



An
Bord
Pleanála

Inspector's Report 305531-19

Development	Reconstruction, reconfiguration and extension of detached mews; single-storey shed; and a 2.3m boundary wall.
Location	57 Hollybrook Road, Clontarf, D3.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1395/19
Applicant(s)	Martin & Tracey Grehan
Type of Application	Retention Permission
Planning Authority Decision	Refuse retention permission
Type of Appeal	First Party v. Decision
Appellant(s)	Martin & Tracey Grehan
Observer(s)	Anne Kirwan & Tom Gaffney Fergus Roche James & Vivienne Scully
Date of Site Inspection	27 th November 2019
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. No. 57 Hollybrook Road, Clontarf, Dublin 3 is a two-storey, semi-detached dwelling with a single-storey mews structure at the rear. Access to the mews is via a laneway which adjoins the northern and southern boundaries of the application site and extends to the rear of the properties on the eastern side of Hollybrook Road. The laneway, which is narrow and substandard in nature, provides access to garages and shed structures at the rear of the residential property boundaries.
- 1.2. There is off-street car parking to the front of the main dwelling, with on-street car parking available on both sides of Hollybrook Road.

2.0 Proposed Development

- 2.1. The development to be retained comprises: (i) the reconstruction, reconfiguration and extension (26.1 m²) of the existing detached, residential mews structure to the rear of the property; (ii) a single storey masonry shed structure (6.2 m²) in the rear garden of the existing dwelling; and, (iii) a 2.3m high wall between the existing semi-detached dwelling and the detached mews to the rear.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Refuse Retention Permission issued on 2nd September 2019 for 1 no. reason relating to the substandard width of the laneway, the non-provision of off-street car parking, the quality and quantity of private open space and the overhanging of the development onto the laneway.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. Basis of Planning Authority's decision.

- 3.2.3. In assessing the proposed development, Dublin City Council's Planning Officer noted that the roof/eaves of the mews and the roof of the garden shed overhang the private

service laneway adjoining the site, which was considered unacceptable. In assessing the private open space, the Planning Officer considered that the quality and quantity of the area provided was not adequate. It was further considered that the development does not meet development plan policy for mews dwellings, with respect to the width of the service laneway and the absence of off-street car parking.

3.3. **Other Technical Reports**

- 3.3.1. **Engineering Department Drainage Division:** No objection to the proposed development subject to conditions.
- 3.3.2. **Transportation Planning Division:** Recommendation that planning permission be refused based on the substandard width of the laneway and the absence of off-street car parking.

3.4. **Prescribed Bodies**

- 3.4.1. **Irish Water:** None received.
- 3.4.2. **Irish Rail:** None received.

3.5. **Third Party Observations**

- 3.5.1. Two third party objections were made on this application from Teresa Kinane of No. 38 Lawrence Grove, Dublin 3 and Juliette Gash of No. 39 Hollybrook Road, Clontarf, Dublin 3.
- 3.5.2. The grounds of objection relate to the commercial use of the mews dwelling as a rental property; the absence of off-street car parking; the safety of the access laneway; inadequate private open space provision; the failure of the development to incorporate SuDS measures; and, the materials/finishes of the mews structure.

4.0 **Planning History**

- 4.1. **PA Reg. Ref. WEB1528/17:** Planning permission granted on 25th January 2018 for the demolition of the existing single storey extension and the construction of a new part two-storey, part single-storey extension to the rear, new single-storey bay window to the front, single-storey extension and elevational modifications to the side and upgraded vehicular entrance at No. 57 Hollybrook Road, Clontarf, Dublin 3.

Enforcement History

- 4.2. **PA Ref. E1146/18:** The erection of a single-storey structure to the rear of No. 57 Hollybrook Road, the use of the single-storey structure for residential purposes and the erection of a single-storey shed in the rear garden of the existing property.

5.0 Policy and Context

5.1. Development Plan

5.2. Dublin City Development Plan 2016-2022

- 5.2.1. **Zoning:** The site is subject to land use zoning 'Z2 – Residential Neighbourhoods (Conservation Areas)' the objective of which is, "to protect and/or improve the amenities of residential conservation areas". Residential land uses are permissible under this zoning objective.
- 5.2.2. The site is also located within the boundaries of the Hollybrook Road Architectural Conservation Area by way of Variation No. 2 of the development plan adopted by Dublin City Council on 12th June 2017.
- 5.2.3. **Policy:** The housing policies of Dublin City Council are contained within Chapter 5 of the development plan. Those policies which are directly relevant to this appeal case are identified below.
- 5.2.4. **Policy QH1:** To have regard to the DEHLG Guidelines on '*Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities*' (2007), '*Delivering Homes Sustaining Communities – Statement on Housing Policy*' (2007), '*Sustainable Urban Housing: Design Standards for New Apartments*' (2015) and '*Sustainable Residential Development in Urban Areas*' and the accompanying '*Urban Design Manual: A Best Practice Guide*' (2009).
- 5.2.5. A target gross floor area of 70 m² is identified for a 2-bedroom/4-person/single-storey house under the *Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities*' (2007).

