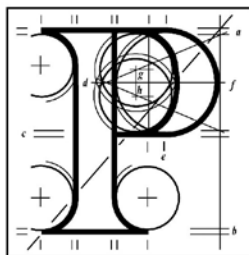


An Bord Pleanála



Inspector's Report

Development: Demolition of an existing outbuilding and partial demolition of the wall fronting onto Morehampton Lane and the construction of new mews houses as follows: 4 three-bed three storey dwellings, including a new boundary wall to the right of way and boundary of rear gardens, 2 off street car parking spaces per unit and entrance gates to each dwelling from Morehampton Lane and all associated landscaping and ancillary works on site on Morehampton Lane, to rear of Nos. 24, 26, 28 & 30 Morehampton Road (which are protected structures), Dublin 4.

Application

Planning authority:	Dublin City Council
Planning application reg. no.	3079/15
Applicant:	Oakmount/Parmenion Ltd
Type of development:	Permission
Planning authority's decision:	Grant, subject to 8 conditions

Appeal

Appellants: Caitriona Ni Chuiv
Noeleen Kenny
Patricia Beare
W R Matthews
Caroline & Colm O'Se and Others

Type of appeals: Third parties -v- Decision

Observers: Michael Tierney

Date of site visit: 24th February 2016

Inspector: Hugh D. Morrison

Site

The site is located to the rear of a terrace of three storey red brick Victorian dwelling houses on the north eastern side of Morehampton Road (R138), i.e. Nos. 24 – 30 within Nos. 2 – 40 (even, inclusive). This site lies off Morehampton Lane, a rear laneway that forms a cul-de-sac between Morehampton Road and Pembroke Park, which is composed of two storey red brick Victorian semi-detached dwelling houses. This laneway is accessed to the south east off Herbert Park. Historically, the rear gardens to the terraced dwelling houses to the south west were of considerable length and so contrasted with the shallow rear yards to the semi-detached dwelling houses to the north east. However, the majority of these rear gardens have been sub-divided to form house plots at their extremities for mews dwellings. Consequently, such dwellings have been added to the south western side of the Lane and they display a range of sizes, shapes, designs, and finishes.

The site itself is of rectangular shape and it extends over an area of 0.125 hectares. This site rises slightly in a southerly direct. It is presently accessed via a gateway that is sited towards the northernmost corner. This gateway corresponds with a right of way that runs alongside the north western boundary of the site as far as the residual rear garden to the dwelling house at No. 24 Morehampton Road. The site is presently vacant and somewhat overgrown. It accommodates a disused garage, the front elevation of which abuts the boundary of the site with Morehampton Lane. Elsewhere this boundary is denoted by means of a stone wall (total length 31.9m). The north western and south eastern boundaries are likewise denoted by stone walls, although in the former case this wall is accompanied by a row of heavily pruned and ivy laden trees and in the latter case this wall is augmented by the presence of the blank two storey gabled side elevation to the mews dwelling at No. 24 Morehampton Lane and a blockwork wall that lies forward of this dwelling. The remaining south western boundary is denoted by a variety of means, e.g. timber post and rail fences and conifers.

Proposal

The proposal would entail the demolition of the existing garage (47 sq m) on the site and the development of the site to provide a terrace of 4 three-bed three storey mews dwelling houses (total floor space 1060 sq m). These dwelling houses would be of elongated form under a flat roof and they would be composed of lower (basement) and upper ground floors and a first floor.

As originally submitted, their design would have incorporated terraces at upper ground floor and first floor levels to the front and rear, which would have been accompanied by privacy screens comprising of powder coated fins. However, following a request for further information, the depth of the proposed dwelling houses was reduced by 6m at first floor level and the terraces and screens were

removed from the rear elevation thus recessed. (A green roof has been specified for the lower portion of flat roof created). The exposed south eastern side elevation was likewise recessed at its westernmost corner by a further 3.885m and stepped back by 3m from the south eastern boundary. As a consequence, the affected dwelling house would have two rather than three bedrooms.

The dwelling houses would be finished in self-coloured sand and cement render. Full floor to ceil height glazing would be installed and internal lighting would be augmented by roof/skylights.

Each of the dwelling houses would be served by two off-street gravelled car parking spaces, which would be accessed from Morehampton Lane via entrances fitted with sliding gates. The dwelling houses would also be served by front and rear gardens.

Planning authority's decision

Following receipt of further information, permission was granted subject to 8 conditions.

Technical reports

- Roads & Streets: No objection, subject to conditions.
- Drainage: No objection, subject to conditions.
- Conservation Officer: Objections raised and addressed under further information.

Grounds of appeal

(i) Caitriona Ni Chuiv, resident at No. 9 Pembroke Park

Design, site, and impact on surroundings

- The proposal would be unduly large and dominant and it would be out of character with existing two storey double pitched roofed mews dwelling houses on Morehampton Lane.
- The proposal would not reflect the plot widths of Nos. 24, 26, 28 & 30 Morehampton Road, as there is an access road beside the north western boundary of the site. If 3 rather 4 mews dwelling houses were to be proposed, then the plot widths to Nos. 24, 26 & 28 could be respected and the access road could be widened to facilitate turning on Morehampton Lane.
- Under further information, the applicant omitted the first floor terrace from the rear elevations of the proposed mews dwelling houses. However, the

higher first floor terraces on the front elevations have been retained and yet they would facilitate a greater degree of overlooking.

- The proposed mews dwelling houses would be higher than the adjoining two storey double pitched roofed mews dwelling house at No. 24 Morehampton Lane and the resulting discrepancy in height would be accentuated by its rectangular form.
- The depth of the proposed revised mews dwelling houses would still be excessive, especially with respect to the mews dwelling house at No. 24 Morehampton Lane.
- The vertical powder coated aluminium fin screen finish would exaggerate the perceived size of the proposal and the extensive glass surfaces would cause glare. Furthermore, the screen would not protect privacy.

