



An
Bord
Pleanála

Inspector's Report ABP315454-23

Development	Change of use of existing studio workshop to residential use.
Location	Greenlea Grove, (adjacent to ESB Substation), Terenure, Dublin 6W.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB1923/22.
Applicant(s)	James Nolan.
Type of Application	Permission.
Planning Authority Decision	Grant of permission subject to condition.
Type of Appeal	Third Party
Appellant(s)	John Caffrey.
Observer(s)	1. Sean Leake 2. Fiona Reilly
Date of Site Inspection	07/09/2023.
Inspector	Anthony Abbott King.

1.0 Site Location and Description

- 1.1. The applicant site at No. Greenlea Grove is located on the north-east side of Greenlea Grove. The site is to the rear of no. 59 Greenlea Road. It also shares a boundary with the City of Dublin Education and Training Board sports grounds. There is an ESB substation to the south/west. Site area is given as 66.3 sqm.
- 1.2. Greenlea Grove is a cul-de-sac comprising a terrace of 5 houses on the south west side of the road opposite the applicant site. It provides vehicular access to Terenure Rugby Club and pedestrian access to Templeogue Road via Lakelands Park.
- 1.3. The applicant site comprises a two-storey pitched roof domestic style infill building built post 2017 as a studio / workshop, which is set back from the public road providing one parallel car parking bay.

2.0 Proposed Development

A material change of use of existing studio workshop (previously approved under planning register reference: 2972/17) to residential use. The accommodation will consist of one single bedroom, with bathroom and storage, home office, open-plan kitchen / living area, WC . Existing private open space to be increased in size to side of building at ground floor. The proposed change of use includes the provision of 1 off-street car-parking space within the site, bicycle parking and bin storage

3.0 Planning Authority Decision

3.1. Decision

Grant planning permission subject to 9 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Dublin City Council reflected the recommendation of the planning case officer

3.2.2. Other Technical Reports

No objection to the proposal subject to condition.

4.0 Planning History

The following planning history is relevant:

- Under register reference 3317/22 planning permission was refused for change of use of existing studio workshop to residential use. The following are the reasons for refusal:
 1. *Having regard to the inadequate quantity and enclosed nature of the proposed private amenity space, and to the proximity of the building to an existing ESB substation, it is considered that the proposed development would result in an unsatisfactory standard of residential amenity for future occupants of the dwelling. The proposed development would, therefore, be contrary to the provisions of the Dublin City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.*
 2. *The proposed development does not comply with the Dublin City Development Plan 2016 – 2022, Section 16.10.09 and Appendix 5, including the design standards as per 'Parking Cars in Front Gardens', as adequate space to facilitate appropriate car parking, and safe access and egress cannot be achieved. The proposal relies on public lands for the provision of a private car parking space and the development would also impact on vehicular access to the ESB substation. The proposed development would endanger public safety by reason of a traffic hazard and obstruction of road users and would therefore be contrary to the provisions of the Dublin City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.*
- Under register reference 3846/20 - ABP309588-21 planning permission was refused for change of use of existing studio workshop [previously approved under planning reg. ref. 2972/17] to residential use. The following are the reasons for refusal:

1. *Having regard to the limited size of the site and the scale of proposed development, it is considered that the proposed development would result in an unsatisfactory standard of residential amenity for future occupants of the house and would result in overdevelopment of the site for the use proposed, by reason of inadequate provision of good quality open space, notwithstanding the further plans and particulars submitted with the appeal. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
 2. *It is considered that the proposed development would not comply with the Dublin City Development Plan 2016 - 2022 as it relates to the provision of parking and that the proposed development would not provide a safe access and egress to and from the site. As such, traffic turning movements generated by the proposed development would tend to create serious traffic congestion on Greenlea Grove. The proposed development would endanger public safety by reason of obstruction of road users and would, therefore, be contrary to the proper planning and sustainable development of the area.*
- Under register reference: 2972/17- planning permission was granted subject to condition for the erection of a dormered type studio / hobby workshop (non-commercial) for leisure use only and the provision of one car parking space
The following condition 3 is relevant:

Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to use as a recreational/hobby studio/workshop (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission. The use of the subject building for any form of commercial business or activity, or for residential purposes, shall not take place, unless specifically authorised by a prior grant of planning permission.

