



An
Bord
Pleanála

Inspector's Report

ABP-308080-20

Development

Planning permission is sought for the demolition of the existing single storey garage and section of stone boundary wall to the side of the existing house and the construction of a new part two-storey part three-storey house in its place.

Location

No. 2 St Johns Road, Sandymount, Dublin 4.

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

2867/20

Applicant(s)

Owen O'Meara

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Peter Morrogh

Brian and Irene Gormley

Marie Flynn

Observer(s)

Bernadette Reddy

Date of Site Inspection

23/10/2020

Inspector

Gillian Kane

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports.....	6
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	7
5.3. Dublin City Development Plan 2016 -2021	7
5.4. Natural Heritage Designations	8
5.5. EIA Screening	8
6.0 The Appeal	9
6.1. Appeal of Peter Morrogh, 5 St. Johns Road.....	9
6.2. Appeal of Brian, Irene & Shane Gormley, 2 Strand Mews	9
6.3. Appeal of Marie Flynn, 7 Strand Mews	10
6.4. Planning Authority Response	11
6.5. Observation of Bernadette Reddy, 6 St. Johns Road.....	11
6.6. Applicant Response to Third-party Appeals	12
6.7. Further Responses.....	13
7.0 Assessment	14
7.2. Principle of the Proposed Development	14
7.3. Design, Scale and Height.....	15

7.4. Residential Amenity	16
7.5. Other	16
7.6. Appropriate Assessment	16
8.0 Recommendation.....	17
9.0 Reasons and Considerations.....	17
10.0 Conditions	17

1.0 Site Location and Description

- 1.1.1. The subject site is located on the southern side of St. Johns Road in the south Dublin suburb of Sandymount.
- 1.1.2. The site comprises the last dwelling at eastern end of a terrace of eight two-storey over basement dwellings. No. 2 St. Johns Road is bound to the east by a laneway Strand Mews, that serves 5 no. dwellings, the rear of the St Johns Road terrace and the rear of a detached dwelling further west. To the south of a high stone wall of Strand Mews lies a four storey apartment block.
- 1.1.3. The existing dwelling at no. 2, has the main entrance within a single storey (over basement) side entrance, and an adjoining single storey garage.

2.0 Proposed Development

- 2.1.1. On the 15th June 2020, planning permission was sought for the demolition of the existing single storey garage (15sq.m.) and a section of the stone boundary wall to the side of the dwelling no. 2 St. Johns Road, and the construction of a part two, part three storey dwelling (175sq.m.)
- 2.1.2. The application was accompanied by an Architects Design Statement and a Flood Risk Assessment.
- 2.1.3. Details provided in the application form include:
 - Total site area: 742sq.m.
 - Floor area to be retained: 223sq.m.
 - New build proposed: 175sq.m.
 - Proposed plot ratio 0.53, proposed site coverage: 0.25

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 5th August 2020, the Planning Authority issued a notification of their intention to GRANT permission subject to 12 no. conditions.
 - Condition no. 3 requires the stone boundary wall to Strand Mews laneway be reinstated using original stonework following development.

- Condition no. 4 states: “Apart from the recessed front wall directly adjoining and above the main entrance of the original house, the external finishes to the second floor shall be brick instead of render and shall be the same as those used on the lower levels. The use of render on the recessed front wall is considered appropriate. Reason: In the interest of orderly development and the visual amenities of the area.”

3.2. **Planning Authority Reports**

- 3.2.1. **Engineering, Drainage Division:** No objection subject to standard conditions.
- 3.2.2. **Transportation Planning:** No objection subject to 4 no. conditions.
- 3.2.3. **City Archaeologist:** Proposed development is adjacent to the Zone of Archaeological Constraint for the Recorded Monument DU019-018 Martello Tower. Recommended condition.
- 3.2.4. **Planning Report:** Notes that the lower level of the proposed dwelling could be subject to a specific flood event and that the Drainage Division have recommended conditions. All proposed rooms comply with the development plan and national guidance. Proposed external finishes match those of the existing dwelling. propose render to the side elevation is a concern and should be replaced with brick. Regarding impact on the residential amenity of adjoining dwellings, there will be some impact on the spaces to the front of 3-5 Strand Mews. As these areas appear to be used mostly for car parking this is acceptable. Notes the comments of the Roads and Traffic Division. Recommends permission be granted.