Traffic and parking on Morehampton Lane

- Morehampton Lane is a cul-de-sac that already serves a considerable number of frontage and mews dwelling houses. While the width of this Lane complies with that cited in the CDP for mews lanes, this assumes through roads rather cul-de-sacs. Appendix 8 of this Plan refers to the provision of turning heads and so one should be provided as outlined above.
- In the absence of a turning head, service/delivery vehicles have to undertake reversing manoeuvres. Likewise, access for emergency vehicles could be impeded.
- Double yellow lines have been laid along the Morehampton Road side of Morehampton Lane. On the opposite side of this Lane, such lines occur between parking spaces and such spaces reflect recesses in the boundary walls of mews dwelling houses on the Morehampton Road side. The parking thus afforded for residents of Pembroke Park should be retained and so the boundary wall to the appeal site should be recessed, too, even if this reduces the available private open space that would accrue to future occupiers.

Drains and flooding

- The existing drain at the northern end of Morehampton Lane is a surface water one, which only becomes a combined sewer within the grounds of No. 2 Wellington Place. Other private properties would be affected, too, at 32 Morehampton Lane and 29 Clyde Road. Would property owners consent to the additional use of this sewer? (The mews dwelling house at No. 24 Morehampton Lane (and possibly Nos. 14 – 23, too) drains to the rear and

then to the north along a line that runs between the dwelling houses on Morehampton Road and Lane).

- Notwithstanding the planning authority's position that private drains should not pass through private property, the proposal would entail just this arrangement with drains to the rear being laid to the north and then along the on-site access road.
- The above cited combined sewer discharges into a trunk sewer, which carries the Swan River and so any additional loading would exacerbate existing problems during periods of heavy rainfall. Furthermore, run-off from the site would exacerbate existing problems of flooding that affects properties on the Pembroke Park side of Morehampton Lane.

(ii) Noeleen Kenny, resident at No. 7 Pembroke Park

- The height, scale, and design of the proposed three storey dwelling houses would be overbearing and out of character with other dwelling houses in the area. One storey should therefore be omitted.
- The proximity of the proposed dwelling houses to existing ones on Pembroke Park and their wall to ceiling glazing would lead to a significant loss of privacy. Such glazing should therefore be opaque.
- The proposed first floor front terraces would likewise lead to a significant loss of privacy. They should therefore be omitted.
- The proposed dwelling houses would not be served by off-street parking for visitors. Traffic generated by these dwelling houses and the 4 other ones permitted for the adjoining site to the north west would lead to further congestion on Morehampton Lane and it would change the ambience of the same. The front boundary wall to the appeal site should be set back in line with that at No. 24 Morehampton Lane, thereby safeguarding the existing on-street parking spaces opposite.
- The proposal risks establishing an adverse precedent for the development/ redevelopment of sites on Morehampton Lane. Furthermore, such development would reduce natural soakage and so the risk of flooding to properties on Pembroke Park, which are at a lower level than Morehampton Lane, would increase. A review of local drainage arrangements is thus needed.
- The front elevations of the proposed dwelling houses would be clad with a series of full height irregularly spaced timber/metal fins. Such cladding would be unsympathetic and insensitive to the site's location within the curtilages

of protected structures. The design of the proposed dwelling houses should be revisited to ensure that such sympathy and sensitivity is expressed.

(iii) Patricia Beare, resident at No. 50 Morehampton Road

In the light of the CDP's Objective for Z2 sites, amenity would be adversely affected due to the following factors:

- The proposal would be out of scale with existing frontage development onto Morehampton Road and Pembroke Park.
- The proposal would be excessive with respect to Morehampton Lane.
- The CDP discourages basements and they should be assessed with respect to flood risk.
- The proposed cladding materials would be out of character with the area.

(iv) W R Matthews, resident at No. 5 Pembroke Park

- The proposed revised dwelling houses would continue to exhibit aluminium screening over the entirety of their front elevations. This finish and the utilitarian appearance of the form of these dwelling houses would be out of character with other dwelling houses in the area. Furthermore, they would constitute a terrace that would be without precedence on Morehampton Lane.
- The narrowness of Morehampton Lane necessitates reversing manoeuvres by service/delivery vehicles, which can be complicated by the presence of on-street parking. Access for emergency vehicles would risk being impeded, too. The front wall to the appeal site would not be recessed and yet this would be needed to facilitate the aforementioned vehicles.
- Morehampton Lane falls in a northerly direction and the appeal site falls in an easterly direction. Thus, properties on Pembroke Park towards the end of this Lane are vulnerable to flooding, the risk of which would be exacerbated by the proposal.

(v) Caroline & Colm O'Se and Others, residents at No. 24 Morehampton Road and addresses on either Pembroke Park or Morehampton Road

Invalid application

- The description of the nature and extent of the proposal is deficient insofar as no reference is made to either the first floor terraces or the proposed water supply and drainage connections within Morehampton Lane.

- Morehampton Lane is not within the applicant's ownership and, in the absence of the consent of the owners of this Lane, he/she would not be entitled to carry out works within the same (cf. Hay & McKeever -v- Donegal County Council) and the current application should be declared invalid.
- Attention is drawn to a discrepancy between the stated depth of No. 24 Morehampton Lane of 50.7m and its previously determined depth of 49.5m. This discrepancy has implications for the provision of the proposed gardens. Furthermore, a right of way may exist through the proposed rear gardens and yet this has not been addressed.

