



An
Bord
Pleanála

Inspector's Report ABP 307654-20.

Development	Additional, third level floor with south facing terrace and site works at house permitted under P A. Reg. Ref 2738/19. (PL 307207).
Location	Rear of "The Laurels", 54 Inchicore Road, Kilmainham, Dublin 8.
Planning Authority	Dublin City Council
P.A. Reg. Ref.	2459/20
Applicant	Covelo Developments Ltd.
Type of Application	Permission
Decision	Refuse Permission.
Type of Appeal	First Party X Refusal
Appellant	Covelo Developments Ltd.
Date of Site Inspection	26 th September, 2020
Inspector	Jane Dennehy

Contents

1.0 Site Location and Description

- 1.1. The site of the permitted dwelling subject of the current application has a stated area of 1,426 square metres and is within the larger site of a permitted residential development which was under construction on the lands at the rear of No. 54 Inchicore Road (“The Laurels”) and No 56 Inchicore Road a semi-detached pair of Victorian houses onto Inchicore Road in Kilmainham on the north side of the Dublin Cork Mainline railway track beyond which there is Con Colbert Road and the Memorial Gardens. Kilmainham Gaol and the Chocolate Box apartment development and a hotel are to the east. and, to the west of Kilmainham Gaol on Inchicore Road.
- 1.2. The location for the permitted three storey dwellings subject of the current application is to the west side of No 52 Inchicore Road and the east side of the entrance to No 54 which is to be adapted to serve as a shared entrance with the permitted development under construction. Nos. 40 to No 52 Inchicore Road, (Spencer Terrace) is a terrace of nineteenth century red brick faced two storey over garden level terraced houses setback behind front gardens with frontage onto the public footpath along which there is a line of mature trees. .

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for the addition of a third level floor with a south facing terrace to the front, the total stated floor area of which is 32 square metres at the front along with revisions to the elevation and associated site works so that the permitted three storey house permitted under P A. Reg. Ref 2738/19. (PL 307207) is modified to a four-storey house with a stated floor area increased from 140 to 167.5 square metres.
- 2.2. The dwelling as proposed is box shaped with a flat roof, an overall height of 11.6 metres and incorporates the addition of a high-level external terrace.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 24th June, 2020, the planning authority decided to refuse permission for the reason which is reproduced below:

“ *Having regard to the overall design and massing of the proposed fourth storey to the dwelling previously permitted development under ABP 305207-19 (DCC Reg Ref 2738/19) the pattern of development in the area the stated objectives and policies provisions of the Dublin City Development Plan 2016-2022 for such developments, it is considered that the proposed development, if permitted, adversely impact up on the visual and resident amenities and character of the area. The proposed development would set an undesirable precedent for other such similar developments, contravenes stated objectives and policies as set out in the Dublin City Development Plan 2016-2022 and would therefore be contrary to the proper planning and sustainable development of the area”*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer recommended a decision to refuse permission based on the view that the dwelling would be visually incongruous and prominent and would disrupt the visual integrity and symmetry of the pitched roof profiles of the terrace (Nos 40 – 52) which is a dominant feature of the locality.

3.3. Third Party Observations

Submissions received from third parties indicated objection to excessive height and incompatible design and form resulting in adverse visual impact on the established architectural character of the area and potential for overlooking.

4.0 Planning History

P. A. Reg. Ref 2738/19. (PL 307207): Following third party appeals, the planning authority decision to grant permission for demolition of outbuildings and construction of sixteen apartments in a block and the three storey house at the front of the stie which his subject of the current application was upheld. Cycle and car parking, private and communal open space and landscaping, boundary treatment, communal and private open space, balconies on the south elevation, vehicular and pedestrian access to Inchicore Road were also included.

P. A. Reg. Ref. 2708/17/PL 248834: Further to third party appeals, the planning authority decision to grant permission was upheld for demolition of outbuildings and for construction of seven dwellings including a house adjacent to No 56 and eleven parking spaces and modified vehicular and pedestrian access.

