



An  
Bord  
Pleanála

## Inspector's Report ABP315717-23

### Development

Demolition of part (29.5 sq. meters) of an existing single-storey workshop and the construction of a two-storey extension (60 sq. meters) to the rear of the remaining workshop of 63 sq. meters, to form a detached live/work mews dwelling, along with new roof lights to the existing workshop roof, two cycle spaces, and all associated site works.

### Location

The Old Forge, 6 Bloomfield Park, and to the rear of no.13 and no.14 Longwood Avenue, Dublin 8

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

WEB1475/22

### Applicant(s)

Willy Brennan and Eleanor Garvey

### Type of Application

Permission

### Planning Authority Decision

Grant permission with conditions

### Type of Appeal

Third Party

|                                |                          |
|--------------------------------|--------------------------|
| <b>Appellant(s)</b>            | Susan Perkins and others |
| <b>Observer(s)</b>             | None                     |
| <b>Date of Site Inspection</b> | 8 May 2023               |
| <b>Inspector</b>               | Diarmuid Ó Gráda         |

## 1.0 Site Location and Description

1.1. This appeal concerns a property in Dublin city. It is located north of Rathmines and the Grand Canal, lying close to the South Circular Road. This site has a stated area of 186 sq. meters. It is situated at the end of a narrow L-shaped cul-de-sac called Bloomfield Park which runs 120 meters from Bloomfield Avenue, a broad straight street that connects the South Circular Road to the canal bank at Windsor Terrace and Portobello Road.

The site has an irregular L-shape, formed from three separate parcels of land viz. no.6 Bloomfield Park and nos. 13/14 Longwood Avenue which directly adjoin Bloomfield Park on the west.

Longwood Avenue is occupied by terraced 2 storey-over-basement houses. They have long rear gardens (30 meters long approx.). There is quite a variety of dwellings along one side (west) of Bloomfield Park. Generally, they are small and mews-like. The closest structure, no.7, is a single-storey dwelling with a side garden that has become extensively overgrown. Immediately adjoining the site (to the north) there is a cul-de-sac called Alexandra Terrace made-up of single-storey red brick cottages.

On my site inspection the site was unoccupied and it may have been for some time. It was not possible to gain access to the interior. I did gain access to the houses at no.13 Longwood Avenue and no.9 Bloomfield Avenue, and they allowed an overview of the property and its context.

The main structure is an old single-storey pitched roof building. It is pebble dashed and has a slate roof. It is called The Old Forge but any such use as a forge has long gone. It may have otherwise been used for storage purposes. Currently, it is extensively covered with ivy and that obscures much of the details.

To the rear, on the west side, there are lower structures (one with a pitched roof and a lower one with a flat roof). They are in a rather dilapidated condition, with missing roof elements etc.

## 2.0 Proposed Development

- 2.1. It is intended to form a dwelling/artist's mews by extending and converting an existing workshop. It would have a stated floor area of 123 sq. meters. That would comprise the retained premises of 63 sq. meters and the intended new addition of 60 sq. meters. About 29 sq. metres of the existing structure, known as The Old Forge, would be demolished to make way for the new building work.

The lodged drawings show a two-storey building with part flat-roof, part lean-to roof. The living area would be finished externally with vertical timber cladding. Timber doors and windows would also be used. The workshop element would retain a rough-cast concrete finish, with new roof lights. That is a single-storey building with a pitched roof covered with slates.

The laneway frontage of the studio/workshop would present a blank gable set above a ground floor with extensive glazing and the entrance door. It would have a height closely corresponding to that of the adjoining cottages. The roof over the studio would include six pairs of roof lights, affording daylight to that work area. To the rear, the living accommodation would be a partly single-storey and partly 2 storey space. On the ground floor there would be a bedroom, bathroom and kitchen/dining area. Living space would occupy the first-floor level.