Reason: To protect the amenities of property in the vicinity, and to delimit the use.

5.0 Policy and Context

5.1. Development Plan

The following policy objectives *inter alia* of the Dublin City Development Plan 2022-2028 are relevant:

The applicant site is zoning objective Z1 (Map G) (Residential): *to protect, provide and improve residential amenities*. The proposed development is a permissible use.

- **Strategic Considerations**

Chapter 2 (Core Strategy) of the Dublin City Development Plan 2022-2028 details the projected population targets for Dublin City, which are vertically aligned with national population projections.

Section 2.2.2 (Population and Housing Targets) states:

The NPF identifies a minimum target population of 1,408,000 (minimum target population) for Dublin City and Suburbs (including all four Dublin local authority areas) by 2040, representing a 20-25% population growth range from 2016.

Furthermore, Chapter 2, Section 2.7.4 (Development Management) states:

Development management will play a leading role in the implementation of the development plan on a site by site basis, ensuring that development applications (planning application, Part 8, Section 5 etc.) are in substantial compliance with policies, objectives, and standards as set out in this development plan.

- **Urban Consolidation**

Chapter 5 (Quality Housing and Sustainable Neighbourhoods), is relevant including:

Policy QHSN6 (Urban Consolidation) is relevant. The policy promotes and supports residential consolidation and sustainable intensification through the consideration of applications *inter alia* for infill development, re-use / adaption of existing building stock and subject to the provision of good quality accommodation.

And Policy QHSN37 (Houses and Apartments) is relevant and states:

To ensure that new houses and apartments provide for the needs of family accommodation with a satisfactory level of residential amenity in accordance with the standards for residential accommodation.

- **New House Development**

Chapter 15 (Development Standards), Section 15.13.3 (infill / Side Garden Housing Developments) is relevant and states:

The planning authority will favourably consider the development of infill housing on appropriate sites. In general, infill housing should comply with all relevant development plan standards for residential development including unit sizes, dual aspect requirements, internal amenity standards and open space requirements. In certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land is developed. 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.*
- *Accommodation standards for occupiers.*
- *Development plan standards for existing and proposed dwellings.*
- *Impact on the residential amenities of adjoining sites.*
- *Open space standards and refuse standards for both existing and proposed dwellings.*
- *The provision of 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.*
- *Level of visual harmony, including external finishes and colours.*
- *Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas and the Council will support innovation in design.*
- *Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.*
- *Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.*
- *Use of first floor/apex windows on gables close to boundaries overlooking footpaths, roads and open spaces for visual amenity and passive surveillance.*

Chapter 15, Section 15.11 (House Development) provides standards *inter alia* for floor area, Daylight / sunlight, private open space and separation distances between buildings.

In relation to Section 5.11.3 (Private Open Space) the following is relevant:

Private open space for houses is usually provided by way of private gardens to the rear of a house. A minimum standard of 10 sq. m. of private open space per bedspace will normally be applied. A single bedroom represents one bedspace and a double bedroom represents two bedspaces.....

The following national and regional planning policy documents are relevant in the context of sustainable residential land-use and the strategic policy objective to achieve compact growth:

- The National Planning Framework (NPF) (Project Ireland 2040) (Government of Ireland 2018);
- The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA) (June 2019).

- The Department of Environment Heritage and Local Government 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009) and the accompanying Design Manual (2009).

5.2. EIA Screening

5.3. The proposed development is not within a class where EIA applies.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are summarised below:

- There is a complex planning history on this site. ABP has twice reviewed development at this location and concluded that it cannot support a residential dwelling. The most recent refusal was recorded under planning register reference 3846/20 - ABP309588-21. The Board is invited to consider the entire planning history of the site in assessing the current proposal for change of use from workshop to residential unit;
- There would appear to be material gaps in planning documentation on-line and in hard copy. The pre-planning consultation (V15) and the 'Transport report' have not been published and are not publicly accessible. Demolition works have not been referred to in the public notices;
- The site is located on a narrow (4.5m) heavily trafficked public road. There is no public footpath and no defensive space between the public road and the proposed dwelling is proposed. There are 4 utility service hubs located within the site, which require 24/7 access. The facilitation of car parking and bicycle parking at this location for potential multiple residents is not tenable and would be inconsistent with the relevant transport policy framework of the Dublin City Development Plan 2022-2028 for car and bicycle parking;
- The 'Traffic Report' available for review referenced the busy route servicing many users. The 'Transport Report' stated that the space required for service

vehicles is insufficient given the design of the proposed residential car-parking space. The Transport Department recommended refusal of planning permission given the design and physical structure associated with the car parking space and the proposed residential use;