P. A. Reg. Ref: 1855/05: Permission was granted for demolition of the garage and rear extensions at No 54 Inchicore Road and for change of use from Guesthouse to four apartment units, a three storey extension to the side with three apartments and a four storey extension to the rear with fourteen apartments, nineteen underground and two surface car parking spaces and widening of the existing entrance. (Details are not available.)

P. A. Reg. Ref: 3841/01: Permission was granted for alterations to the existing guesthouse at No 54 Inchicore Road and for a two storey and a single storey extension providing for fourteen apartments and eighteen under car spaces.

There is a record of prior applications for residential apartment developments entailing alterations to the existing house which was in use as a guesthouse and construction of extensions for which permission was refused according to the planning officer's report. (P. A. Reg. Refs: 2185/00, 3244/00, 3117/97, 0102/97 and 0718/91 refer.)

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site location is subject to the zoning objective: *Z1: To protect, provide and improve residential amenities.*

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

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was received from PCOT Architects on 20th July, 2020 on behalf of the applicant attached to which are photographs and 3D images. The contents are outlined below

- There is precedent for conversion and extensions of top floors of existing houses in Inchicore according to a survey conducted on behalf of the applicant. Nos 44 and 52 Inchicore Road have substantial additions with of dormer type structures which do not extend above the ridge lines and do not adversely affect visual and residential amenities or the character of the area. Aerial photographs are included in the appeal to show these developments along with, “before” and “after” photomontages showing relative heights etc.
- There are no overlooking or overshadowing concerns and distances to rear gardens are and other developments including the apartments are considerable.

6.2. Planning Authority Response

6.2.1. There is no submission on file from the planning authority

7.0 Assessment

7.1. The permitted box form, flat roofed building has a height with a parapet line which has connectivity with and which does not exceed the parapet line of No 52 Inchicore Road which is the end unit of the Victorian terrace on which the continuous parapet line and uniform slated pitched roof profile is strongly defined characteristic. As a result, it is a visually compatible infill within the Victorian streetscape.

7.2. The proposed additional box form floor with the two metres' deep terrace behind the glazed screen and balustrading to the front above the established continuous parapet line would nullify the compatibility with the established streetscape of the permitted dwelling in this regard. It is agreed with the planning officer that the proposed addition would which would be visually dominant and incongruous in the historic streetscape and it is considered that the proposed development is overdevelopment in that it is excessive in scale and height and, that it would interrupt the strongly defined uniformity and symmetry of the adjoining Victorian Terrace, (Spencer Terrace), in particular to the pitched roof profiles above the continuous parapet line. The extensions that constructed at Nos 44 and 52 Spencer Terrace to which reference is made in the appeal would not be comparable or relevant for purposes of taking precedent.

7.3. However, the proposed additional floor and terrace would not give rise to undue overshadowing or overlooking of adjoining residential properties although the terrace could give rise to perceptions of overlooking at adjoining properties.

7.4. Environmental Impact Assessment Screening.

7.4.1. 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

7.5. Appropriate Assessment

Having regard to location of the site on serviced land, to the existing and permitted development under construction on the site and in the vicinity and, to the nature and scale of the proposed development no appropriate assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

9.0 It is recommended that the planning authority decision to refuse permission be upheld based on the draft reasons and consideration set out below.

10.0 Reasons and Considerations

Having regard to the location of the site within an area subject to the zoning objective, Z1, *To protect, provide and improve residential amenities* according to the Dublin City Development Plan, 2016-2022 It is considered that the proposed additional floor having regard to the box type form and height and the balustrading to the front of the proposed terrace, would interrupt the strongly defined uniformity and symmetry of the adjoining Victorian Terrace, (Spencer Terrace), especially the pitched roof profiles above the continuous parapet line which would be visually conspicuous and out of character with the established historic architectural features of the adjoining terrace and the streetscape. As a result, the proposed development

would seriously injure the visual amenities and the established character and pattern of development and, the residential amenities in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Jane Dennehy

Senior Planning Inspector
29th September, 2020.