The site context and character

- The dwelling houses on Pembroke Park have shallow rear yards and so the presence of the long rear gardens on the opposite side of Morehampton Lane is of importance in providing them with an open outlook.
- The character of the said Lane is derived from a stone boundary wall and mature trees in the aforementioned gardens. The proposal, which would entail the provision of a basement, would affect the roots of some of these trees and yet no tree survey has been submitted.

CDP policies and objectives

- Attention is drawn to CDP policies and objectives that address the residential conservation area status of the site and which express the need to protect amenity.

Impact on trees and sylvan character

- The aforementioned trees lie not only within a residential conservation area, but within the curtilages of dwelling houses on Morehampton Road, which are protected structures.

Overlooking and overshadowing

- The proposed dwelling houses would have a living room at upper ground floor level, which would be accompanied by a front terrace that would overlook the rear yards (c. 19m away) and rear elevations (c. 24m away) of the dwelling houses at Pembroke Park. Given the elevated position of the proposed living rooms, a clearance distance of 35m would be appropriate.
- To the rear, the proposed dwelling houses would exhibit a clearance distance of 39m between their rear elevations and the original rear elevations of the dwelling houses on Morehampton Road. However, this does not take into account subsequent extensions.

- No evaluation of overshadowing has been submitted.
- While the revised proposal does not show any first floor rear terrace, the recessed first floor elevation of each dwelling house would contain a door to the adjoining green roof and so overlooking concerns persist.

Scale and design

- The size of the proposed dwelling houses necessitates their considerable depth, which is expressed by incongruous exposed side elevations at either end of the overall proposal.
- The rear elevations of the proposed dwelling houses would be nearer to the rear elevations of the dwelling houses on Morehampton Road than that of the existing mews dwelling houses on Morehampton Lane. Accordingly, these dwelling houses would contrast with the existing mews dwelling houses and they would have a greater impact upon the amenities of dwelling houses on Morehampton Road.
- While at first floor level the revised dwelling houses would not be as deep as originally proposed, the impact upon the amenities of the area would still be considerable.
- The proposed basements would be out of character with existing mews dwelling houses and the proposed specification of render finishes would risk the poor wearing qualities of this material that is evident on some of the said mews dwelling houses. The use of colourful aluminium screens on the front and rear elevations would be wholly out of character with the area.

Drainage and flooding

- The proposal would not comply with the Greater Dublin Sustainable Drainage Strategy, insofar as it would provide attenuation for 30-year 1 hour flood period, whereas the Strategy requires a 100-year 6 hour flood period. Given that previously flooding from Morehampton Road affecting Pembroke Park, any falling short in attenuation would be inappropriate.
- No flood risk of the proposal, which incorporates basements, has been undertaken.
- Draft condition 5 would not be capable of being satisfied.

Responses

No response received from the planning authority.

The applicant has responded to the above cited grounds of appeal. They begin by quoting from their own planning report and that of the case planner, to the effect that the proposal, especially in its revised form, would provide an appropriately scaled development, which would be consistent with other residential properties on Morehampton Lane and which would contribute to the passive surveillance of the same. They then draw a comparison with their proposal and that for the adjoining site to the north west, which is the subject of application reg. no. 2021/15 which was permitted at appeal ref. no. PL29S.244632. Thus, a proposal for 4 dwelling houses comparable in its bulk, scale, orientation, plot rhythm, and set back from protected structures has been permitted on the neighbouring site. Likewise, the traffic, drainage, and flood issues raised by the current proposal were previously addressed by this comparable one and so, in these circumstances, this proposal should be permitted, too.

The applicant has responded to the specific grounds of appeal as follows:

Unduly large and dominant, not blending in with neighbourhood

- The revised proposal was reduced in depth at first floor by 6m, to 16m, and its height would be 7.3m. The former dimension would be greater than that exhibited by existing mews dwelling houses, while the latter would be less than that exhibited by many of them. The depth would be a response to the opportunity afforded by the lengthy rear gardens to the dwelling houses on Morehampton Road.
- The contemporary designs would be a correct response to the historic setting of the site, wherein pastiche would be inappropriate.

Balconies overlooking houses and back gardens on Pembroke Park

- The proposed dwelling houses would be fitted with slatted screens, which would reduce visibility of the said houses and gardens to a negligible level. Additionally, high boundary walls to these gardens and vegetation within them would serve to further reduce overlooking. Separation distances of 24m would be available, i.e. in excess of the conventional 22m.

Amalgamates plots to form one building block

- Far from amalgamating plots, the proposal would provide 4 dwelling houses on plots that would replicate the width of corresponding rear gardens to the south west but for the existence of an access road to No. 24 Morehampton Road, which means that these plots would be the equivalent width of 3.5 of these rear gardens. Thus, the proposal would reflect the urban grain of the area. The applicant's conservationist supports this view.

The form is “out of contour with adjacent pitched roof mews buildings”, and even the reduced footprint remains out of scale with a period mews lane

- The proposed dwelling houses would be lower in height than existing mews dwelling houses, which have double pitched roofs, including the adjacent one to the south west at No. 24 Morehampton Lane. As flat roofed dwelling houses, they contribute to the incidence of flat roofed old and new mews dwelling houses on this Lane.

Metal/timber fin screen inappropriate and glazing will cause reflective glare

- The submitted photograph of new development on Percy Lane is not comparable to the current proposal insofar as the frequency of fins would be greater. If aluminium is an issue, then these fins could be composed of timber. The risk of glare is low, due to the north eastern orientation of the combined front elevations.

Excavation is contrary to conservation area standards and may result in hitting a spring from the old line of the Swan River

- The excavations necessitated by the proposal would be well away from the protected structures on Morehampton Road. The proposed basements would contribute to the amenities afforded by the proposed dwelling houses without adding inordinately to their size. The said excavations have been well considered in terms of geological viability and flood risk.