### **3.0 Planning Authority Decision**

3.1. Dublin City Council decided to grant permission subject to 8 conditions, notably,

No.1 Compliance with lodged plans/specifications, as modified by the further information received by the planning authority on 6th December 2022,

No.2 Financial contribution of €3,617.30 towards public infrastructure,

No.3 Compliance with codes of practice for drainage, transportation and noise/air pollution,

No.4 Financial contribution (sum unspecified) towards repair of roads and services, following development,

No.5 Drainage arrangements.

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

#### **3.2.1. Planning Report**

The existing workshop is derelict and it would be partly demolished. The artist's studio/dwelling would be formed where there was formerly a garage/workshop. Those changes were deemed acceptable. While the site coverage of 58.7% exceeds the indicative maximum for the Z2 zone (45%) it is deemed acceptable in the circumstances. The stated plot ratio (0.66) falls within the Development Plan range (0.5-2.0).

In regard to the elements of the building, it was deemed that components such as the aggregate living area, bedroom area, storage, etc., exceeded the minimum required under the Development Plan. Externally, there would be acceptable private open space (35 sq. meters approx.). There would not be undue overshadowing.

It was observed that nos. 13/14 Longwood Avenue have rear gardens of 25 meters approx., thereby exceeding the minimum requirement. The impact on third parties

would also be reduced by the design elements such as broadly retaining the existing footprint. The mono-pitch roof and roof height of the dwelling would be consistent with the existing garage/workshop structure. Furthermore, the highest part of the roof profile would be angled away from the dwellings at Alexandra Terrace. Windows would be west and south-facing at first floor level, with sill heights mostly of 1.8 meters approx. Undue overlooking would be avoided by that arrangement, given the length of the rear garden at no.13 Longwood Avenue.

The proposal would not be seen from surrounding streets. Pedestrian/cycle transport would be used, gaining access via Bloomfield Park.

### **3.2.2. Other Technical Reports**

3.2.3. The Council's Drainage Division recommended further information be sought as the intended connection to the public sewer through a laneway that is not taken in charge by the Council. Otherwise, there was no objection, subject to conditions.

3.2.4. The Transportation Planning Division noted the central location of the property, as well as the length of the laneway and its narrow width, being 3.5 meters at the widest section. It stated that a car-free development was acceptable in this instance.

## **4.0 Planning History**

A previous application for a similar scheme at this site, ref.WEB1276/22, was declared invalid.

An Bord Pleanála refused permission (ref. 29S.300814, PA ref.4220/17) for a new vehicular access at no.20 Longwood Avenue. That site has rear access onto the same lane, Bloomfield Park. The decision cited removal of on-street parking and the creation of an undesirable precedent. It also stated the proposal would cause serious injury to properties within the Z2 zone.

## 5.0 Policy and Context

### 5.1. Development Plan

Under Chapter 11 the Council aims to preserve the built heritage of the city. It will protect the special interest of conservation areas in terms of character/distinctiveness (Policy CHC4). Chapter 5 states that the Council will engage in active land management, ensuring that zoned land comes into use. It aims (Policy QH5) to address the housing shortfall by active land management, including vacant sites and underutilized sites. It will promote use of vacant/underused sites (Policy QH8).

Section 4.5.9 states that well considered urban design and architecture contribute to the townscape and urban environment.

These lands are included within the Z2 zone where the stated objective of the Council is to protect and/or improve the amenities of residential conservation areas. At this place the Z2 zoning extends over much of the area north of the Grand Canal, extending north beyond the South Circular Road. It covers the subject properties lying between Bloomfield Avenue and Longfield Avenue.

There are many protected structures fronting onto both South Circular Road and Clanbrassil Street but none of them adjoin the properties of the applicant or the third parties.

Under Chapter 16 the Council seeks to protect the character of historic streets/laneways and adjacent buildings, the spaces around them and between them (Section 16.2.1). Section 16.10.8 sets out the Council's aims in regard to comprehensive backland development i.e. it will be allowed where the opportunity exists.

