



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312922-22

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<b>Development</b>	Amendments Ref: WEB1496/21 modifications to roof and facade
<b>Location</b>	Rear of 13 Emorville Avenue, Portobello, Dublin 8, D08 R22W
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	4007/21
<b>Applicant(s)</b>	Jenny Anne Corkery & Cillian McGovern
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Split
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Jenny Anne Corkery & Cillian McGovern
<b>Observer(s)</b>	Alan Behan
<b>Date of Site Inspection</b>	13/10/20225
<b>Inspector</b>	Gillian Kane

## 1.0 Site Location and Description

- 1.1.1. The subject site is an almost finished mews development located to the rear of no. 13 Emorville Avenue. No. 13 is a corner site, facing onto Emorville Avenue and Ovoca Road. Emorville Avenue and Carlisle Street are parallel to each other and perpendicular to Ovoca Road, to the north. There is a gated narrow laneway off Ovoca Road extending as far as South Circular Road between the rear boundaries of the Emorville Avenue and Carlisle Street properties.
- 1.1.2. The area is primarily characterised by early nineteenth century artisan, terraced, brick faced one and two storey terraced houses within a street network in a grid layout.

## 2.0 Proposed Development

- 2.1. On the 3<sup>rd</sup> of December 2022 planning permission was sought for amendments to a previous permission (ABP-306142-19) to provide for the addition of a low-pitched zinc roof with rooflight to accommodate a non-habitable room and modifications to the east faced to include an additional false window.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On the 9<sup>th</sup> February 2021, a SPLIT DECISION issued as follows:

GRANT permission for modifications to the east façade to include an additional false window, subject to two standard conditions and

REFUSE permission for the low-pitched zinc roof and rooflight for the following reason:

- 1 The proposed addition of a pitched roof to the previously approved mews dwelling, due to its bulk and form, would result in a visually harsh addition to the streetscape, detracting from the character of the residential conservation area. The proposal would therefore be contrary to the Z2 zoning objective 'to protect and / or improve the amenities of residential conservation areas' to the City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.

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

3.2.1. **Drainage Division:** No objection subject to standard conditions.

3.2.2. **Planning Report:** Proposed development increases overall height from 6.1m to 7.5m. Notes that applicant was requested by way of FI under previous application to reduce the height from 8.5m. While the proposed pitched roof is of a lower profile, there is limited scope for additional bulk on site. Proposed development would be visually harsh and would detract from the character of the area. Proposed additional false window is acceptable. Recommends split decision with grant for window and refusal for low-pitched zinc roof with rooflight.

### 3.3. **Prescribed Bodies**

3.3.1. **TII:** Proposed development falls within the Section 49 Supplementary Development Contribution Scheme for Luas Cross City.

### 3.4. **Third Party Observations**

- Supports the proposed mews but objects to the increase in roof profile due to the impact on east light.
- Objects to proposed development due to impact on light, overshadowing, visual obtrusiveness, impact on streetscape / architectural character of the area

## 4.0 **Planning History**

4.1.1. **ABP-306142-19** (Planning Authority reg. ref. 4050/19): Planning permission was granted for the construction of two storey, detached house with rooflights and terrace, entrance off Ovoca Road, new boundary walls and site works to the rear of 13 Emorville Avenue.

4.1.2. **Planning Authority reg. ref. 1496/21:** Planning permission was sought for a mews dwelling with a pitched roof (overall height of 8.5m) with roof light. Further information was sought and a revised proposal with an overall height of 6.1m was granted permission. Permission was granted subject to 9 no. conditions. This development appears to be nearing completion.

## 5.0 Policy Context

### 5.1. Dublin City Council Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site comes within an area subject to the zoning objective Z2: to protect and/or improve the amenities of residential conservation areas.
- 5.1.2. Development Management Standards for residential development are set out Chapter 16 with guidance and standards for residential quality in section 16.10.2 and criteria for infill developments are 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.
- 5.1.3. **Policy CHC2** provides for ensuring the protection of the special character and integrity of protected structures. Guidance and standards on works and additions, internally and externally, to protected structures are set out in section 11.1.5.3 which provides for minimal intervention to and maximisation of retention historic fabric and original planform, protection of proportions within buildings and relative to adjoining buildings.
- 5.1.4. **Policy CHC4** provides for the protection of the special interest and character of Dublin's Conservation Areas. The policies and objectives are elaborated on in detail in section 11.1.5.4 However, it is of note that the site location is within an area subject to the 'Z2' zoning objective which provides for residential conservation areas as distinct from statutory architectural conservation areas or areas designated as 'conservation areas' in the CDP.

### 5.2. EIA Screening

- 5.2.1. Having regard to nature of the development comprising redevelopment of an existing mews dwelling and the urban location of the site 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. Grounds of Appeal

6.1.1. An agent for the first party has submitted an appeal against that part of the Planning Authority decision that refuses permission for the low-pitched zinc roof and roof to accommodate a non-habitable storage room of 7sq.m. The appeal submission provides a site description, details of the original relationship with adjoining properties, planning history, the currently proposed development and details of planning policy pertaining to the proposed development.