- The appellant claims that Greenlea Grove is a congested cul-de-sac and that the configuration of the proposed residential car parking space and bin storage, given the location of the 'ESB Cabinets', and the traffic turning movements required to access / egress from the space would cause further congestion. Furthermore, the use of the car parking space would impede coach movements as coach drivers try to manoeuvre their coaches to access the Rugby Club at the extremity of the cul-de-sac. A number of photographs are attached to the appeal supporting the congestion claim.
- The proposed residential car parking space, given its location directly onto the public road without physical definition from the carriageway, does not provide for safe access and egress. The use of this car parking space would / is creating a risk of conflicting movements along the Greenlea Grove carriageway, which does not have a median line or footpath with double yellow lines defining the carriageway, and is limiting visibility for other road users;
- There is no lighting at the entrance to the Rugby Club, which is also in the location of a pedestrian access to Templeogue Road, where car turning movements are required to egress the car parking space. Night time egress movement would be unsuitable and unsafe;
- The previous reasons for refusal of planning permission cited public safety considerations on the grounds of obstruction of road users;
- The appellant questions the accuracy of the submitted red line site boundary with reference to the Land Registry Folio;
- The proposed residential unit would not have a satisfactory level of residential amenity in accordance with residential development standards for quality private open space;

- The proposed development fails to satisfy the 5m ESB separation distance rule, which requires housing to be located at a 5m distance from substations. This 5m rule was clearly set out in 2017 correspondence from the ESB with the applicant;
- The issues arising in previous refusals of planning permission are also relevant to this appeal as the position of a number of significant matters is unchanged under the current planning application including egress & access, turning manoeuvre, congestion and traffic hazard, road user safety, quality open space and proximity to the ESB substation.

6.2. Applicant Response

The applicant response is summarised below:

- The appeal statement contains assumptions and statements with a considerable amount of inaccuracy;
- The appellant has stated he wants ABP to consider the entire planning history on site. A total of 7 planning applications were lodged with the planning authority over 6 years. There were two planning appeals: ABP309588-21 & ABP300345-17. The applicant notes the previous reasons for refusal as follows: (1) residential open space, (2) car parking in relation to the ESB substation, (3) Adjacency of ESB substation to residential development. The applicant claims these matters have been resolved;
- The applicant response includes the attachment in Appendix 1 of correspondence from the ESB in the matter of safety and access to the adjacent substation and the attachment in Appendix 2 of a letter from Virgin Media. The attachments clarify that ESB Networks do not have concerns in regard to safety or access to the subject substation and that Virgin Media has no objection to the private parking location proposed by the applicant;
- Greenlea Grove is a cul-de-sac and is not a heavily used carriageway like Greenlea Road. The applicant claims that Greenlea Grove is intermittently low use busy similar to other adjacent small roads. The applicant has measured

the average width of Greenlea Grove as 5.33m rather than the 4.5m or 4.8m stated by the appellant;

- The applicant site as outlined by the applicant's solicitor is fully in the applicant's ownership. The issue of landownership previously raised by the appellant has been addressed under planning register reference 1923/22 and has been confirmed by the Transport Section of the planning authority.
- The applicant claims that the ESB own the property next door which extends to the edge of the road similar to the applicant's property. The ESB have an arrangement with Virgin Media for a cabinet on their property;
- The current proposal subject of this appeal satisfies car and bicycle parking requirements within the curtilage of the site. The addition of a traffic convex mirror will greatly improve site lines up and down Greenlea Grove and is included in the planning application. The inclusion of a parking post to prevent overspill is welcomed by ESB;
- Terenure College Rugby Football Club put a traffic management plan in place in 2017 and the applicant claims this has been in operation for 6 years without any traffic congestion;
- The subject building is constructed and looks like a dwelling, as the studio workshop was designed to resemble a house to integrate with the streetscape. The applicant can no longer do woodturning due to unforeseen circumstances.

6.3. Planning Authority Response

- None recorded.

