



An
Bord
Pleanála

Inspector's Report ABP 310554 - 21.

Development

Change of use of two storey coach house from ancillary residential to self-contained dwelling with access from Rathgar Place, widening of opening in boundary wall to form vehicular entrance and associated works. Minor internal alterations.

Location

Rear No 172 Rathgar Road, Dublin 6.

Planning Authority

Dublin City Council

P. A. Reg. Ref.

2154/21

Applicant

Mr and Mrs Gallagher

Type of Application

Permission and Permission for Retention.

Decision

Grant Permission

Type of Appeal

Third Party

Appellant

Ann Neary and Conor Farren

Date of Inspection

11th November, 2021

Inspector

Jane Dennehy

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1.0 Site Location and Description

- 1.1. The application site is that of a former coach house located at the south-eastern end of the historic plot of No 172 Rathgar Road, an end of terrace nineteenth century house. It is accessed via Rathgar Place a service lane off Rathgar Road which runs along the southern side boundary of No 172 Rathgar Road and turns right in a southerly direction along the rear of Nos 162-171 Rathgar Road.
- 1.2. The application site has access onto Rathgar Place at the eastern end of the site of No 172 Rathgar Road and immediately to the eastern side there is access and a right of way over to a detached house, (No. 12 Rathgar Place) constructed at the eastern end of No 171 Rathgar Road. (P. A. Reg. Ref. 3077/17 refers.)

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for: permission for a change of use of the two-storey detached coach house from ancillary residential use to use as a self-contained dwelling with access from Rathgar Place, widening of opening in boundary wall to form a vehicular entrance and associated works. The application also includes proposals for permission for retention of minor internal alterations carried out at the coach house.
- 2.2. A further information submission lodged on 25th April 2021 in response to an additional information request from the planning authority includes revisions whereby the redline boundary is moved westwards to include additional space from the gardens of the main dwelling at No 172 Rathgar Road so that the site is enlarged to facilitate an increase the private open space to serve the dwelling.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 21st May, 2021, the planning authority decided to grant permission and permission for retention of the proposed development further to review of a further information submission. Under Condition No 3 there is a requirement for installation of boundary fencing shown in the submission of 25th April, 2021 and for

hedge row planting. Condition No 4 is a standard condition for the entrance which includes a requirement that outward opening gates are not permitted. Condition No 6 contains a requirement for monitoring and management of the conservation works and to ensure protection of retained historic fabric. Condition Nos 7-9 are conditions with requirements relating to good conservation practice in accordance with statutory architectural heritage protection guidance and the accompanying advice series Exempt development entitlements are removed under Condition No 12.

3.2. Planning Authority Reports

- 3.2.1. The reports of the conservation officer, roads transport planning division and drainage division indicated no objection subject to conditions.
- 3.2.2. The planning officer indicated satisfaction that the proposed development is in accordance with the zoning objective and Policy Objectives CHC1 and CHC2 of the CDP and it was recommended that a request for additional information be issued so that deficiencies in private open space provision, site layout and carparking and access and potential for overlooking could be addressed.

3.3. Third Party Observations

- 3.3.1. An observation was lodged by the appellant party indicating concerns as to subdivision from the plot of the original dwelling, conflict with historic building conservation policies and objectives within the CDP, adequacy for private open space provision unobstructed access and parking provision and as to possible unauthorised development within the existing structure.

4.0 Planning History

P.A. Reg. Reg. 3412/12: Permission was granted for demolition of an extension at the rear of No 172 Rathgar Road and for construction of a replacement extension. Also included in the grant of permission for works to the mews structure (subject of the current application), to include installation of a new slate roof with rooflights and a mezzanine level, full height double glazed screen with doors to the south side and repair works.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site is within an area subject to the zoning objective: Z2: “to protect, and/or improve amenities of residential conservation areas.” Section 14.8.2 provides requirements for special care in development affecting structures both protected and non-protected in ‘Z2’ zoned areas. Policies and standards for Built Heritage and Culture are set out in Chapter 11. Development Management standards are set out in Chapter 16 with mews development considered under section 16.10.16.
- 5.1.2. No 172 Rathgar Road is included on the record of protected structures. The historic plot and curtilage include the coach house and the area of the application site.
- 5.1.3. Policy Objective CHC4 and Section 11.1.5.4 provides for protection of the special interest and character of Conservation Areas with works being required to enhance and contribute positively to the distinctiveness, character and setting of the environs.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third-party appeal was lodged by Tom Phillips on behalf of the Ann Neary and Conor Farren of No 173 Rathgar Road on 17th June, 2021, the property to the north side of No 172 Rathgar Road, according to which: -
- The proposed parking space should be omitted from the development by condition, if permitted because the car space is insufficient in size and because it would block access between the laneway to the dwelling. The courtyard space is too small and short in depth so there will be no space to the front or to the rear of a parked car. It is circa 4.3-4.6 metres deep and 2.6 metres wide and there for a Ford Focus which is 2.01 m wide, and 4.35 m long parked there is insufficient circulation space remaining for access or egress for the passenger side or for loading unloading of the boot. Reference is made to Section 16.38.9 and Table 16.1 of the CDP providing for

dimensions for parking bays in commercial developments and to the requirement for manoeuvrability and circulation within a curtilage of a building. The carparking space should be omitted or conditioned to be extended into the garden area.

