



An
Bord
Pleanála

Inspector's Report

ABP-306812-20

Development	Demolition of single storey dwelling and the provision of a courtyard style mews dwelling with car parking and balcony to front as previously granted permission Reg. Ref. 1690/07
Location	119A, Strand Road, Dublin 4, D04 A2F4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1359/19
Applicant(s)	Nigel Tuite
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Emma Harney & Christian deVries
Observer(s)	Stephen & Mary Gately
Date of Site Inspection	02 nd June 2020

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.0119 hectares, is located to the south east of Dublin City centre and to the rear of no. 119 Strand Road. The appeal site is occupied by a single-storey dwelling (no. 119a), which is a mews dwelling that appears to have previously been part of rear garden of no. 119. The site is accessed off an existing laneway that runs along the southern boundary of no. 121 to the south of the site and has vehicular access off Strand Road. The laneway runs along the rear boundary of no. 121, the western elevation of the existing dwelling on site and provides access to no. 117a, which is a two-storey mews dwelling immediately north of the site (appellants' dwelling). The laneway is approximately 3-3.5m in width. Adjoining development includes no. 117a to the north, the rear garden serving no. 121 to the south and to the east the rear garden of no. 119, which is a two-storey over basement terraced dwelling. On the opposite side of laneway to the west of the site are the grounds of West Wood Tennis Club.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of an existing single-storey dwelling and the provision of a new two-storey, two bedroom, courtyard style mews dwelling with car parking and balcony to the front as previously granted permission reg. ref. 1690/07 with minor changes to elevations and floor plans and all associated site works. The proposed dwelling has a floor area of 121.5sqm.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 8 no. conditions. Of note is the following condition...

Condition no. 4(i): The proposed vehicular entrance to the rear garden and associated car parking area shall be omitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (14/08/19): Further information required including a revised drawing omitting the vehicular entrance and off-street car parking.

Planning Report (29/10/19): Clarification of further information required including measures to address concerns regarding the width of laneway access and its ability to facilitate vehicular traffic.

Planning Report (17/02/20): The proposal was considered to be acceptable in regards to design and scale in the context of visual and adjoining amenities. A grant of permission was recommended based on the conditions outlined above.

3.2.2. Other Technical Reports

Drainage Division (23/07/19): No objection subject to conditions.

Transportation Planning (08/08/19): Further information required including a revised drawing omitting the vehicular entrance and off-street car parking.

Transportation Planning (22/10/19): Clarification of further information required including measures to address concerns regarding the width of laneway access and its ability to facilitate vehicular traffic.

Transportation Planning (14/02/20): No objection subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

3.4.1 Submission were received from...

Stephen & Mary Gately, 'Cameo' 119 Strand Road, Sandymount, Dublin 4, D04 X4K6.

Emma Harney & Christian deVries, 177A Strand Road, Sandymount, Dublin 4.

The issues raised can be summarised as follows...

- Issues concerning water supply, questions regarding dimensions and layout in the context of required standards, issues concerning boundary and ownership, loss of privacy, traffic impact, and loss of light. Plot ratio and site coverage.

4.0 Planning History

4.1 1690/07: Permission granted for demolition of a single-storey dwelling and the provision of a new two-storey, two bedroom, courtyard style mews dwelling with car parking and balcony to the front. A five year time extension was granted for this permission.

Adjoining site...

4.2 2064/08: Permission granted for a new split level dwelling to the rear of 121 Strand Street.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Dublin City Development Plan 2016-2022. The appeal site is zoned Z2 with a stated objective 'to protect and/or improve the amenities of residential conservation areas'.

Section 16.10.16 Mew Dwellings

a) Dublin City Council will actively encourage schemes which provide a unified approach to the development of residential mews lanes and where consensus between all property owners has been agreed. This unified approach framework is the preferred alternative to individual development proposals.

b) Stone/brick coach houses on mews laneways are of national importance.

Dublin City Council recognises the increasing rarity of stone/brick coach

houses and the need to retain and conserve all of the surviving examples, particularly in relation to their form, profile and building line as well as any original features remaining. Proposals to demolish such buildings will generally not be accepted.

c) Development will generally be confined to two-storey buildings. In certain circumstances, three-storey mews developments incorporating apartments will be acceptable, where the proposed mews building is subordinate in height and scale to the main building, where there is sufficient depth between the main building and the proposed mews building to ensure privacy, where an acceptable level of open space is provided and where the laneway is suitable for the resulting traffic conditions and where the apartment units are of sufficient size to provide for a high quality residential environment. This is in line with national policy to promote increased residential densities in proximity to the city centre.

d) Mews buildings may be permitted in the form of terraces, but flat blocks are not generally considered suitable in mews laneway locations.