Drainage and flooding concerns

- See the summary below of the drainage engineer’s response.

Traffic and parking concerns – “boundary walls should be recessed”

- Morehampton Lane is of adequate width to accommodate the traffic generated by existing and proposed dwelling houses. Turning manoeuvres are typically facilitated by a public right of way adjacent to the appeal site. Any request to recess the front boundary of this site or to provide a turning head would be unreasonable.
- The proposal would be self-contained in the off-street parking provision that it makes. This proposal would not displace existing off-street parking, as the dwelling houses on Morehampton Road are typically provided with such parking to the front rather than to the rear.

“Invalid application” – balconies not included on site notice and drainage works outside red line

- The proposed terraces can be distinguished from balconies insofar as they would not project beyond the footprint of their host dwelling houses.
- The planning authority validated this application and the Board has validated the subsequent appeals.
- Off-site drainage works to the public sewer have been accepted by the City Council as land owner. These works *per se* do not trigger the need for planning permission and so the need for the same does not preclude the granting of such permission.

“Impact on trees and character”

- The site does not contain any trees and the trees within the vicinity of the site are in adjoining rear gardens and so well away from where the proposed dwelling houses would be sited. Nevertheless, a condition is invited to ensure that their roots are protected by fencing during any construction phase, although the applicant’s arborist questions the need for the same, given that the relevant area comprises the private right of way that is to be retained.

“Building line out of sync with predominant mews building line”

- The said rear building line would be out of sync with that exhibited by existing mews dwelling houses, as distinct from those proposed for the neighbouring site to the north west. Their associated depth allows for their proposed size without the need for greater height.
- The open outlook to the rear from residential properties on Pembroke Park has, in view of existing and proposed mews dwelling houses, only a historic relevance.
- Access to the proposed green roofs would be for occasional maintenance purposes only.

The applicant’s engineer has responded to the drainage and flood risk issues raised by the appellants as follows:

GDSDS – 100 year 6 hour flood shall be retained within the site

- The proposed on-site drainage scheme would meet this standard, including a 10% allowance for climate change, in the attenuation that it would provide. In addition to the specification of pervious paving, the proposed green roof would replace lost soakage and the attenuation storage tank would be subject to a 2 l/s hydrobrake.

Alleged potential of site to flood Morehampton Lane and Pembroke Park

- The said Lane is subject to a low point to the rear of No. 5 Pembroke Park. During the aforementioned design flood event, the proposal would add no more than 2 l/s to the 8.7 l/s flow, and the resulting combined flow would be well within the public sewer's capacity of 57.7 l/s.

Flood threat to dwelling houses on Pembroke Park

- The said threat is traceable to surface water run-off along an access road between Nos. 20 and 21A and from such run-off from existing mews dwelling houses, where attenuation is absent or lacking.

The 225 mm diameter public combined sewer

- This sewer, which lies at the head of a 450 mm diameter combined sewer, is a surface water one. This juxtaposition is not uncommon. Its use as a combined sewer has already been approved in conjunction with the permitted development on the neighbouring site to the north west.

Basement excavation and high water table

- The proposed basement would be constructed in the impervious clay/silt layer and so above the water table. Consequently, this basement would not affect the same.

A flood risk assessment of the proposal states the following:

- The proposed ground floor finished floor level is 8.26m OD Malin and more than 3.5m above the 1 in 1000 year fluvial flood levels for the River Dodder. The proposed development is therefore adequately mitigated from the impacts of fluvial and coastal flooding and the future impacts of potential climate change upon these levels. A basement is proposed with a finished floor level of 6.40m OD Malin.

Response to response

Caroline & Colm O'Se and Others have responded to the applicant's response to the grounds of appeal by reiterating their concerns with respect to the validity of the application, the impact of the proposal upon the character and amenities of the host residential conservation area, and the adequacy of the proposed on site drainage scheme and associated flood risk assessment.

Observer

Michael Tierney, resident at No. 24 Morehampton Lane

- The proposal would be inappropriate for the reasons outlined by the appellant, Noleen Kenny. It would be overbearing and overlooking would lead to a significant loss of privacy. Only genuinely two storey dwelling houses should be allowed on Morehampton Lane.

Planning history

Site:

- Pre-application consultation occurred on 1st April 2015.
- 0183/15: SHEC application to shadow current proposal.

Adjoining site to the north west:

- 2021/15: Demolition of existing house and garden shed and construction of 4 new detached houses: 3 four-bed three storey, 1 three-bed two storey, including new boundary wall, 8 new car parking spaces with the entrance gates to Morehampton Lane, landscaping and ancillary site works, all at No. 32 Morehampton Lane (rear of Nos. 14, 18, 20 & 22 Morehampton Road): Permitted at appeal (PL29S.244632).

Development Plan

Under the Dublin City Development Plan 2011 – 2017 (CDP), the site is shown as being zoned Z2, wherein the Objective is “To protect and/or improve the amenities of residential conservation areas” and the terraced dwelling houses to the south west are identified as protected structures.

Sections 17.9.14 and 17.10.8.1 of the CDP address, variously, mews dwellings and development in conservation areas.

National planning guidelines

Architectural Heritage Protection

Assessment

I have reviewed the proposal in the light of national planning guidelines, the CDP, relevant planning history, and the submissions of the parties. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Procedural,
- (ii) Land use, conservation, and visual amenity,

- (iii) Residential amenity,
- (iv) Traffic, access, and parking,
- (v) Flood risk and drainage, and
- (vi) AA.