6.1.2. The grounds of the appeal can be summarised as follows:

- The amended mews permission (Planning Authority reg. ref. 1496/21) allows for storage of only 3sq.m., below the 4sq.m. minimum standard for a two-bedroom dwelling as per Table 5.1 of the Quality Housing for Sustainable Communities Guidelines. Appendix 1 of the Sustainable Urban Housing Guidelines for Apartments requires 6sq.m. of internal storage.
- The proposed development would raise the internal storage to 10sq.m. The applicants are a family with greater requirements for storage than the original applicant. The proposed development allows for the long-term use of the mews as a family home.
- The proposed low-pitched roof benefits the dwelling, providing a 'nod' to the established roofscape pattern in the area. The proposed unique design reflects the pitched roofs of the neighbourhood but also their returns. The zinc finishes reflect the natural slate.
- The proposed pitch is lower than the ridge of and subordinate to no. 13 Emorville. The highest point of the proposed roof adjoins the laneway to the rear. the proposed roof with its reduced bulk better responds to its context than a flat roof.
- In terms of the visual impact, the proposed dwelling retains a 6.1m eaves with a 7.48m height at the apex. There are no flat roofed dwellings in the area. The line of semi-mature trees on the street screens the proposed roof.
- The susceptibility to change and the sensitivity of this location is medium. The proposed magnitude of change is negligible as the proposed change in roof height

will be barely perceptible. The nature of the permanent change will be neutral and the significance of the effect will be negligible.

- The Dublin City Council planning report notes that the proposed development would not be seriously injurious to the residential amenities of adjoining and surrounding residential properties. Therefore, the Planning Authority reason to refuse on the basis of a harsh bulk and form is not understood.
- The assessment of the proposal by the Planning Authority should not be based on the previous planning decision to remove a storage room but a fresh assessment of the proposed development.
- The proposed alteration at roof level will have a negligible effect on the bulk of the roof profile. The Planning Authority report that the proposal would result in a harsh addition to the streetscape is not accepted. The proposed pitched roof is in a location of the former pitched shed roof.
- The roof proposal should have been assessed in tandem with the additional proposals on the east elevation. On balance the entire proposed development represents a positive improvement to the previously permitted dwelling.
- It is submitted that the Planning Authority assessment of the proposed development is influenced by the earlier assessment of the taller / heavier scaled roof under reg. ref. 1496/21.
- A minor change to an already permitted dwelling is normally accepted. The reduction in height from the previously sought 8.5m (reg. ref. 1496/21) is an acceptable compromise.
- The new low-pitched roof is compatible with the established historic character, complimenting rather than dominating the streetscape.
- The proposed development complies with the policies on promoting quality homes (section 2.2.1), making a sustainable city (section 4.5.3) of the development plan, and with section 4.5.3.1 of the National Spatial Strategy.
- The proposed development does not impact on third parties. This is recognised in the Dublin City Council planning report. The submitted shadow study shows there

will be no overshadowing over than of the already permitted dwelling. The apex of the low roof will be barely visible and will not introduce any overlooking.

- The Board is requested to grant permission for the proposed development.

## 6.2. **Planning Authority Response**

6.2.1. None on file.

## 6.3. **Observations**

6.3.1. Alan Behan of 12 Emorville Avenue

- The subject site was sold with the ABP-306142-19 permission. The Inspectors report referred to the adequate storage proposed.
- There have been a number of changes, including the removal of the terrace screen, which was to protect the privacy of existing residents
- The structure under construction is very visible. The proposed increase will be over bearing. Photo submitted.
- 49 Arnott Street has a flat roof.
- The increase will greatly diminish the sunlight available, contrary to section 4.5.3.1 of the development plan.
- The proposed development will set a precedent for the next purchaser.
- The Board is requested to uphold the decision of the Planning Authority.

## 7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised are as follows:

- Principle of the proposed development
- Visual Impact

## 7.2. **Principle of the proposed development**

7.2.1. The proposed development involves two elements – revisions to the permitted roof profile and to the eastern elevation of the under-construction mews. The Planning Authority has accepted the proposed revisions to the eastern elevation as

acceptable and I concur with that finding. I am satisfied that the proposed alteration to the permitted eastern elevation is acceptable, lending visual interest to a façade that is widely visible.

- 7.2.2. The proposed alteration to the permitted roof of the under-construction mews is acceptable in principle, subject to other planning considerations.

### **7.3. Visual Impact**

- 7.3.1. The partially constructed dwelling with a permitted flat roof mirrors the flat roof extension of the dwelling to the east (Planning Authority reg. ref. WEB1405/20), creating a clear distinction between the original dwellings on Emorville Avenue / Ovoca Road and the new contemporary additions to the built environment. It is considered that the addition of a low-pitched flat roof that rises to a high point in the southern-most corner would not significantly alter that streetscape. The under-construction dwelling is clearly a new build in a conservation setting, there is no visual competition with the pitched roofscape of Emorville Avenue in the rear ground or the single storey dwellings on Ovoca Road. I am satisfied that the subject dwelling would remain visually subservient to the main dwelling on Emorville Road.
- 7.3.2. The proposed alteration at roof level would not significantly alter the bulk and mass of the dwelling, but would facilitate the use of the dwelling by a family. It is considered that the planning gain from the proposed roof alteration outweighs the minor visual alteration to the streetscape.
- 7.3.3. I note the separation distance of the existing dwelling from the dwellings on Emorville Avenue and consider that it is sufficient to avoid any overshadowing or overlooking impact.

### **7.4. Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed 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.	<p>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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Notwithstanding the provisions of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended, no extensions, garages, stores, offices or similar structures, shall be erected without the prior grant of planning permission.</p> <p><b>Reason:</b> In the interests of residential amenity and in order to ensure sufficient private open space be retained for the occupants of the proposed dwelling.</p>

3.	<p>The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City (St. Stephens Green to Broombridge Line) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>
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Gillian Kane  
Senior Planning Inspector

24 October 2022