3.3. **Prescribed Bodies**

- 3.3.1. None on file

3.4. **Third Party Observations**

- 3.4.1. A number of objections to the proposed development were submitted to the Planning Authority. The issues raised are the same as those raised in the third-party appeals and observations and are discussed in section 6.0 below.

4.0 **Planning History**

- 4.1.1. None on the subject site.

5.0 Policy Context

- 5.1. The government published the **National Planning Framework** in February 2018. Objective 3c is to deliver at least 50% of new houses in the city/suburbs of Dublin, Cork, Galway, Limerick and Waterford. Objective 11 is to favour development that can encourage more people to live or work in existing settlements. Objective 33 is to prioritise the provision of new homes that can support sustainable development. Objective 35 is to increase residential density in settlements.
- 5.2. The **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas** were issued by the Minister under section 28 in May 2009. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 5.11 states that densities for housing development on outer suburban greenfield sites between 35 and 50 units/ha will be encouraged, and those below 30 units/ha will be discouraged. A design manual accompanies the guidelines which lays out 12 principles for urban residential design.
- 5.3. **Dublin City Development Plan 2016 -2021**
- 5.3.1. In the plan, the site is zoned '**Z2 Residential Conservation Area**' which has the stated objective "to protect, or improve the amenities of residential conservation areas". Within Z2 zones 'Residential' is a permissible use.
- 5.3.2. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design. **Table 16.1** provides the Maximum Car Parking Standards for Various Land-Uses and **Table 16.2** the Cycle Parking Standards. Applicable to the proposed development are the following:
- Indicative plot ratio for Z2 zones is 0.5 to 2.0,
 - Indicative site coverage for the Z2 zone is 45%
- 5.3.3. Section **16.10.9** of the development plan refers to corner / side garden sites stating that the development of a dwelling or dwellings in the 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 and 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. However, some corner/side gardens are restricted to the extent that they would be more suitable for extending an existing home into a larger family home rather than to create a poor quality independent dwelling, which may also compromise the quality of the original house. The planning authority will have regard to the following criteria in assessing proposals for the development of corner/side garden sites: • The character of the street, • 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 to 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.

5.3.4. The policies of the plan in relation to Conservation Areas are set out in Section 11.1.5.4 of the Plan. Relevant policies include the following;

- CHC1 – Preservation of the built heritage of the city.
- CHC4 – Protection of special interest and character of Conservation Areas.
- CHC8 – Facilitate off-street car parking in while protecting the character of protected structures and Conservation Areas.

5.3.5. Table 16.1 of the Dublin City Development Plan 2016-2022 sets out the maximum parking standard for houses as 1 space per dwelling in Parking Area 2.

5.4. **Natural Heritage Designations**

5.4.1. South Dublin Bay SAC (Code 000210) with conservation objectives relating to tidal, mudflats and sandflats.

5.4.2. South Dublin SPA (Codes 04024) relating to intertidal habitat.

5.5. **EIA Screening**

5.5.1. In regard to the nature and scale of the development in an urban area, there is no real likelihood of significant effects on the environment arising from the proposed

development. 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. Appeal of Peter Morrogh, 5 St. Johns Road

- The frontage of the proposed development will be detrimental to the integrity and the consistency of the later Victorian terrace from the road.
- Any new development must be complementary to the character of the Victorian terrace and the red-brick terrace on the other side.
- The 1960's extension to no. 16 is not original but it is consistent and has minimal impact.
- The gap between the existing and the proposed buildings will break the continuity of the terrace.
- The windows along the terrace are uniform. The proposed windows do not maintain the vertical alignment of the existing windows and are inset in a larger rectangular opening that is out of character.
- The roof line of the existing terrace will not extend to the new building.
- The proposed new building will neither complement nor enhance the Victorian Terrace or St. Johns Road. It will bear little relationship to the terrace, other than being physically attached. This will be detrimental to the road.
- The Board is requested to refuse permission.