(i) Procedural

1.1 Appellant (i) requested that her appeal be made the subject of an oral hearing.

This request was considered by the Board, which decided that the issues in contention could be adequately addressed by written submissions and so this request was turned down.

1.2 Appellant (v) questioned the validity of the application on the grounds that the description of the proposal is deficient, relevant land owners have not given their consent to the application, and a discrepancy exists between the stated depth of the site and that previously measured.

1.3 With respect to the first of these grounds, attention is drawn to the absence of any reference to the proposed first floor roof terraces or to the proposed water supply and drainage connections within Morehampton Lane. The applicant has responded by making a distinction between terraces and balconies: they state that as the former would be contained within the footprint of their host dwelling houses and the latter typically would not, the planning authority's non-pursuit of its normal practise of requiring that balconies be explicitly referred to in descriptions can be explained. The applicant has not referred to the said connections.

1.4 With respect to the land owners under whose properties the proposed water supply and drainage connections within Morehampton Lane would be made, the utilities in question are in public ownership under this Lane, which has been taken in charge, and so the applicant states that the consent of the City Council only is of relevance.

1.5 With respect to the said discrepancy, the stated depth is 50.7m, while that previously measured is 49.5m. The applicant has not commented upon this discrepancy.

1.6 Under planning legislation, the validation of planning applications is a role that the planning authority as distinct from the Board is empowered to exercise. I have reviewed the above exchanges between the parties and I conclude that there is nothing within the same that would serve to act as a legal impediment to the Board assessing and determining this application/appeal in the normal way.

(ii) Land use, conservation, and visual amenity

- 2.1 The site is located within an area that is zoned Z2, residential conservation area, in the CDP. Under this zone, residential development is permissible in principle. The objective for the same is to protect and/or improve the amenities of such areas.
- 2.2 The site is also located to the rear of terraced dwelling houses, Nos. 24, 26, 28 & 30 Morehampton Road, which are protected structures. Historically, this site would have been within the curtilages to these dwelling houses, i.e. it would have formed the north eastern portion to each of their rear gardens. However, it has been sub-divided from the same and amalgamated as one. Such sub-division is a pattern that is evident elsewhere along Morehampton Lane and one that may well continue with the recent grant of permission at appeal (PL29S.244632) to application (2021/15) for the development of the site, which adjoins the current appeal site to the north west, for a row of 4 mews dwelling houses.
- 2.3 Appellants express concern that the proposal would fail to reflect the urban grain of Nos. 24, 26, 28 & 30, insofar as the presence of a right of way, which runs alongside the north western boundary of the site, means that the 4 proposed dwelling houses would be sited over land that is the equivalent width of 3.5, rather than 4, of the rear gardens to the dwelling houses to the south west. The applicant contends that, while an exact replication in width would not arise, the proposal would still be respectful of the said urban grain.
- 2.4 I note that the length of the residual rear gardens remains appreciable and that opportunities to “read” the proposal in conjunction with Nos. 24, 26, 28 & 30 from public vantage points would not arise. I note, too, that the extant permission for the adjoining site to the north envisages 4 dwelling houses across land that is the equivalent of 5 rear garden widths, i.e. Nos. 14, 16, 18, 20 & 22 Morehampton Road. In these circumstances, I consider that the approximate approach to urban grain exhibited by the proposal would be justifiable.
- 2.5 Section 17.10.1 of the CDP addresses development in conservation areas. Such development should be assessed having particular regard to its effect on the surrounding natural and built environment and its impact upon the streetscape.
- 2.6 Each of the appellants express concern over the appropriateness of the proposed dwelling houses within the setting of existing Victorian dwelling houses on Morehampton Road and Pembroke Park. They critique the siting, size, including height, design, and finishes of these dwelling houses and they conclude that they would be out of character within the said setting and thus seriously injurious to visual amenity. Specifically,

- 2.6.1 With respect to siting, the proposed rear building line would be further to the south west than that exhibited by existing mews dwelling houses to the south east and the possible implications of such siting upon trees within the vicinity of the site is raised as a potential issue.
- 2.6.2 With respect to size and height, the proposed dwelling houses, as a block of development, would be unduly dominant, and their three storey height would be comparable unfavourably with existing dwelling houses in the vicinity.
- 2.6.3 With respect to design, the elongated flat roofed form of each dwelling house would be unsympathetic to the double pitched roof form of dwelling houses in the vicinity and the exposed side elevations would be particularly ungainly.
- 2.6.4 With respect to finishes, attention is drawn to the poor wearing qualities of render and attention is drawn, too, to the aluminium slatted screens that would be installed over the front elevation to each dwelling house, screens that would accentuate the perceived scale of the said elevations and be especially insensitive.
- 2.7 The applicant has responded to the foregoing critique. Generally, as a matter of design philosophy, they outline how it would be inappropriate to attempt a pastiche of the frontage Victorian dwelling houses that make up the greater proportion of the surrounding built environment. Instead, a contrasting but respectful form of development in a contemporary idiom would be appropriate, as it would ensure that the historic remains clearly distinguishable from the modern.

2.8 Turning to the specific points of critique they respond as follows:

- 2.8.1 With respect to siting, attention is drawn to the generous separation distances that would be achieved between corresponding proposed and existing rear elevations and to the alignment of the proposed rear building line with the dwelling houses permitted for the adjoining site to the north west. To the south east, where there would be a discrepancy, revisions to the proposal submitted under further information would ensure that the transition in building lines is eased at first floor level across the most south easterly of the proposed dwelling houses.

Attention is also drawn to the absence of trees from the appeal site and the position of adjacent trees beyond the north western boundary, including a specimen tree beyond the westernmost corner of the site. A 3m wide private right of way runs alongside this boundary within the site. This right of way would not be built upon and, while water and drainage pipes would be laid underneath the same, the root spread of these trees is likely to have been influenced by the presence of foundations to the stone wall along the north

western boundary. (Under the extant permission for the adjoining site to the north west the retention of these trees is not envisaged). The specimen tree would not be affected by the said pipes.