- 5.2.6. **Policy QH7:** To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.
- 5.2.7. **Policy QH8:** To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.
- 5.2.8. **Policy QH21:** To ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity, in accordance with the standards for residential accommodation.
- 5.2.9. **Policy QH22:** To ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.
- 5.2.10. **Mews Dwellings:** The Planning Authority will encourage the unified development of mews laneways. Building heights will generally be limited to two storeys, with one off-street car parking space required for each dwelling. Mews laneways should have a minimum carriageway width of 4.8 m or 5.5 m where no verges or footpaths are provided. Private open space shall be provided to the rear of the mews building and shall be landscaped to provide for a quality residential environment. The depth of the open space for the full width of the site will not generally be less than 7.5 m and where provided, the requirement for 10 m² of private open space per bedspace may be relaxed. A separation distance of 22 m should be maintained between opposing windows but may be relaxed due to site constraints.
- 5.2.11. **Boundary Walls and Railings:** Dublin City Council will seek to ensure that development will not result in the loss or insensitive alteration of characteristic boundary walls or railings. New boundary walls or railings should: (i) replicate an existing or traditional pattern which is characteristic of the immediate locality; and, (ii) use a design and materials appropriate to the existing or proposed building and street-scene.

5.3. Natural Heritage Designations

- 5.3.1. None.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the retained development, comprising a wall and garden shed within the boundary of an existing dwelling and the redevelopment of a detached mews structure, there is no real likelihood of significant effects on the environment arising from the development. The need for environment 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. A first party appeal has been lodged by Michael Halligan Planning Consultants on behalf of the applicants, the grounds of which can be summarised as follows:
- The refurbishment works which have been undertaken to the main house and pre-1963 mews structure, have resulted in a significant planning gain for the residential conservation area and have significantly enhanced the residential and visual amenities of the area;
 - The development for which retention permission is sought replaces pre-existing structures;
 - The mews structure to the rear of the main dwelling was previously used as a residential dwelling. It has been upgraded and extended to meet modern residential codes and its footprint has been revised to move it further from the main house and inwards from the laneway;
 - Private open space of 37.64 m² serves the mews dwelling. If required by An Bord Pleanála, this area can be increased to 49.13 m² by moving the party wall and incorporating the existing rear patio area of the main dwelling;
 - The overall car parking requirement on the site has been reduced through the removal of the previous bedsit units within the main dwelling;
 - No off-street car parking was provided for the pre-1963 mews dwelling. Bicycle parking has been provided to facilitate sustainable transport modes by the occupants of the mews. The site is also adjacent to the city centre and is

served by ample public transport options, including inter-city train links, DART, QBC and cycle lanes;

- Dublin City Council has previously granted planning permission for other developments in the Clontarf area which have no off-street car parking. The same flexibility regarding the application of maximum car parking standards should apply in this case;
- If considered appropriate by An Bord Pleanála, the applicant is willing to allocate a car parking space for the mews in front of the main dwelling or pay a financial contribution in lieu;
- The granting of retention permission for the mews dwelling will not set an undesirable precedent for further such development given that it is a replacement dwelling. The revised building footprint has also increased the width of the adjoining laneway and increased road safety for existing users;
- The garden wall and shed are constructed to a high standard and contribute positively to the visual amenities and character of the area;
- The established mews structure previously overhung the adjoining laneway. The boundary of the modified mews structure has been moved inwards from the laneway, on lands within the applicant's ownership;
- No sunlight/daylight issues arise given the westerly orientation of the mews structure and the distance between the lounge windows and boundary wall;
- The development complies with development plan policy concerning residential development. The policies concerning mews dwellings do not apply to the replacement of an established residential mews building.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. Three observations have been lodged in relation to this application from (i) James and Vivienne Scully of No. 58 Hollybrook Road, Clontarf, Dublin 3, (ii) Fergus Roche

of No. 10 Hollybrook Road, Clontarf, Dublin 3 and (iii) Anne Kirwan and Tom Gaffney of No. 56 Hollybrook Road, Clontarf, Dublin 3.

- 6.3.2. The observers are in support of the proposed development and submit that the refurbishment of the main house and mews structure has substantially enhanced the appearance of the site and adjoining laneway. The observers further submit that the development has eliminated previous problems of anti-social behaviour associated with the site.