6.4. Observations

There are two observations on the subject appeal, which are summarised below:

Sean Leake, no. 3 Greenlea Grove

- The observer wishes to support the appellant against the grant of planning permission for change of use of the subject building from workshop to

residential unit. The change of use has been refused by An Bord Pleanála previously and there is no material change in circumstances in the instance of this application.

- It is claimed that the proposal does not satisfy dwelling development standards in terms of indoor and outdoor space, safe parking and traffic management;
- The first floor bedroom is only 7 sqm, with a single bed located within a dormer structure bedroom, and is not suitable as the only sleeping accommodation in the residence;
- The applicant claims that a section of the public highway forms part of the applicant site, as shown in the applicant agent's latest drawings. Appendix A of the observation attaches a folio map showing the configuration of the applicant site. A copy of the site plan that accompanied the original application planning register reference: 2972/17 is also attached, which it is claimed shows that the applicant is aware that the site does not extend to the highway boundary. It is further claimed that the residual space to the front of the proposed dwelling house is insufficient in extent and configuration to accommodate a car parking space, bicycle parking and bin storage without restricting access to the proposed house entrance;
- The existing workshop car parking space maybe sufficient for occasional use, with reference to the Additional Information response of the applicant on Planning Register Reference 2972/17, but is insufficient as a dedicated residential car parking space in terms of commitments previously provided to the planning authority;
- The Traffic Department Report on planning register reference: 3317/22 (30th March, 2022) recommended refusal of planning permission comprehensively addressing the issue of car parking, which is more complex than the matter of the 'ESB substation' identified by the agent. It is claimed nothing has changed in this application with regard to these issues including safe vehicular access and egress, footpaths, parking by utility vehicles, bin storage, narrowness of Greenlea Grove, infrequent use and the requirement for 1.5 car parking spaces;

- Greenlea Grove is a busy pedestrian route and is not a quiet cul-de-sac as claimed by the applicant's agent. It is the vehicular and pedestrian access to Terenure Rugby Club, other movement generation land uses in the area and gives access to a pedestrian lane, which provides passage through 'Lakelands Park' to the public transport routes on Templeogue Road;
- The development was not designed as a workshop but as a private dwelling as evidenced in its internal configuration. The grant of permission for a change of use would be an abuse of the planning process and would set a dangerous precedent

Fiona Reilly, no. 1 Greenlea Grove

The observation is compiled on behalf of Fiona Reilly by Marsden Planning Consultancy.

- The observer fully supports the content of the appeal and requests that ABP over-turns the decision to grant planning permission for the change of use, as the decision of the planning authority is fundamentally flawed, would not adequately address the previous reasons for refusal and would result *inter alia* in substandard residential development due to the poor design, layout, scale poor quality private amenity area and the creation of traffic hazards;
- The proposal would provide for a dwelling close to an ESB substation, which is contrary to the ESB guidance for housing schemes (2014), which requires a minimum separation distance of 5m between a substation and a dwelling house and a required 3m access to the substation;
- The permitted use granted under planning register reference 2972/17 is as studio / hobby workshop (non-commercial). Condition 3 confirmed on appeal by ABP states that the use of the existing two-storey property for commercial use or residential purposes shall require a grant of planning permission;
- A review of the drawings submitted in response to an additional information request under register reference 2972/17 (permitted development) show inaccuracies with the current submitted drawings in terms of site area, footprint and overall floor area. The applicant has failed to seek retention for the material discrepancy in scale of the studio as built;

- The location of a shower at both ground and first floor level would indicate that the dwelling is intended as a home for at least 2 persons. Furthermore all applications to date have included a double bedroom. There is no guarantee it would be used as a single bedroom if permission is granted for the first floor as currently proposed. It is was incorrect of the planning authority to assess this development as a one-bed space unit requiring a minimum 10sq. metres of private open space;
- The proposed open space would be poor quality in terms of an amenity area and fails to meet quantitative and qualitative development plan standards and the application should be refused on substandard amenity area grounds. It is claimed there would be overshadowing of the courtyard by reason of the height of the boundary walls (2.6m-2.8m) and the potential stairs and first floor overhang, which is inaccurately shown in the submitted drawings. There would be considerable intervention required to achieve the required amenity space including demolition, which is not advertised in the public notice;
- The window in the southern elevation (overlooking the courtyard) is not shown in the proposed floor plans submitted to the planning authority;
- The proposed development represents an intensification of use of the existing car parking space. The proposed parallel (with the public carriageway) car parking space conflicts *inter alia* with the objective to maintain a 3m separation distance with access to the ESB substation utility cabinet. The car parking area would be dominant with no division discernible with the public carriageway. The observer supports the third party appellant in terms of potential traffic hazard arising from the provision of an off-street residential car parking space including substandard access and egress;
- The location of the proposed convex mirror to facilitate visibility and safe car movements is not within the applicant's control.