2.8.2 With respect to size and height, the applicant explains that by means of the specification of lower and upper ground floors over the front portion of each dwelling house and the utilisation of a relatively deep elongated flat roofed form, dwelling houses with a floorspace of 265 sq m can be provided without having either a dominant streetscape presence or, especially in their revised form, an inordinate impact upon the amenities of the residential properties to the south west on Morehampton Road.

The height of the proposed dwelling houses at 107.15m OD would mean that they would be approximately mid-way between the eaves and ridge heights of 105.54m OD and 108.54m OD exhibited by the nearest existing mews dwelling house to the south east. Beyond this dwelling house, adjoining ones would have higher corresponding heights. To the north west, the dwelling houses envisaged for the adjoining site would have semi-circular roofs to their highest elements, which would be c. 108.70m OD. Likewise the eaves and ridge heights of comparable dwelling houses to the south west, on Morehampton Road, and to the north east, on Pembroke Park, would be 112.52m OD and 114.71m OD and 106.99m OD and 110.50m OD, respectfully.

2.8.3 With respect to design, the applicant's general position is set out above. At the level of detail, under further information, the rear portion of the proposed dwelling houses was revised to show a recessed first floor without slatted screens and the expanse of the exposed north western side elevation would be eased by means of the specification of floor to ceiling height glazed openings at upper ground and first floor levels and the re-specification of stone as the finishing material at ground floor level, in conjunction with a stone clad boundary wall to the south eastern side of the right of way.

2.8.4 With respect to finishes, unlike the painted render evident on some of the existing mews dwelling houses on Morehampton Lane, the proposed dwelling houses would be finished in self-coloured sand and cement render and so the risk of flaking paint would not arise. The slatted powder coated aluminium screens would be visible above the front boundary wall and the same material would be used in the proposed sliding gates to each entrance. If this material is an issue, then the applicant offers to re-specify timber.

2.9 During my site visit, I observed that existing mews dwelling houses to the south east of the site along Morehampton Lane exhibit a considerable range of sizes, shapes, designs, and finishes. The resulting visual impact illustrates how a more uniformed approach to the development of mews dwelling houses is needed, if

the historic consistency of design evident on Morehampton Road and Pembroke Road is to be respected. The current proposal, as with the extant permission for 4 mews dwelling houses on the adjoining site to the north west, would afford the opportunity for such consistency to be pursued over a terrace of 4 dwelling houses and so I welcome it in principle.

2.10 The siting of the proposed dwelling houses would respect the front building line exhibited by existing mews dwelling houses to the south east, as well as that exhibited by the upper floor and thus more visible elements of the permitted dwelling houses for the adjoining site to the north west. The size of these dwelling houses in their revised form would be capable of being accommodated within the site in a manner that would be respectful of existing dwelling houses in the vicinity and their height would be appropriate within the context of the range of heights exhibited by these dwelling houses.

2.11 The design and finishes of the proposed dwelling houses, in their revised form, would be strikingly contemporary and yet, in view of their siting, size, and height, their scale would be respectful of the surrounding natural and built environment. I accept the validity of the applicant's design philosophy as representing current thinking on new build development within residential conservation areas. Specifically, with respect to the use of aluminium, the CDP's reservations in this respect relate to window, door, and fascia joinery in historic buildings rather than in modern buildings. The use of this material is integral to the applicant's design for the front elevations of and the entrance gates to the proposed dwelling houses and I consider that its re-specification in favour of timber would be unnecessary in the quest to ensure that a convincing visual composition is realised in practise. Some thought should, nevertheless, be given to the colour scheme employed. This matter could be conditioned.

2.12 I conclude that the proposed mews dwelling houses would be appropriate from land use and conservation perspectives and they would, within the context of the pattern of mews dwelling houses that have been built heretofore on Morehampton Lane, enhance the visual amenities of the area.

(iii) Residential amenity

3.1 Appellants express concern that the proposed dwelling houses would be overbearing and that they would lead to overlooking and overshadowing. Specifically, the proximity of these dwelling houses to existing dwelling houses on Pembroke Park is critiqued. Thus, the open outlooks that these existing dwelling houses enjoy would be lost. Attention is drawn to the retention of terraces on the front elevations of the proposed dwelling houses, in contrast to the deletion of the same, under further information, from their rear elevations. Attention is also drawn to the presence of living rooms at upper ground floor level and the

view is expressed that a separation distance of 35m rather than 22m would be the appropriate standard to apply. Overshadowing is said to have not been assessed.

3.2 The applicant has responded by stating that the pattern of mews dwelling houses along Morehampton Lane has progressively impacted upon the more open outlooks that would previously have been available from the rear elevations of the dwelling houses on Pembroke Park. That said, the mews dwelling houses that have been built to date along the south western side of this Lane have been sited in positions that do not follow the conventional practice of abutting the Lane. Instead they have been sited in setback positions, thereby easing the loss of open outlook available from the said rear elevations. The currently proposed dwelling houses would continue this pattern.

3.3 The applicant states that the separation distances of 24m would be available between the said front and rear elevations, thereby exceeding the 22m standard in this respect. Attention is drawn to the proposed 2.5m high front boundary wall, the presence of which would effectively limit views into existing rear yards opposite. Attention is also drawn to the slatted screen that would be installed forward of the upper ground floor and first floor terraces and their accompanying floor to ceiling height glazing to, variously, living rooms and bedrooms. The combination of these factors would ensure that overlooking would not lead to any appreciable loss of privacy to existing dwelling houses to the north east.