6.2. Appeal of Brian, Irene & Shane Gormley, 2 Strand Mews

- The Applicants shadow study fails to show the adverse effect of the development on the available light in Strand Mews, during the critical hours from 17.00 on June 21st. The proposed development will significantly overshadow Strand Mews and gardens.
- The Planning Authority failed to adequately consider the impact on the amenity use of the front gardens. The front areas of Strand Mews have a south and west aspect have always been used for amenity purposes, much more than the front

gardens of Johns Road. Their use for off-street parking does not preclude amenity use. Back gardens should not be offset against the front.

- The proposed development will seriously injure the visual and residential amenities of the properties on Strand Mews. The depth, height and size of the dwelling will turn Strand Mews into a canyon, with a boundary wall of 10m, at 12m west of the Appellants house.
- The Planning Authority have ignored section 16.10.9 of the development plan which refers to corner / side garden sites.
- There is no requirement that the opaque windows remain opaque. It should be attached as a condition.
- The future use of flat roofs is left open and should be conditioned.
- The Z2 zoning of the site has been ignored, in permitting a development that detracts from the residential amenities of a residential conservation area.

6.3. Appeal of Marie Flynn, 7 Strand Mews

- The applicants acknowledge that there will be overshadowing of Strand Mews, focusing on the impact on the rear gardens. The front gardens / private spaces of Strand Mews are used for leisure and recreation, from early afternoon until late evening.
- The proposed new dwelling will block the light to the front of the appellants home and the adjoining dwellings at no.s 5 and 3 Strand Mews. This major change will have implications for health and wellbeing.
- The sun path diagrams do not cover the period 19.00-21.00 when residents enjoy evening sunlight.
- The proposed dwelling is ill-considered in terms of size and impact on Strand Mews. The proposed 6ft boundary wall will not mitigate against the part 2, part 3 storey dwelling.
- It is not clear if the 1st storey roof will be used as a roof terrace for the master suite. The proposed aluclad window appears to slide, creating an access point. This would constitute an invasion of privacy for Strand Mews and Seabury Apartments.

- The proposed development will deface the unique Victorian Terrace dating from the C19th. The proposed development does not 'bookend' the terrace and is incongruous with the original Georgian character. Features such as window head height, the use of only brick throughout the façade and the prominent quoins are irrelevant. The vertical symmetry and use of plain glazing is noted. The extension at the other end of the terrace is more in keeping with the terrace and does not cause over shadowing.
- It is not clear if the proposed clerestory window will be opaque or not.
- The disrespectful and insensitive proposal has major issues in terms of scale, design, location, use of materials, overshadowing, loss of light on Strand Mews, the design of the original terrace, the street character and privacy.
- The Board is requested to refuse permission.

6.4. Planning Authority Response

6.4.1. None on file.

6.5. Observation of Bernadette Reddy, 6 St. Johns Road

- The original terrace on St Johns Road was laid out as part of the Pembroke Estate. The houses are among the oldest in Sandymount and the terrace has been well preserved, with little damage to original features.
- There are a number of historic and protected structures in the immediate area: St Johns Church, an Edwardian terrace of houses on the opposite side of St. Johns Road, three protected Victorian detached houses, the Martello Tower and Sandymount Beach.
- The area is zoned Z2, conservation area. The proposed development is contrary to section 11.1.5.6 of the development plan as it does not have regard to the local context, detracts from the area and is not consistent with the architectural integrity of the area.
- The proposed development is contrary to the policy of the development plan as the contemporary design will upset the original terrace, the gap at the second floor front elevation will break the continuity and layout of the terrace, maintains none of

the defining features, finishes or roof profile of the eight other houses and will disrupt the balance at the end of the terrace.