e) New buildings should complement the character of both the mews lane and main building with regard to scale, massing, height, building depth, roof treatment and materials. The design of such proposals should represent an innovative architectural response to the site and should be informed by established building lines and plot width. Depending on the context of the location, mews buildings may be required to incorporate gable-ended pitched roofs.

f) The amalgamation or subdivision of plots on mews lanes will generally not be encouraged. The provision of rear access to the main frontage premises shall be sought where possible.

g) All parking provision in mews lanes will be in off-street garages, forecourts or courtyards. One off-street car spaces should be provided for each mews building, subject to conservation and access criteria.

h) New mews development should not inhibit vehicular access to car parking space at the rear for the benefit of the main frontage premises, where this space exists at present. This provision will not apply where the objective to eliminate existing unauthorised and excessive off-street car parking is being sought.

i) Potential mews laneways must have a minimum carriageway of 4.8 m in width

(5.5 m where no verges or footpaths are provided). All mews lanes will be considered to be shared surfaces, and footpaths need not necessarily be provided.

j) Private open space shall be provided to the rear of the mews building and shall be landscaped so as to provide for a quality residential environment. The depth of this open space for the full width of the site will not generally be less than 7.5 m unless it is demonstrably impractical to achieve and shall not be obstructed by off-street parking. Where the 7.5m standard is provided, the 10 sq.m of private open space per bedspace standard may be relaxed.

k) If the main house is in multiple occupancy, the amount of private open space remaining after the subdivision of the garden for a mews development shall meet both the private open space requirements for multiple dwellings and for mews development.

l) The distance between the opposing windows of mews dwellings and of the main houses shall be generally a minimum of 22 m. This requirement may be relaxed due to site constraints. In such cases, innovative and high quality design will be required to ensure privacy and to provide an adequate setting, including amenity space, for both the main building and the mews dwelling.

5.2. Natural Heritage Designations

5.2.1 None in the vicinity.

5.3. EIA Screening

5.3.1 In regard to the nature and scale the development which consists of the construction of a replacement dwelling and associated site works 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 A third party appeal has been lodged by Emma Harney & Christian deVries, 177A Strand Road, Sandymount, Dublin 4. The grounds of appeal are as follows...

- The appellant notes there has been non-compliance with Article 33 and or Article 34 of the Planning and Development regulations (as amended). The appellants note that the applicant and the tenants of his property at this location have not had the ability to park a vehicle at the existing dwelling as such would block access to the appellants' property despite claims that this is the case and the proposal would not be an intensification of traffic.
- It is noted that further information was not submitted in accordance with Article 33 and or Article 34 of the Planning and Development regulations, 2001 (as amended). The appellants note the conditions attached (no. 4) and that permission is granted for plans not open to public consultation.
- The appellants concerns raised in their submission during the application regarding loss of privacy, concerns regarding building line were not adequately addressed in the assessment of the application and the decision to grant permission.

6.2. Applicant Response

6.2.1 No response.

6.3. Planning Authority Response

6.3.1 No response.

6.4. Observations

6.4.1 An observation has been submitted by Stephen & Mary Gately, 'Cameo' 119 Strand Road, Sandymount, Dublin 4, D04 X4K6.

- The observers note that no. 119a water supply is through the observers' home. The observers wish the applicant to have his own independent water supply.

6.5. Further Responses

6.5.1 None.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Design, scale, visual impact, adjoining amenities

Car parking/traffic

Other issues

Appropriate Assessment

7.2. Design, scale, visual impact, adjoining amenities:

7.2.1 The proposal is for demolition of an existing single-storey mews dwelling to the rear of properties fronting Strand Road. The footprint of the new dwelling is similar to that of the existing dwelling on site with an increase in the level of open space with a larger external courtyard. The proposed dwelling is located to the rear no. 119 and there is an existing two-storey mews dwelling located on the site to the north at no. 117A. To the south is the rear garden of no. 121 Strand Road. The principle of the proposed development is established at this location with an existing dwelling on site and a two-storey dwelling on the adjoining site to the north. The proposal entails an increased floor area and ridge height over the existing dwelling on site. As noted above the proposal conforms to the established footprint of development and is in keeping with the pattern of development established on site and on the adjoining site to the north. The increased height is acceptable given the flat roof profile of the proposed dwelling with it having a ridge height of 6.1m with such being lower than the ridge height of no. 117a to the north. I am satisfied that the design, height and

scale of the proposed dwelling conforms to the established pattern of development and would be acceptable in the context of adjoining amenities.