3.4 I note the appellant's citation of the 35m standard. The CDP refers to this standard in relation to separation distances between apartment blocks and dwelling houses. By contrast the current proposal would entail the provision of three storey dwelling houses, which would be accompanied to the north east by existing two storey dwelling houses, some of which have undergone attic conversions and had dormer windows added. The relative heights of these existing and proposed dwelling houses are discussed above under my second heading. In view of the comparability of these heights, I consider that 22m remains the relevant standard.

3.5 I note, too, that a separation distance of 39m would be available between the corresponding rear elevations of the proposed dwelling houses and the rear elevations of existing three storey dwelling houses on Morehampton Road, to the south west. While appellants draw attention to the fact that returns/extensions to these existing elevations effectively shorten the stated distance, it would clearly be acceptable. As originally submitted, the rear elevations of the proposed dwelling houses would at first floor level have been 7m away from the south western boundary of the site and so slatted screens were proposed for the same. Following receipt of further information, this

elevation at first floor level was recessed by 6m and so it would be 13m away from the said boundary. Consequently, the slatted screens have been omitted. Green roofs would be formed over the single storey elements and access to the same, from each dwelling house, for maintenance purposes would be provided at first floor level.

3.6 As originally submitted, the proposal was accompanied by an existing and proposed shadow analysis (drawing nos. 1507 – L(-) 109* & 110*). This analysis indicated that the nearest existing mews dwelling house to the south east would experience an appreciable increase in overshadowing during the late afternoon in mid-summer and, by extension, into the early evening. Under further information, the applicant addressed this issue by effectively removing the south western portion of the recessed first floor of the proposed dwelling house that would abut the said existing mews dwelling house, i.e. the south western bedroom in this dwelling house would be omitted and the presenting elevation at first floor level would be reduced in depth by a further 3.885m to 3.7m. Accordingly, I consider that the issue of excessive overshadowing has been satisfactorily addressed.

3.7 In the light of the two foregoing paragraphs, the secondary bedrooms in the proposed dwelling houses reduce in size from 16 to 12 sq m each and their accompanying en-suites would be omitted and the most south easterly of the proposed dwelling houses would accommodate two rather than three bedrooms. I have reviewed the proposed internal and external space that would be provided by each of these dwelling houses in their revised form and I consider that they would afford a satisfactory standard of amenity to future occupiers.

3.8 I conclude that the proposal would be compatible with the existing residential amenities of the area and that it would afford a satisfactory standard of amenity to future occupiers.

(iv) Traffic, access, and parking

4.1 Morehampton Lane is a cul-de-sac that is accessed off Herbert Park at its southern extremity. This lane has a carriageway, which has a minimum width of c. 6m. It has no footpaths and it has no formal turning head. The south western side of the Lane is the subject of double yellow lines, as is the north eastern side between lined parallel car parking spaces that are the subject of permit parking and a pay and display regime between the weekday hours of 06.00 and 18.30.

4.2 Appellants express concern that the traffic generated by the proposal would add to existing traffic and anticipated traffic arising from the likely development of the adjoining site to the north west. Congestion and hazard arise from reversing manoeuvres that, in the absence of any formal turning head, service/delivery

vehicles have to undertake. Likewise, the ability of emergency vehicles to access the Lane can/would be impaired by traffic/parking conditions. Attention is drawn to the presence of existing car parking spaces opposite the site. Attention is also drawn to the practice, evident elsewhere on the Lane, of setting back the front boundary of mews dwelling house sites to ensure that such parking spaces can be retained. The application of this practice to the current proposal is requested.

- 4.3 The applicant has responded by stating that the width of Morehampton Lane is adequate (Section 17.9.14 of the CDP requires 5.5m where footpaths are absent) and informal turning manoeuvres are facilitated by the ungated access road to the rear of No. 40 Morehampton Road at roughly the mid-point on this Lane. They state that the insistence on the requested setback would be unreasonable, as it was not a requirement for the recently permitted comparable development on the adjoining site to the north west. They also state that their proposal would be self-contained with respect to car parking spaces and that it would not displace such spaces, insofar as the dwelling houses at Nos. 24, 26, 28 & 30 Morehampton Road are served by car parking spaces to the front.
- 4.4 During my site visit, I observed that Morehampton Lane oscillates between being having a two lane carriageway and a one lane one depending on the incidence of on-street car parking spaces. I also observed that not only the dwelling houses on Morehampton Road, but also those on Pembroke Park have off-street car parking spaces to the front. Thus, use of spaces on the Lane by residents/visitors is typically supplementary in nature.
- 4.5 Under the CDP, the site lies just within Area 2 for the purpose of car parking provision and so normally a maximum of 1 car parking space is the relevant standard for new dwelling houses. However, a relaxation in such standards can be applied in situations wherein areas are near to one another. In the present case, the site is located close to the boundary between Areas 2 and 3. In the latter Area, the relevant standard is 1.5 car parking spaces, which in the case of individually serviced dwelling houses can, presumably, be rounded up to 2. This appears to have been the approach adopted with respect to the approval of 2 car parking spaces per dwelling house for the site to the north west. Accordingly, on this basis and in the light of both the said precedent and appellants concerns over the absence of visitor parking arrangements, I am not minded to object to the proposed level of provision.
- 4.6 During my site visit, I observed that the set back that the parties discuss is evident forward of mews dwelling houses to the south east of the site. However, this set back has not been provided consistently and there are instances where it has been applied only to be sub-divided by the encroachment of projecting side walls to house plots. The applicant's reference to the adjoining site to the north west is telling and I concur that to require a different approach now would be

unreasonable. The same can be said with respect to the provision of a formal turning head, where the adjoining site to the north west, which coincides with the end of the cul-de-sac, would have been, arguably, the optimum location for such a turning head.