7.0 Assessment

- 7.1. The following assessment covers the points made in the appeal submission, third party observations and my *de novo* consideration of the application. It is noted that there are no new substantive matters for consideration.

- 7.2. The proposed development is for a change of use of studio / workshop to residential use, which would provide an additional housing unit to the city building stock. It is considered that the National Planning Framework (NPF 2018) and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region (EMRA) (2019) encourage and support the densification of existing urban areas and promote the use of performance based criteria in the assessment of developments to achieve well designed and high quality outcomes.

Urban consolidation and compact growth housing objectives based on target populations are incorporated into the Dublin City Development Plan 2022-2028, which *inter alia* through development management is required to provide sustainable new homes targeting a 20-25% population growth range (for the four number Dublin local authorities) from 2016 to 2040.

- 7.3. The proposed development is for a change of use of an existing studio / workshop to residential use. The site has a complex planning history. The appellant has requested that the planning history of the existing development form part of the appeal assessment. The existing studio / workshop was granted planning permission under planning register reference 2972/17 subject to Condition number 3 restricting commercial and residential use in order to delimit the use in the interests of protecting the amenities of properties in the vicinity.

The change of use from studio / workshop to residential use was refused planning permission under register reference 3317/22, which refused planning permission for two reasons, and register reference 3846/20 - ABP309588-21, which refused planning permission for two reasons. The reasons for refusal relate to the quantity and quality of private open space and the potential traffic hazard arising from the proposed sub-standard parking bay, *inter alia* in terms of access and egress, to the front of the property, which in part is located on the public carriageway.

- 7.4. Section 15.13.3 (development standards for infill / side garden housing developments) of the Dublin City Development Plan 2022-2028 acknowledges that the planning authority will favourably consider the development of infill housing subject to compliance with relevant development standards. The existing two-storey pitched roof domestic style infill building built post 2017 is integrated within its

curtilage and is set back from the public road providing one parallel car parking bay. There is no physical definition between the parking bay and the carriageway.

It is considered that the existing infill building would satisfy most of the criteria listed in Section 15.13.3 of the Dublin City Development Plan 2022-2028, which requires the assessor to have regard to *inter alia* the following:

- The character of the street, which in the instance of the proposed development is characterised by two-storey suburban houses with front and back gardens with front garden driveways and parking bays;
- Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings, which in the instance of the proposed development is achieved through the provision of a modest two-storey two-bay pitched roof structure with a gable-fronted rendered façade;
- Accommodation standards for occupiers, which in the instance of the proposed development would provide a reasonable level of residential amenity given a floor area of 47sqm.;
- Development plan standards for existing and proposed dwellings, which in this change of use application from studio / workshop to residential use would include *inter alia* internal floor area standards, private open space and car parking and bicycle standards. It is considered that the proposed development would in general satisfy internal floor area standards. Also see private open space and residential parking bay assessments below.
- Impact on the residential amenities of adjoining sites, which in the instance of the proposed development, given the distance of the subject housing unit from existing dwelling houses, would not detract from existing residential amenities including in terms of overlooking and noise;
- Open space standards and refuse standards for both existing and proposed dwellings. The proposed development would provide for refuse storage. Also see private open space assessment below;
- The provision of a safe means of access to and egress from the site. See assessment of residential parking bay below;

- The provision of landscaping and boundary treatments which are in keeping with other properties in the area. It is noted that there will be no physical demarcation between the parking bay in front of the house and the carriageway on Greenlea Grove. This is not in keeping with boundary treatments in the vicinity;
- The maintenance of the front and side building lines, where appropriate. This criterion is not applicable in the instance of this change of use application and the standalone nature of the existing structure;
- Level of visual harmony, including external finishes and colours, which in the instance of the proposed development it is considered have been achieved by the existing structure;
- Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas and the Council will support innovation in design, which in the instance of the proposed development it is considered has been achieved by the existing structure;
- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided, which is not applicable in the instance of the applicant site;
- Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible, which is the proposal in the instance of this application for change of use;
- Use of first floor/apex windows on gables close to boundaries overlooking footpaths, roads and open spaces for visual amenity and passive surveillance, which in the instance of the existing structure it is considered has been achieved.