7.0 **Assessment**

7.1. I am satisfied that the main issues for consideration in this case include:

- Application of development plan policy;
- Quality and quantity of private open space;
- Laneway access and car parking;
- Appropriateness of internal boundary wall and garden shed;
- Appropriate assessment.

7.2. Each of these issues is addressed in turn below.

7.3. **Application of development plan policy**

- 7.3.1. The applicant's agent submits that a mews structure existed to the rear of the main dwelling prior to 1963. When acquired by the applicants, the property was in a poor state of repair and had been vacant for a period of time, having previously been in residential use.
- 7.3.2. The applicant's agent further submits that the development plan policy concerning mews dwellings does not apply in this instance, given that the development comprises the replacement of an existing dwelling rather than the provision of a new one.
- 7.3.3. While a mews structure may have been established on the site prior to 1963, I note that the current application seeks retention permission for its reconstruction, reconfiguration and extension. Thus, in my opinion, a new dwelling has been provided in place of the previous structure. As such, the development must be assessed in terms of its compliance with current development plan policy and

development standards relating to mews dwellings as identified in Section 5.2.10 of this report above.

7.4. Quality and quantity of private open space

- 7.4.1. The applicant's agent submits that 37.64 m² of private open space serves the mews dwelling. This open space is hard landscaped and wraps around the property, varying in depth from 0.9 m to 1.7 m along its northern and north-western boundaries and increasing to 3.9 m in front of the dwelling entrance. The open space is enclosed by a 2.3 m high boundary wall on all sides, which separates it from the rear garden of the main house, and for which retention permission is now sought.
- 7.4.2. In my opinion, the open space which extends around the northern and north-western boundaries of the property does not serve as meaningful open space given its restricted width, and more reasonably comprises circulation space. The wider portion of open space to the front of the dwelling has an area of c. 16.8 m². The pedestrian entrance gate into the site is inward opening into this space, which also serves as a bin and bicycle storage area. Collectively, these varying functions serve to reduce the quantity and quality of this area as dedicated private amenity space.
- 7.4.3. Development plan policy in relation to mews dwellings requires that private open space be provided to the rear of the building and landscaped to provide a quality residential environment. In addition, the depth of the open space for the full width of the site should not generally be less than 7.5m.
- 7.4.4. Having regard to the foregoing, I consider that the private open space serving the mews dwelling is insufficient in terms of its quantity and quality and as such, offers a poor standard of residential amenity for the dwelling occupants. I note that the applicant's agent has suggested the private open space could be increased to 49.13 m² by incorporating the rear patio of the main dwelling. However, in my opinion, the open space as amended would continue to be substandard in terms of its aspect, size and configuration.

7.5. Laneway access and car parking

- 7.5.1. The Transportation Planning Division of Dublin City Council recommended that planning permission be refused for the mews dwelling having regard to the location of the site on a narrow laneway, which is substandard in width, and the absence of off-street car parking. Thus, the development was deemed to be contrary to

development plan policy concerning mews dwellings and would set an undesirable precedent for other similar substandard development in the area.

- 7.5.2. In my opinion, the absence of off-street car parking alone would not constitute a reasonable refusal reason in this instance, given the proximity of the site to a range of sustainable transport modes, including bus and DART, and the proximity of the site to the city centre. However, I agree that the laneway width is restricted, with limited overlooking from the neighbouring properties, and would likely not facilitate access for emergency vehicles. On the basis of the foregoing, I agree that the granting of retention permission for the mews dwelling would set an undesirable precedent for such development at this location.

7.6. Appropriateness of internal boundary wall and garden shed

- 7.6.1. This application seeks retention permission for a 2.3 m high boundary wall which demarcates the rear garden of the main dwelling. While I consider the development to be acceptable in terms of its design and scale, I note that its sole purpose is to subdivide the main house and garden from the mews site. On the basis that a refusal of retention permission is recommended for the alterations to the mews dwelling, the same recommendation is considered appropriate in relation to the boundary wall.
- 7.6.2. This application also seeks retention permission for a single-storey shed of 6.2 m² in the rear garden of the main dwelling. I note that this structure would constitute exempted development under the provisions of Schedule 2, Part 1, Class 3 of the Planning and Development Regulations, 2001 (as amended).

7.7. Appropriate Assessment

- 7.7.1. Having regard to the nature and scale of the development, the residential land use zoning of the site, and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend that retention planning permission be refused for the reason set out below.

9.0 Reasons and Considerations

The retained development, by reason of its inadequate qualitative and quantitative provision of private open space, the inappropriate subdivision of the site and the restricted laneway access, would conflict with the provisions of Section 16.10.16 of the Dublin City Development Plan 2016-2022 in relation to mews dwellings, and would constitute a substandard form of development on a restricted site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Louise Treacy
Planning Inspector

19th December 2019