



An
Bord
Pleanála

Inspector's Report PL29S.246979

Development	Demolition of existing two-storey building and construction of a new two-storey mews with provision for 1 no off street car parking, terrace at the first floor and associated landscaping.
Location	21 Percy Lane, D4.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	2020/16.
Applicant(s)	Kimella and Nicholas Kenny.
Type of Application	Permission
Planning Authority Decision	Grant
Appellant(s)	Liam O' Sullivan
Observer(s)	None
Date of Site Inspection	05 th of October 2016.
Inspector	Karen Hamilton

1.0 **Site Location and Description**

1.1. The site is located to the rear of a protected structure at No 21 Percy Place, D 2. No 21 Percy Lane is a mews type structure which serves the main residence as a garage. The main elevation of the garage fronting onto Percy Lane contains some original features such as the first floor windows and what appears to be some original stone work on the bottom section of the building. In interior of the garage has been removed and both the first floor and roof have been replaced with corrugated iron planes. Percy Lane includes a mix of modern and original mews buildings for both office and residential. There is a renovated mews building to the west and dwelling set back to the north. The current outbuilding is separated from the main residence by an elongated garden.

2.0 **Proposed Development**

The development development includes:

- demolition of a two storey outbuilding.
- construction of new two storey, two bed dwelling with integrated off street parking, rear garden and a first floor balcony.

3.0 **Planning Authority Decision**

Decision

Decision to grant permission. Condition 3 requires the use of a conservation expert to supervise works on site.

3.1. **Planning Authority Reports**

The report of the area planner reflects the grant of permission and conditions.

3.2. Other Technical Reports

Drainage division - no objection subject to conditions.

Road Planning Division- no objection subject to conditions.

3.3. Third Party Observations

Two submissions received in relation to the impact on residential amenity. The issues raised are covered in the grounds of appeal.

4.0 Planning History

4.1.1. There is no relevant planning history for the appeal site.

Adjoining property

4200/15 - 19 Percy Lane: Permission to grant permission for demolition of a 2 storey detached dwelling and construction on 2 no. 3 storey with half basement, semi-detached, 3-bed houses.

5.0 Policy

5.1. **Architectural Heritage Guidelines for Planning Authorities, 2004.** Development guidelines for Protected Structures and Areas of Architectural Conservation.

Section 3.10.1: Criteria for assessing proposal with demolition.

5.2. Dublin City Development Plan 2016-2022

The site is zoned in Z2 *"To protect and/or improve the amenities of residential conservation areas"*.

Section 16.10.16 Mews Dwelling. Stone/brick coach houses on mews laneways are of national importance and there is a requirement to retain and conserve all surviving examples, particularly in relation to their form and profile. Development is

confined to single family units, two storeys in height. There is a need to provide one off street carpark and sufficient rear open space. Minimum width of 7.5m and 15 m² per bed space of rear open space required. Minimum distance of 22m from rear building.

The subject site is a protected structure and is located within the Architectural Conservation Area of Grand Canal the following policy of the development plan and guidance are relevant.

Policy CHC4 & CH5: Conservation Areas: Development will not harm the features of special interest in the conservation areas or involve harm to loss of traditional fabric.

Section 11.1.5.8: Demolition of Protected Structures and Buildings in Architectural Conservation Areas. The demolition of structures which make a positive contribution to protection structure or conservation area will be restricted. The acceptability of demolition will be considered having regard to the impact on the character of the ACA.

Appendix 24: Protected Structures and Buildings in Conservation Areas.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by a neighbouring resident and can be summarised as follows:

- The proposal will cause overshadowing on balconies and interior of 23 Percy Lane. There have been no shadow projection drawings submitted.
- The submitted further information did not sufficiently address the overlooking issues and submitted elevations are incorrect.

- Examples of good mews development have been quoted. There is no objection to the renovation of the existing mews.
- The validity of the architectural assessment is questioned.
- Precedence has been set by the Board for granting similar development along Percy Lane and would request restricted construction hrs.

6.2. **Planning Authority Response**

No response received.

6.3. **Other Party Responses**

First party response can be summarised as follows.

- Amendments were made to the proposed development to respect the original mews form and to include the reuse of existing building material in the construction where possible.
- Redesign of the front façade so it is flush with number 23 and removal of front balcony to prevent overlooking.
- Argument that the proposed development relates to the demolition of an existing two storey dwelling is incorrect and the appeal should be dismissed.

6.4. **Observations**

No observations received.