The Council will consider (Section 16.2.1.1) new development in regard to its response to the context in terms of pattern, form, townscape, density and uniformity, having regard to architectural considerations that include the composition of

elevations, roofs and building lines. Details of walls, gates, paving/planting will be considered as well. The Council will encourage sustainable/inclusive design.

Section 16.2.2.2 (Infill development) states that schemes must respect/complement the prevailing scale and architectural quality, retaining consistency with the surrounding townscape. There should be a positive response to the context in regard to building widths, form and materials. Any new scheme should positively interpret the predominant design at that place.

## **5.2. Natural Heritage Designations**

Not applicable

## **5.3. EIA Screening**

6.0 Having regard to the minor nature and scale of the development proposed, the site location outside of any protected site, the nature of the receiving environment in an existing built-up area, the intervening pattern of development, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

7.2. The grounds of appeal are:

The homes of the appellants (at Bloomfield Park, Bloomfield Avenue and Alexandra Terrace) virtually surround the application site, on the east, south and north. There would be a serious negative impact on residential amenity.



There are errors in the lodged drawings. They include the representation of building height, i.e. the existing garage and the house at Alexandra Terrace are approximately the same height. Inadequate drainage details have been supplied.

A one-bedroom mews dwelling/workshop would be inconsistent. It would detract from the character of the local area. It would contain a large studio workshop with six desks.

There would be severe overlooking of the private amenity spaces serving no.5 Alexandra Terrace and nos.7/8 Bloomfield Park. The architectural design disregards the local context and character. The height of the development would be excessive with overlooking of neighbouring properties.

The rear garden of no.5 Alexandra Terrace is 1 meter approx. lower than the site level. Private areas at Alexandra Terrace and Bloomfield Park would be overlooked.

Adjoining residents are concerned about congestion, obstruction and hazard on the shared laneway. The laneway width is below the 5.5 meters threshold for potential mews laneways. No consensus has been reached locally regarding mews development.

Traffic hazard would arise due to inadequate and narrow access. Concern extends to the means of access for emergency vehicles, waste collection trucks, etc. This laneway could not accommodate construction traffic or customers.

There would be a contravention the 2009 Guidelines on Sustainable Residential Development in Urban Areas because the proposal would detract from the residential amenity of adjoining properties. An undesirable precedent would be created by overbearing/overlooking, as well as loss of privacy, especially at Alexandra Terrace and 8 Bloomfield Park.

Permission was refused for comparable schemes i.e. where inadequate narrow access or overbearing where central considerations.

It is conceded that this form of development could, in principle, be undertaken if more details were provided regarding the intended workshop use, with an attached dwelling of a size consistent with those at Bloomfield Park.

### 7.3. Applicant Response

7.4. The applicant's response may be summarised as follows.

- Under Section 4.5.9 of the Development Plan the Council will support well-considered urban design and architecture that would make a positive contribution to the urban environment. The receiving environment contains development that is diverse and irregular in scale. This proposal would not disrupt that and Bloomfield Park is unlikely to be developed as a mews lane. The proposal was carefully formulated, with the intention of minimizing the impact on third parties.
- The 1 meter difference in ground level with no.5 Alexandra Terrace is noted and the sectional drawings have been adjusted to take account of that. That has no bearing on the perceived overbearing.
- The workshop would not have a first floor level and the intended roof-lights would not have sight of adjoining properties. The living room roof-light would be 1.85 meters over floor level, precluding overlooking. The same is true for the living room windows facing south and east. Overlooking of no.5 Alexander Terrace would be precluded by intervening screening afforded by the existing fence. At nos.10/11 Bloomfield Avenue there are intervening high walls that reduce overlooking. Moreover, there is a separation distance of 33 meters and that is ample for this built-up area.
- There would be some disruption during the construction phase but this proposal is for a non-vehicle development, with no associated car use. One positive outcome is that the workshop/garage would no longer generate traffic. If necessary a traffic plan can be made available under revised conditions.
- This is a proposal for a single-bedroom dwelling with modest wastewater requirements. The existing footprint would remain largely unchanged. Dublin City Council has closely examined the issue of surface water drainage and condition no.5 addresses that. The premises are already connected to the

drainage system and no significant change is expected in the volume of surface water. This proposal would use the same refuse collection point as the other residents. The same established access for emergency vehicles would also be used. A new fire hydrant is proposed adjacent to the site.