- The extension at the other end of the terrace was altered due to subsidence. It is not obtrusive and retains the style of the terrace. This should not be used as a precedent for new development.
- The proposed development is contrary to the policy on side / corner gardens as the site will be compromised and is restricted.
- The proposed development will not be in harmony with the established character of the street. Contemporary design is acceptable in the right location. The proposed development will be regretted in the future.
- The Board is requested to refuse permission.

6.6. Applicant Response to Third-party Appeals

- The Board is requested to grant permission for the proposed development.
- A Daylight / Sunlight & Overshadowing Analysis was submitted with the application. It demonstrated that a minimal level of overshadowing will occur on the front gardens of Strand Mews but that it will extend to the rear gardens. The front gardens are primarily for car parking and the primary amenity space to the rear is unaffected. This complies with the BRE Guidance.
- June solstice has the most potential for overshadowing and therefore is used to demonstrate that there will be minimal overshadowing from the proposed development.
- The Architects Design Statement provides a comprehensive analysis on the conservation strategies that informed the design of the proposed dwelling. The proposed dwelling incorporates the parapet heights and proportionately sized windows of the existing dwellings.
- The proposed dwelling complements the existing house while adding contemporary finishes, as per policy CHC4 of the development plan. In addition, condition no.s 4 and 5 of the Planning Authority's decision to grant ensures the objective of the policy.

- The proposed dwelling represents a sensitive and appropriate design which does not pose a threat to the existing streetscape or character of the area.
- The Applicant confirms that the 1st floor roof will not be used as a terrace. The proposed development will not compromise the privacy of surrounding developments.
- The windows have been designed to be fitted with opaque glazing to respect the privacy of surrounding properties.
- The proposed development complies with the Z2 zoning objective, policy QH5, QH6, QH7, QH8, QH19, QH21, QH22 and SN30. The proposed development seeks to intensify development on a site that is well served by public transport and community infrastructure and caters for all life stages of a family.
- The Board is requested to grant permission.

6.7. Further Responses

6.7.1. Peter Morrogh response to Applicants Response

- The applicants response does not address the three issues raised in the appeal – the gap between the buildings, windows and roofline.
- The proposed development will be visually discordant and should be rejected.

6.7.2. Bernadette Reddy response to Applicants Response

- Refutes the Applicants statement that the proposed development complies with the development plan.
- The proposed development would have a negative impact on the heritage of the area.
- The Applicants Design Statement is not accepted. The proposed ‘bookend’ is not appropriate as the terrace is complete.
- Incorporating only a few features is not sufficient to ensure the proposed dwelling is in harmony with the existing houses.
- The original terrace does not need enhancement. The housing shortage is not a reason to build inappropriate houses.

6.7.3. **Maire Flynn response to Applicants Response**

- The applicant has not addressed the concerns regarding overshadowing / loss of light. The front gardens are used as amenity areas and will be affected by the proposed development. That it is not the primary amenity space is not relevant. Loss of light is loss of light.
- The applicants did not demonstrate how the proposed development will enhance the area.

6.7.4. **Brian & Irene Gormley response to Applicants Response**

- The front areas of Strand Mews are used for amenity purposes. There is no distinction between the front and rear amenity areas.
- The Applicants response did not add anything to the shadow study.
- The applicants statement that the proposed dwelling will not be overbearing or dominant is rejected.
- Opaque windows should be ensured by condition.

7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development including the various submissions from the applicant, the Observers and the planning authority. I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Design, Scale and Height
- Residential Amenity

7.2. **Principle of the Proposed Development**

7.2.1. The subject site is zoned Z2, Residential Conservation Area. Residential development is permitted in principle in such areas. Development plan policy on houses in side-gardens is set out in section 16.10.9 of the development plan. The policy notes that houses in side-gardens are generally on large sites and that such development is a means of making the most efficient use of serviced residential

lands. The plan notes that such developments, when undertaken on suitable sites and 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. The policy requires that the character of the street, the compatibility of the proposed development, impact on residential amenities, open space, car parking, landscaping and building lines are taken into account.

- 7.2.2. The proposed development is acceptable in principle. The issues of design, scale and height, and impact on residential amenities are discussed in greater detail below.