- A person with reduced mobility would be unable to safely access the stie which is contrary to Policy SC25 and section 16.2.1.3 of the CDP providing for inclusive urban design with versatility for meeting needs of a wide range of user groups. The lack of circulation space is detrimental to the functionality of the proposed dwelling access from the lane, the courtyard and to the rear garden space. Larger cars would overspill onto the laneway blocking access to No 12 Rathgar Place.
- If the gate is left open it would affect the appearance the development. There is no visual link between the lane and the house and there are no handles for the gates on the outer face. The outward opening gates were acceptable when seldom used, with the original use as an outbuilding but increased use due to a change to a standalone dwelling increases the use and risk of accident. There is no precedent for outward opening gates and a fixed structure should be required if permission is granted. The hardwood gates should be conditioned to be a fixed secure so that it is non opening.
- A condition with a requirement for widening the gate from the courtyard to the garden to the width of the entrance gate would also be required.
- The development description is not inclusive of the proposal for a parking space and there are no details of a prior grant of permission for a car space. A car free one bed dwelling is consistent with Table 16.1 of the CDP. There are ample transport options.
- The works to the protected structure have not been adequately assessed in view of the architectural and cultural heritage value of No 172 Rathgar Road.
- There are inaccuracies in the application drawings regarding scales, the works outside the red line boundary and details of the garden shed and patio.
- Development is proposed outside the red line boundary: The additional garden area proposed in the further information submission is outside the red

line boundary so the proposed development should have been readvertised. In the revised proposal for a shared garden space at the west side of the dwelling as it is inappropriate to stand-alone development. Amended plans should be submitted to the planning authority for agreement in which independent private amenity spaces are provided.

- The omission of the garden shed and patio area at the existing garden of No 172 Rathgar Road is unsatisfactory. It is within the curtilage of a protected structure and should be considered development and require a grant of permission. There is a need for clarification as to the plans for the garden shed under the willow tree in the rear garden not shown on the application drawings.
- A condition is required to omit gates or other means of access to be between the two properties. A new boundary fence and hedging should be required prior to occupation.

6.2. Applicant Response

A submission was received from the applicant's agent on 9th July, 2021 according to which:

- The solution to the off-street parking issues is to select a car that fits the car space. The proposed car space is suitable for a smaller car and the space is one metre longer than a Citroen C3. To omit the car space is too restrictive an imposition. Further invasive interventions the fabric of the external walls and the coach house to provide for the off-street parking would be contrary to good conservation practice. The parking space is marginally shorter than the 4.85 metres length estimated by the local authority engineer according to the Roads and transportation division's report. The coach house always had a car space.
- It is not accepted that an accident is likely to occur due to the two outward opening doors proposed. The laneway is private and there are very few and

slow movement by traffic on it. The doors elevation will contribute no hazard.
A sliding gate will be there in replacement

- The argument that works to the protected structure were not adequately considered. The applicant's agent has RIAI Grade 2 accreditation and submitted an architectural heritage impact assessment. The conservation officer accepted the proposed development.
- The application drawings are in accordance with Article 23 of the Planning Development Regulation, 2001. The shed on the site is a demountable structure and is exempted development. The shed and patio space are not relevant.

6.3. Planning Authority Response

There is no submission from the planning authority on file.

7.0 Assessment

- 7.1. The proposal is for a change of use of the original coach house to an independent dwelling unit involving formal subdivision of the historic plot of No 172 Rathgar Road to provide for two separate dwelling. The original proposals, were modified to address concerns of the planning authority in the further information submission to allow for an enlarged site and facilitate a revised site layout to address issues relating to deficiencies private open space, overlooking amenities, parking and access. This revised submission is considered below having regard the issues raised in the appeal under the following subheadings: -

Change of use – qualitative standards.

Parking and Access.

Procedural Issues.

Environmental Impact Assessment Screening

Appropriate Assessment Screening.