7.0 **Assessment**

7.1. The issues of the appeal can be dealt with under the following headings:

- Principle of development
- Built Heritage

- Residential Amenity
- Appropriate Assessment

Principle of development

7.2. The proposed development includes the demolition of an outbuilding and construction of a two story dwelling. The site is zoned for residential development in the current Development Plan and therefore subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

Built Heritage

- 7.3. The site is located within the curtilage of a protected structure and the proposed development relates to the demolition of a stone/brick coach house. The subject site is separated from the main protected structure (35m) by an ornate red brick wall which serves as the rear boundary for the proposed development.
- 7.4. The current building to be demolished retains an element of the original stone work along the bottom section of the facade although the majority of the façade wall has been altered with recent brick additions. The ground floor opening for the garage includes a metal door and is reinforced with a metal beam. Internally the structure has been altered significantly and there exists a new timber and metal first floor. The conservation report, submitted following a request from the planning authority, refers to the original cobbles on the ground and part of the original ceiling rafters. The current roof is finished with corrugated iron.
- 7.5. The appellant questions the validity of the conservation assessment submitted as significant further information. I also note the conservation assessment includes possible reuse of the current fabric in the construction of the dwelling, redesign of the proposed unit to respect the traditional mews layout and inclusion of timber materials on the front façade. I consider there is sufficient information contained in the conservation report to inform the assessment of the proposed development.

- 7.6. Section 16.10.16 of the development plan provides guidance for development of mews dwellings. Reference is made to existing stone/brick coach houses on mews laneways 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. Guidance is provided in other sections of the development plan and Section 3.10.2 of the Architectural Heritage Guidelines for Planning Authorities for demolition of structures and buildings in Architectural Conservation Areas and protected structures. Where it is proposed to demolish a structure, the features of special interest must be assessed and the impact of the replacement on the character of the area. With this in mind I have assessed the features of interest of the current outbuilding. The submitted conservation assessment refers to a minimal amount of the original fabric remaining, the cobble floor and rafters. I consider the majority of the original features have been removed and replaced with modern alterations although I consider the scale and depth of the original coach building has been retained and is of interest. Therefore, I consider it is justifiable to demolish the structure where the replacement is of a high architectural quality and does not affect the character and setting of the main house.
- 7.7. The location, scale and depth of the structure along the edge of Percy Lane is the most valuable feature which contributes to the character of the ACA and its location to the rear of the protected structure. The proposed replacement for the two storey dwelling respects the original footprint of the outbuilding, the current protected structure, the dimensions of the adjoining residence and the surrounding pattern of development and therefore does not have a negative impact on the built environment. I note Condition No 3 required the engagement of a suitably qualified professional during construction and would consider this appropriate to ensure the actions proposed in the conservation assessment are carried out.
- 7.8. No responses were received from any of the prescribed bodies consulted as part of a Section 131 referral.

7.9. Having regard to the above assessment and conservation assessment I consider the proposed development would not affect the character and setting of the main house.

Residential Amenity

7.10. The proposed development relates to the construction of a two storey mews along Percy Lane. Two storey dwellings are located on either side of the site. The proposed development will adjoin the gable wall of No 23 along the south west boundary and part of the gable all of No 19 along the north east boundary.

Overshadowing: The appellant argues that there have been no shadow projection drawings submitted and is concerned with potential overshadowing on the front balcony and impact on residential amenity. A first floor balcony has been removed to provide a front façade flush with the adjoining building. The elevation of the proposed development is 5m, 0.5m higher than the current dwelling. The proposed development will include a pitched roof.

I note the site is south east facing. Based on the minor change in height to the front of the proposed development and the orientation of the site I do not consider there would be a sufficient amount on overshadowing on any adjoining property to have a significant negative impact on the residential amenity.

Overlooking: Further information submitted removed the front balcony from the proposed development and a rear first floor balcony (5.25m²) remains to serve a bedroom. A 2m high boundary wall separates the proposed development with No 23. I consider the removal of the front balcony sufficient to reduce any potential for overlooking onto adjoining properties. Based on the location of the rear balcony, 2m from the rear adjoining rear garden, and the location off a bedroom I do not consider this balcony would cause a sufficient amount of overlooking to have a significant negative impact on any adjoining properties.

Overbearing: The proposed development is in keeping with the original footprint of the coach building and the scale and depth respects the adjoining residential

properties. I do not consider that the proposal is cramped or overbearing on the mews developments along Percy Lane. Therefore, the proposed development would not have a significant negative impact on the surrounding area.

Appropriate Assessment

- 7.11. Having regard to the nature and scale of the proposed development within a serviced area and separation distance 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 the conservation objectives of any European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations

Having regard to the pattern of development in the vicinity, including a variety of mews houses of differing external appearance and the policies of the current Dublin City Development Plan it is considered that the proposed development would not seriously injure the residential or visual amenity of the area and would not detract from the character or setting of the adjacent Protected Structure or the Architectural Conservation Area. 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, the developer shall provide for the appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

4. Water supply and drainage arrangements, including the 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.

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

Karen Hamilton
Planning Inspector

21st of October 2016