7.2.2 The orientation of external windows has adequate regard to the pattern of development. The majority of the windows face into the internal courtyard and would result in no issues in relation to overlooking/loss of privacy on adjoining sites. There is a large window on the western elevation at first floor level, however such is orientated onto the laneway serving the site and towards West Wood Tennis Club. The appellants raise concerns regard the building line of the proposed dwelling and the provision of balcony at first floor level on the front elevation in the context of privacy. The building line at ground floor level confirms to the building line of the existing dwelling on site, whereas it is recessed at first floor level with a balcony area on the western elevation. I would note that the dwelling to the north at 117a (the appellants' dwelling) has a balcony at first floor level and that the proposal is a repetition of the existing pattern of development established on the adjoining site to the north, I do not consider that the proposal for a balcony area serving the dwelling on site would diminish the residential amenities of the appellants' property is in keeping with the pattern of development at this location.

7.2.3 In relation to overall quality and future residential amenity, the overall design and layout is satisfactory. In relation the private open space, the proposal provides for an increased level of private open space over the existing dwelling on site and given the existing development, such would be satisfactory in the context of the amenities of future occupants.

7.2.4 The overall design and scale of the proposal has adequate regard to the visual amenities of the area and pattern of development on adjoining sites. The proposal is located on a backland site meaning it is not highly visible in the surrounding area. Notwithstanding such, the design, scale and architectural character of the dwelling is acceptable in the context of the visual amenities of the area and the character of the residential conservation area.

7.3 Car parking/traffic:

7.3.1 There is an existing laneway with access off Strand Road that runs to the south (side boundary) of no. 121 and turns north and along the rear no. 121, 119 and 117 Strand Road. The laneway is approximately 3-3.5m wide and currently only the dwelling at no. 117a has off-street parking. During process of the application the Transportation Section raised concerns regarding the provision of vehicular access to the dwelling off the laneway and off-street parking space on the basis of the width of the laneway. It is noted under Section 16.10.16(g) in relation to Mews Dwellings that mews laneways must have a carriageway width of 4.8m. In granting permission, condition no. 4(i) requires that the proposed vehicular entrance to the dwelling and associated car parking be omitted.

7.3.2 The applicant in responding to further information requests indicated that he has a right of access to the site for vehicular traffic over the existing laneway to the existing dwelling. The appellants note that the applicant failed to address the further information request and that the appellants disagree with the applicant's views on rights of access noting that traffic parking at the existing dwelling on site would block access to the appellants' property. The issue of right of access is not a planning matter and the applicant has in this case submitted documentation to support their rights of access. The proposal is for new dwelling to replace an existing dwelling, which is accessed over a laneway with vehicular access off Strand Road. The existing dwelling does not have off-street car parking and any vehicles parking along the front of the existing dwelling would obstruct the laneway based on the existing width. The appellants have indicated that this has been an issue in the past. The new dwelling proposes the provision of a car parking space within the curtilage of the dwelling proposed.

7.3.3 I would consider that despite Development plan policy in relation to Mews dwellings indicating that laneway access should be 4.8m in width that there is a reasonable logic to permit the development as sought and to retain the vehicular entrance and off-street car parking. The appeal site has an existing dwelling and there is enough

information on file to suggest that the dwelling has generated traffic along the existing laneway and the current arrangement is lacking in off-street car parking. The current proposal provides for off-street parking and would ensure no obstruction of the laneway. I would consider that the proposal alleviates an existing traffic issue and in such case should be considered favourably. I would note that the proposal is for a replacement dwelling with only it and the dwelling to the north currently served by the laneway. I would note that there may be scope for a similar mews property on the site to the south (rear of 121), however that would likely to be the limit of development along the existing laneway and may facilitate a widening of part of the laneway in the future. Having regard to established development on site I would consider that the proposed development would be satisfactory in the context of traffic safety and the provision of an off-street car parking space would be a positive and alleviate issues of obstruction along the laneway.

7.4 Other Issues:

7.4.1 The observer (no. 119 Strand Road) outlines concerns regarding water supply and the fact that the water supply to the existing dwelling is through their property and that there is need for an independent water connection. In this regard I would note that there was no objection to the proposal by the Councils Drainage Division subject to conditions. I would recommend a condition requiring that water supply is as per the requirement of the Council and Irish water.

7.4.2 The appellant has raised concerns that the proposal and assessment of such has been contrary to the Planning and Development Regulations, 2001 (as amended). I would note that the appellants' ability to have the development scrutinised has not been hampered and that the issues raised have been assessed above.

7.5 Appropriate Assessment:

7.5.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would 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 a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the design and scale of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual amenities of the area, the character of a designated Conservation Area and would not seriously injure the amenities of adjoining property. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colin McBride
Planning Inspector

02nd June 2020