7.2. Change of use – qualitative standards.

- 7.2.1. There is no objection in principle the proposed change of use to an independent dwelling unit subject to sensitive subdivision of the historic plot of No 172 Rathgar Road having regard to its inclusion on the record of protected structures. Its historic curtilage includes the original coach house at the eastern end at the rear adjacent to the Rathgar Place. The enlargement of the site as proposed in the further information submission amounts to encroachment onto and subdivision of the private garden area for the main house to incorporate additional private open space to serve the coach house as an independent dwelling.
- 7.2.2. It is considered that this subdivision is justified in facilitating a satisfactory standard of amenity for an independent dwelling without undue adverse impact on the integrity of the protected structure and architectural heritage protection. With the subdivision in place, issues as to undue direct overlooking which arise in the original proposal would be addressed. Appropriate treatment for the new boundary to be formed between the two sites has been selected and clarification, finalisation of details and timely implementation of the proposed fencing and planting can be addressed by condition.
- 7.2.3. There is no objection to the proposed conversion of the coach house into an independent dwelling unit in internal layout and accommodation to be provided notwithstanding the modest total floor area of forty-four square metres. There is also no objection to the proposed retention of the minor alterations to the coach house included in the application. The proposal is consistent with the principles of sustainable development and historic building conservation in providing for a small dwelling unit and for adaptation for contemporary habitable use and scope for continued maintenance of the structure in good repair.

7.3. Parking and Access:

- 7.3.1. The revised layout shown in the further information submission although restrictive at the side/front is considered acceptable for pedestrian circulation purposes and pedestrian access between Rathgar Place and the dwelling entrance particularly in that the dwelling is a small one bed unit. It is considered, given the existing

configuration of the access route and parking arrangements for the No 12 Rathgar Place, the adjoining dwelling that conflict and hazard in vehicular movement at the entrance should not arise. Furthermore, there is good visibility along Rathgar Place direct to the south and between the access and Rathgar Road. It has been clarified that sliding hardwood gates will be installed and a condition to the effect can be included if permission is granted.

- 7.3.2. It is considered that parking space size and dimensions and, manoeuvrability should be consistent with the standards provided for in the CDP or other technical guidance. As such flexibility on basis of a possible car size that might be selected by a current occupant is considered irrelevant for development without a restriction on occupancy or duration of a grant of permission. However, as is noted in the Transportation Planning Division 's report, the width of Rathgar Place is less than the standard recommended but it is satisfied as to capacity of a vehicle to egress and access the site.

7.4. Procedural Issues.

- 7.4.1. It is agreed with the planning authority that the drawings and associated details provided with the application and further information submission are sufficient in detail adequate having regard to the descriptions provided in the statutory notices and for the purposes of the assessment of the application

7.5. Environmental Impact Assessment Screening.

- 7.5.1. Having regard to the nature and scale of the development 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.

7.6. Appropriate Assessment.

- 7.6.1. Having regard to the scale and nature of the proposed development and to the serviced 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 upheld and that permission and permission for retention be granted based on the reasons and considerations and subject to the conditions which follow:

9.0 Reasons and Considerations

Having regard to:

- the Dublin City Development Plan 2016-2022 according to which No 172 Rathgar Road is included on the record of protected structures, and the location within an area subject to the zoning objective Z2: *to protect and/or improve the amenities of residential conservation areas*
- The size and configuration of the proposed site and subdivision of the historic plot of the main dwelling and the established pattern and character of development in the vicinity.
- the scope for delivery of compact sustainable urban infill residential development in the city as prescribed in current national policy and strategic guidance.

It is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the integrity of the protected structure or the context and historic architectural character of existing development within the area, the residential amenities of the area and those of the future occupants, would be acceptable in terms of pedestrian and traffic safety and convenience, and, would 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 lodged on 26th April, 2021 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. Prior to the commencement of the development, the applicant shall submit and agree with the planning authority, full details of fencing to be erected along the boundary forming the subdivision between the site of the proposed development and the main house along with a fully detailed landscaping scheme to include full details of size, species and location for all trees to be planted along the boundary and full details of the proposed arrangements for hard and soft landscaping and boundary treatment. The fencing shall be erected prior to occupation of the dwelling and the planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.

Reason: In the interest of residential amenities and clarity.

- 3 The applicant shall comply with the following requirements to the satisfaction of the planning authority:
 - (a) The proposed development shall be carried out under the direction of an architect with specialist expertise in historic building conservation and in accordance with the recommendations within: *Architectural Heritage Protection: Guidelines for Planning Authorities* issued by The Department of the Environment, Heritage and Local Government in 2005.

(b) All permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or surviving historic fabric and shall be carried by experienced conservators to the highest conservation standards and historic fabric shall be protected throughout the construction stage. Fabric for repair off site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

Reason: In the interest of clarity and best historic building conservation practice.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water and mitigation measures against flood risk including in the basement area, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

6. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no additional development shall take place at roof level, including any lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorized by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to permit the planning authority to assess any such development through the statutory planning process.

7. 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.

Jane Dennehy
Senior Planning Inspector
23rd November, 2021.