4.7 More generally existing traffic conditions on Morehampton Lane would not be significantly affected by the additional traffic that would be likely to be generated by the proposal and, as the problems identified with these conditions occur at present, this proposal would have little bearing on the same.

4.8 I, therefore, conclude that the traffic generated by the proposal would not have a significant effect upon traffic levels and conditions on Morehampton Lane and that the proposed access and parking arrangements for the developed site would be satisfactory.

(v) Flood risk and drainage

5.1 Appellants draw attention to the topography of the area. Thus, Morehampton Lane descends appreciably to the north west from around its mid-point to the frontage of the site, lands to the rear of the dwelling houses on Morehampton Road descend mildly to the north east, and the rear yards to the dwelling houses on Pembroke Park are at a lower level than the Lane itself. Thus, the Lane and these yards have experienced flooding and the concern is expressed that the proposal would exacerbate the likelihood of flooding in the future.

5.2 Specifically, appellant (v) expresses concern that the flood attenuation arrangements for the developed site would be inadequate and that the lower ground floor (basement) has not been sufficiently assessed with respect to flood risk.

5.3 The applicant has responded to these concerns by outlining how the proposed flood attenuation arrangements would be designed to comply with the GSDS requirements, i.e. they would have the capacity to cope with a 100 year 6 hour flood event, and the discharge of water from them into the combined public sewer in Morehampton Lane would be at a rate that this sewer could readily handle without surcharging. These arrangements would include compensatory soakage for the developed site in the form of front and rear gardens, gravel surfaced parking areas, and green roofs. (I consider that a lip should be inserted at the entrance to each plot to ensure that gravel is retained insitu. Such a lip could be conditioned). They also draw attention to the basement, which would be constructed within an impervious layer of clay/silt above the water table, and so it would not contribute to a heightening of flood risk. Furthermore, this basement would be constructed at a level that would be above the 1 in 1000

year flood event associated with the River Dodder that runs to the south east of the wider area alongside Herbert Park.

5.4 More generally, the applicant observes that, given the topography cited, flood risk to Morehampton Lane arises from storm water run-off from residential properties to the south west that are either un-attenuated or insufficiently attenuated. Thus, this risk would be unaffected by the proposal.

5.5 Appellants (i) and (iv) question the appropriateness of foul water discharging from the developed site to the surface water public sewer in Morehampton Lane. They also question the appropriateness of the use of this sewer and downstream ones, given that they pass under private property and they question their adequacy to cope with such discharge.

5.6 The applicant has responded by stating that the surface water public sewer is connected to a combined public sewer and that it's effective use as a combined one is not exceptional and it has been previously envisaged under the permitted proposal for the adjoining site to the north west. They demonstrate that there would be adequate capacity to cope with anticipated discharges.

5.7 I note that the proposed connections would be in Morehampton Lane outside the site and that any works to the existing public sewer would be within this Lane rather than under private property. I note, too, that on-site drainage arrangements would be on the basis of a separate foul and surface water system, in accordance with good practice.

5.8 I conclude that the proposal would not lead to a heightened flood risk in the locality and that the proposed drainage arrangements for the developed site would be satisfactory.

(vi) AA

6.0 The proposal does not lie in a Natura 2000 site or near to one. I am not aware of any source/pathway/receptor routes between the site and the nearest Natura 2000 sites in Dublin Bay. Accordingly, having regard to these factors, 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.

Recommendation

In the light of my assessment, I recommend that the demolition of an existing outbuilding and partial demolition of the wall fronting onto Morehampton Lane and the construction of new mews houses as follows: 4 three-bed three storey dwellings, including a new boundary wall to the right of way and boundary of rear gardens, 2 off street car parking spaces per unit and entrance gates to each dwelling from

Morehampton Lane and all associated landscaping and ancillary works on site on Morehampton Lane, to rear of Nos. 24, 26, 28 & 30 Morehampton Road (which are protected structures), Dublin 4, be permitted.

Reasons and considerations

Having regard to the Dublin City Development Plan 2011 – 2017 and the planning history of the adjoining site to the north west, the proposed residential development of the site in a residential conservation area would be permissible in principle and the pattern of the proposed dwelling houses would enhance the visual amenities of the area and, in their revised form, the scale, siting, design, and finishes would combine to ensure that these dwelling houses would be compatible with the existing residential amenities of the area, while affording a satisfactory standard of amenity to future occupiers. Traffic generated by the proposal would be capable of being accommodated on Morehampton Lane and access and off-street car parking arrangements would be acceptable. The proposal would not lead to heightening of local flood risk and proposed drainage arrangements would be satisfactory. No Appropriate Assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

Conditions

1. 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 submitted on the 24th day of September 2015, 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. The proposed development shall be amended as follows:
 - (a) A colour scheme shall be prepared for the proposed sliding gates and the aluminium fin screens.
 - (b) The site entrances shall be provided with a lip to prevent gravel dispersal from the car parking spaces.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity and road safety.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

- (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include *prunus* species.
- (ii) Details of screen planting which shall not include *cupressocyparis x leylandii*.
- (iii) Hard landscaping works, specifying surfacing materials and finished levels, and all new boundary treatments to the overall site and between house plots.

(b) A timescale for implementation including details of phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [5] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

5. 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.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

9. Proposals for a house numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interests of urban legibility.

10. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwelling houses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

11. The developer shall pay to the planning authority a financial contribution of €87,523 (eighty-seven thousand, five hundred, and twenty-three euro) 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 – 2015. 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 – 2015 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.

Hugh D. Morrison

Inspector

29th February 2016