2.4. It is considered that the planning application and the appeal can be considered and that invalidation of the application or refusal of permission on grounds relating to possible removal of trees within the four week period following issue of a decision by the planning authority on the application is unwarranted. However, it is open to the planning authority to investigate the matter in accordance with its enforcement remit and/or for the appellant party, to pursue the matter through the legal process.

### **7.3. Nature of Use, Density, and Intensity of Development.**

- 7.3.1. There is no objection in principle to the proposed use as a guesthouse in principle. As indicated in the CDP, 'Guesthouse' use is open for consideration within area subject to the zoning objective 'Z2': However, it is of note that according to section 16.11 of the CDP the definition for a guesthouse is "*a building or part thereof where sleeping accommodation, meals and other refreshments are available to residents and non-residents and which have a minimum of five rooms and, no more than nineteen rooms*". The number of rooms within the existing property, formerly operated as a guesthouse stated to be twenty two or twenty three in the documentation on file, exceeds the upper limit of nineteen rooms provided for in the CDP's definition and the proposed extension providing for six en-suite rooms represents a significant, twenty six per cent increase in the accommodation and consequent increased intensity of development.
- 7.3.2. While strategic policy objectives within the CDP providing for encouragement of tourism infrastructure and facilities in the city which are reasonable there are no exceptional circumstances whereby setting aside of the upper limit for guesthouse use, especially for a site location within an area subject to the zoning objective Z2 (residential conservation area) as opposed to an area zoned for commercial or mixed use or related purposes could be justified.
- 7.3.3. However, in the event of favourable consideration of the proposed development it is recommended, for the purposes of clarity that a condition be included specifying the nature of use is restricted to use as a guesthouse unless otherwise authorised by way of a grant of planning permission by the planning authority or An Bord Pleanála on appeal.



#### **7.4. Footprint and site coverage.**

- 7.4.1. The original rear garden for No 1 Highfield Road, the application site was previously subdivided, to provide for new development off Sunbury Gardens (P. A. Reg. Ref. 3064/09 refers.) The existing extension the removal of which is proposed is referred to as a laundry extension although part of space was fitted out as a bedroom use at the time of inspection. It is modest in footprint and size and is stated to have a floor area of forty-five square metres. The proposed extension providing for six en-suite bedrooms is quadruple in size in that it has a stated floor area of 196 square metres. While there is no objection to the height at 3.2 metres it is agreed with the appellant party that the site coverage within the previously subdivided garden is excessive. The footprint extends to the rear boundary and inwards, facing east and as a result the configuration is distorted and out of proportion. The proposed infill along the entirety of the depth of the garden at the western boundary undermines the attainable residential amenity and property value of the adjoining properties having regard to the established pattern and layout of development in the area,
- 7.4.2. As indicated in the application form the total stated floor area within the retained and proposed building is 931 square metres on a site area of 1,520 square metres with site coverage of 41 per cent. While not in excess of the indicative standard for site coverage of fifty percent for 'Z2' zoned lands, it is considered that the configuration undermines the established layout of low density development on relatively large plots and the quality of the private/communal amenity space at the rear and the objective for the protection and improvement of the amenities of residential conservation areas.

#### **7.5. Traffic Safety and Convenience.**

- 7.5.1. Notwithstanding the relative proximity to public transport options, (the LUAS Cowper Stop for the Green Line being approximately ten-fifteen minute walking distance and two bus routes being within the vicinity), it is not agreed that the proposed development would not generate significant additional trip generation providing for drop offs and pick-ups and, commercial and services traffic resulting in additional turning movements onto and off the public road network at the entrance onto the signalised junction. It is noted, as raised by the third parties, that the application

does not include a traffic impact assessment, and this would be considered reasonable.

- 7.5.2. However, given the location of the entrance, it is considered that it should be established, on an evidence basis, that increased risk of endangerment of public safety of pedestrians and all road users would not arise.

## 7.6. **Signage**

- 7.6.1. It is noted that it is intended that the existing signage for Ardagh House be retained. There is an internally lit sign erected on the upper façade. This signage which is prominent in the closed vista on approach along Upper Rathmines Road adversely affects and, is insensitive to the visual amenities and architectural character of the residential conservation area zoned lands. Removal of the sign, the planning status of which is not confirmed would benefit the visual amenities and architectural character of the immediate area having regard to the zoning objective.

## 7.7. **Environmental Impact Assessment Screening.**

- 7.7.1. Having regard to the minor nature of the proposed development and its location in a serviced inner suburban 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.

## 7.8. **Appropriate Assessment.**

- 7.8.1. Having regard to the scale and nature of the proposed development and to the serviced inner suburban location, 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 foregoing, it is recommended that the planning authority decision be overturned, and permission refused, based on the reasons and consideration and conditions set out overleaf.

## 9.0 Reasons and Considerations

1. Having regard to the Dublin City Development Plan 2016-2022 according to which the site is located within an area subject to the zoning objective Z2: “*To protect and/or improve the amenities of residential conservation areas*” to the total number of rooms to be available within the existing building and proposed extension which exceeds the upper limit provided for “guesthouse” development, and to the footprint of the proposed extension along the eastern boundary to the rear boundary of the site and inwards across the rear private open space, it is considered that the proposed development would represent overdevelopment due to the intensity of use and substandard and disproportionate distribution of open space at the rear which would be out of character with the surrounding established pattern and layout of low density development on large plots. As a result, the proposed development would fail to protect or improve the amenities of the residential conservation area, would set precedent for similar development and, would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the entrance at the signalised junction at Highfield Road, Upper Rathmines Road, Palmerston Road and Dartry Road the Board is not satisfied based on the submissions available in connection with the application and the appeal, that that traffic generation generated by the proposed development and turning movements onto and off the carriageway at the entrance would not lead to endangerment of public safety by reason of traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

**Jane Dennehy**  
**Senior Planning Inspector**  
**25<sup>th</sup> August, 2020.**