#### **7.5. Planning Authority Response**

None

#### **7.6. Observations**

None

#### **7.7. Further Responses**

None

### **8.0 Assessment**

8.1. The Z2 zoning objective raises the bar higher than we see within the Z1 zone. There must be more fine-tuning in assessing the impact on the receiving environment. In this case the receiving environment is remarkable for its variety and the low-rise buildings along the lane are very different from the red brick Victorian houses on Longwood Avenue and Bloomfield Avenue. This case is also unusual in its context as the site has been extended beyond the laneway, taking in former parts of the rear gardens of nos.13/14 Longwood Avenue. Those acquisitions turned it into an L-shaped site, almost three times larger. That expanded configuration affords substantial scope for development of the type now intended.

8.2. In my opinion the intended design, including the external finishes, are quite compatible. Cross-section F-F shows the roof lights cill level set at 1.85 meters above finished floor level. On the north side, those windows would be set back 2.2 meters approx. from the dividing fence. On the south side a separation of two meters is shown. That arrangement would preclude excessive overlooking.

- 8.3. On the other hand, the access is challenging. Towards this end of the laneway the footpath on one side runs out and the shared surface shows signs that it has been little used for some time. Immediately in front of the site there is considerable scrub growth, including Buddleia and a deciduous tree c.6 meters high. The laneway frontage of the site appears dilapidated and the vehicular gateway in that gabled frontage appears dilapidated too. The well-established planting shows the rear access of no.9 Bloomfield Avenue (and to a lesser extent no.10) has not been used for some time.
- 8.4. The appellant's citation of the guidelines on sustainable urban residential development (2009) raises two main considerations. Firstly, this property lies within the city's canal ring. It is part of a tightly-woven built-up area that dates from the second half of the nineteenth century. Secondly, a central tenet of the guidelines states that a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The partial retention of the old workshop is a consideration there. So is the form of the proposed additions, in terms of height, roof treatment and external finishes.
- 8.5. The proposal would broadly retain the long-established footprint and it would not be seen from the surrounding streets. There would not be disruption of the streetscape. Those aspects have been well considered in my opinion.
- 8.6. This proposal would bring welcome renewal to a very neglected site that lies inside the canal ring.

## 9.0 Recommendation

- 9.1. It is recommended that permission be granted subject to conditions.

## 10.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022-2028 and the nature, scale and orientation of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would not materially contravene the current development plan for the area and would not

seriously injure the residential or visual amenities of the area. The development would therefore be in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

|    |   |
|----|---|
| 1. | <p>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 received on the 6th day of December 2022 and by the further plans and particulars received by An Bord Pleanála on the 6th day of March 2023, 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>(a) The external finishes of the proposed extension (including roof materials) shall harmonize with those of the existing dwelling in respect of colour and texture.</p> <p>(b) The development shall be contained within the application site and there shall be no oversailing or overbearing of adjoining property without the prior written consent of the land owner concerned. All proposed screening measures, including improvements to boundaries and the provision of any fencing, shall be completed prior to the occupation of the proposed extension.</p> <p><b>Reason:</b> To protect the amenities of adjoining properties.</p>   |
| 3. | <p>Surface water drainage arrangements shall comply with the requirements for the planning authority for such services and works.</p> <p><b>Reason:</b> In the interests of public health.</p>  |
| 4. | <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, 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p> |
|---|

*Diarmuid Ó Gráda*

---

Diarmuid Ó Gráda  
Planning Inspector

9 May 2023