7.3. Design, Scale and Height

- 7.3.1. That the proposed dwelling is set back from the existing eastern elevation of the existing dwelling at first and second floor levels, is raised by some of the third parties who state that the 'gap' breaks the line of the terrace.
- 7.3.2. Given the contemporary design of the proposed dwelling, setting the new dwelling at a physical remove from the terrace is the appropriate response. Visually, the new dwelling will clearly be a new addition rather than an extension of the terrace. This will be reinforced by the 'gap' and the proposed finishes. On that matter, I agree with the applicants design statement and see no reason to include a condition altering the proposed finishes as suggested by condition no. 4 of the Planning Authority's decision.
- 7.3.3. The proposed dwelling, while clearly being a contemporary insertion, nonetheless refers to some of the defining features of the existing terrace. The proportionality of the front façade in terms of floor levels, roof height and ope dimensions complements rather than imitates the terrace. This will allow the proposed dwelling to successfully integrate with the terrace, without competing with its historic character.
- 7.3.4. Policy CHC4 requires that development in conservation areas, must not harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area, involve the loss of traditional, historic or important building forms, features, and detailing, introduce design details and materials, such as uPVC, aluminium and inappropriately designed

or dimensioned timber windows and doors, harm the setting of a Conservation Area and / or constitute a visually obtrusive or dominant form. I am satisfied that the design response to the subject site is the correct one. The context and character of the historic terrace will not be adversely affected, while the optimum use of a serviced site in a prime location will be achieved. It is considered that the proposed development complies with policy CHC4 as it contributes positively to the character of the area.

7.4. Residential Amenity

- 7.4.1. The impact of the proposed development on the residential amenity of the adjoining dwellings has been raised by a number of third parties. The applicant submits that their Shadow Analysis demonstrates that while there will be overshadowing of the front gardens of Strand Mews, the rear amenity areas will be unaffected. Responding to the submission of the Planning Authority that the front gardens were primarily used for car parking, the third parties submit that this is inaccurate and irrelevant. They state that the loss of light will be significant and will regardless of where it occurs, it will impact their residential amenity.
- 7.4.2. The proposed dwelling being three-storey and to the west of the dwellings on Strand Mews will have an impact on the evening light available to their western (front) elevations. I am satisfied that it has been demonstrated that this impact will be minor and that the front gardens and habitable rooms of the dwellings will retain appreciable levels of daylight for large proportions of the day. The subject and adjoining sites are located in a prime residential location, where some degree of overshadowing should be expected. I am satisfied that the residential amenity of the dwellings will not be adversely impacted.

7.5. Other

- 7.5.1. Should the Board decide to grant permission, it is recommended that conditions be attached requiring the use of opaque glazing on all windows on the eastern elevation and restricting the use of the flat roof above the first floor level to maintenance only.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed residential development in a fully serviced built-up urban area, no appropriate assessment issues arise and it is

considered that 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

8.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions:

9.0 Reasons and Considerations

9.1.1. Having regard to the nature and scale of the development proposed, to the pattern of development in the vicinity, to the planning history of the subject and adjoining sites, and to the policies of the Dublin City Development Plan 2016 - 2022, it is considered that, subject to compliance with the conditions set out below, the development proposed would not seriously injure the amenities of the area or of property in the vicinity, and would not detract from the character of the area. The development proposed for retention 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, 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.	All windows on the eastern elevation of the proposed dwelling shall be permanently fitted with opaque glazing.

	<p>Reason: In the interest of protecting the res amenity of the dwellings on Strand Mews.</p>
3.	<p>The flat roof at second floor level shall not be used for recreational purposes and shall not be accessed, except for essential maintenance purposes.</p> <p>Reason: In the interest of protecting the res amenity of the dwellings on Strand Mews.</p>
4.	<p>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.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
6.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
7.	<p>The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to</p>

	<p>be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development</p>
8.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.</p> <p>Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process</p>
9.	<p>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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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.</p>

Gillian Kane
Planning Inspector

14 December 2020