7.5. The proposed housing unit would have a single bedroom space. Section 5.11.3 (Private Open Space) of the Dublin City Development Plan 2022-2028 requires a private open space provision of 10sqm. for a single-bedroom residential unit. The proposed housing unit would have a dedicated courtyard space of approximately 9.5 sqm. located to the south east of the existing structure. The appellant expresses

concern in the matter of the quality of the proposed dedicated open space by reason of over shadowing and overhang. It is considered that the proposed courtyard would have an optimal south east orientation, would be enclosed ensuring shelter and privacy and would not be over looked by adjoining properties given the configuration of the courtyard and its location abutting the City of Dublin Education and Training Board sports grounds. The proposed open space would satisfy qualitative standards.

- 7.6. The substantive part of the appellant's grounds of appeal relate to the proposed residential car parking bay parallel to the Greenlea Grove carriageway and traffic congestion issues on Greenlea Grove. The appellant cites the occasional nature of the use of the existing car parking bay and makes a distinction between proposed residential use and workshop / studio use evidenced by the planning history on the site, which justified the existing car parking bay by reason of occasional use. The appellant claims *inter alia* that the proposed parking bay is substandard by reason of access and egress, service maintenance for ESB and other utilities and that the set-back in front of the existing studio / workshop is inadequate in area to accommodate the multifunction of car and bicycle parking and bin storage.

The subject car parking bay measures approximately 6.5m in length and approximately 2.5m in width. The applicant has clarified the land ownership issue in regard to the previous refusal as it relates to the car parking bay and the public carriageway to the satisfaction of the planning authority. The applicant has clarified that ESB Networks do not have concerns in regard to safety or access to the subject substation and that Virgin Media has no objection to the private parking location proposed by the applicant. It is considered that the overall set-back directly in front of the house would measure 6.5m in length and approximately 3.5 metres in width, which can accommodate car parking, bicycle parking and bin storage.

The Transport Planning Division of the planning authority has no objection to the proposed residential car parking bay following clarification by the applicant's solicitor of land ownership matters and service provider assurances in the matter of access to utilities. The applicant proposes to install a traffic convex mirror that it is claimed will greatly improve site lines up and down Greenlea Grove assisting access and egress, which forms part of the planning application. However, it is noted that the location of the mirror is outside the red line boundary of the site. It is considered that the proposed car parking bay is acceptable subject to the recommendations of the

Transport Planning Division of the planning authority, which advises standard conditions. This can be dealt with by way of condition.

- 7.7. In conclusion, it is considered on balance that the proposed development in terms of internal configuration, open space and dedicated car parking has addressed successfully the previous reasons for refusal of planning permission for a change of use to a residential unit. It is considered that the proposed residential unit would provide a reasonable level of residential amenity, would satisfy urban consolidation and compact growth targets for housing, would not detract from the residential amenities of properties in the vicinity and would be consistent with the proper planning and sustainable development of the area.

7.8. Appropriate Assessment Screening

The proposed development comprises a change of use of an existing building from studio workshop to residential use in an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS

8.0 Recommendation

- 8.1. I recommend a grant of planning permission.

9.0 Reasons and Considerations

Having regard to the grounds of appeal, the observations of third parties, the residential zoning objective and the policy framework provided by the Dublin City Development Plan 2022-2028 for residential development, including the compact growth requirement to provide more homes within the existing built foot print of the city and its suburbs, it is considered that the proposed development would provide a reasonable level of residential amenity, would not detract from the amenity of adjoining properties in the vicinity and would be consistent 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>Reason: In the interest of clarity.</p>
2.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
4.	<p>The developer shall adhere to the recommendations of the planning authority Transport Planning Division Report dated 15th November, 2022.</p> <p>Reason: In the interest of orderly development.</p>
5.	<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</p>

	<p>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>
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"I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way".



Anthony Abbott King
Planning Inspector

18th September 2023