



An
Bord
Pleanála

Inspector's Report PL29S. 247316

Development

Construct 2 no. semi-detached two storey mews dwellings, move one vehicular access and create a new vehicular entrance.

Location

Tritonville Lane (rear of 29 Sandymount Road) Dublin 4.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

2901/16.

Applicant(s)

John & Ann Ryan.

Type of Application

Permission.

Planning Authority Decision

To grant permission subject to conditions.

Type of Appeal

Third Party.

Appellant(s)

John & Anne Larkin.

Alan Gallagher.

James Brendan Mc Cann.

Tom Maher.

Observer(s)

Brendan & Aideen Byrne.

Philip & Pauline O' Flynn.

Rodney & Eleanor Devitt.

Mary Hegarty.

Date of Site Inspection

November 30th, 2016.

Inspector

Breda Gannon

1.0 Site Location and Description

- 1.1. The site is located at Tritonville Lane and to the rear of No 29 Sandymount Road, Dublin 4. Located to the south of Tritonville Crescent, the lane comprises a narrow cul-de-sac, where a number of mews houses have been developed to the rear of the houses fronting onto Tritonville Road. The houses are developed on narrow sites, each with individual vehicular access onto the lane. Two detached houses on larger sites address the corner with Tritonville Crescent. There is significant variety in terms of the design of the houses and materials used. The laneway functions as a pedestrian shortcut connecting the area with the wider locality.
- 1.2. No 29 Sandymount Road is an end of terrace house, with a more recent extension on its east side. The house is three-storey with stepped access to first floor level. The ground floor has a rendered finish with a string course separating it from the upper floors, which are a red brick finish. The house is in residential use, with a doctors surgery located at ground floor level in the extended area. The house has separate pedestrian and vehicular access onto Sandymount Road.
- 1.3. Extending from the back of the house, there is a long and relatively narrow rear garden. It opens up into a rectangular space, an extension of the garden area, which forms the appeal site. The area is enclosed by stone walls/hedegrows and is bounded by Tritonville Lane to the west, by a private laneway to the north-east and by the rear of adjoining properties to the north and south.

2.0 Proposed Development

- 2.1. The proposal is to construct 2 no. semi detached mews dwellings on Tritonville Lane and at the rear of No 29 Sandymount Road. Dublin 4. The houses would be recessed from the laneway by c.5m. Each house would have a floor area of 176 m² and accommodate the main living quarters on the ground floor with 4 no. bedrooms at first floor level. A single-storey garage would be located to the side of each house. The houses would be finished externally in clay brick, have a ridge height of 7.95m and a pitched roof finished in natural slate. Private open space would be provided to the rear of each dwelling.

- 2.2. It is proposed to move the position of the existing vehicular entrance and create an additional entrance, such that each house would have separate access onto the lane. The front boundary wall to the laneway would be replaced and finished in clay brick.
- 2.3. Further Information on the application was sought on 12th July, 2016 on matters relating to the scale of the development, the provision of useable private open space, and the impact on neighbouring property. The response of 4th August, 2016 was accompanied by 3 no. drawings
- Drawing No. 3136/07B Revised Elevation & Section
 - Drawing No. 3136/11B Proposed Site Plan
 - Drawing No. 3136/12 Site Sections.
- 2.4. The response included a revised layout showing the houses moved forward on the site increasing the separation distance from the rear boundary and the level of private open space to the rear of the houses.
- 2.5. The revised elevations indicated a reduction in the height of the dwellings from 7.59m to 7m. The side gables were removed and replaced with a hipped roof and the ridge height has been reduced from 5m to 4.77m.
- 2.6. The drawings indicate the provision of side passages centrally within the site adjacent to the side garages resulting in the separation of the proposed dwellings.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the development subject to 13 no. conditions. The decision contains the following conditions of note;

Condition No 3 – Requires that the side passages shown adjacent to the garages on Drawing No's 3136/11B, 3136/07B and 3136/12 submitted as additional information be permanently omitted from the development.

Condition No 4 – Requires that obscure glazing be fitted in the windows to the en-suite bathrooms and the dressing rooms at first floor level on the north-west and south-east elevations.

Condition No 9 – Requires that the landscaping scheme accompanying the application be implemented fully in the first planting scheme following completion of the development etc.

Condition No 11 – Specifies that driveway entrances shall be at least 2.5m or at most 3.6m in width and shall not have outward opening gates. It also requires that a construction management plan be submitted for written agreement prior to commencement of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **Planning Officer's** report of 31/8/16 notes that the subject site is unusual in that it is considered to be both a mews lane and an infill site. The floor area and allocation of internal space is in accordance with the standards for a 4 bedroom house as set out in Section 17.9.1 of the Development Plan and the DoEHLG's 'Quality Housing for Sustainable Communities' (2007).

3.2.2. The proposal would yield a total of 6 bed spaces, which would require 90 m² of private open space. The quantum of open space can be met and the revised drawings submitted in response to the request for further information, showing the houses moved forward on the site, allows a better allocation of private space to the rear of the dwellings.

3.2.3. It is noted that the applicant's response proposes to fully separate the proposed units by providing side passages adjacent to the side garages. This would result in reducing the separation distance to the side boundaries, moving the development closer to existing residential development on Tritonville Court. It is recommended that the side passages be omitted to increase the separation distance and that the first floor windows to the en-suite and dressing room be permanently fitted with opaque glass to address overlooking issues.

3.2.4. It is considered that the proposal to reduce the height and roof profile of the dwellings is an appropriate response to reducing the scale and massing of the buildings and is acceptable.

3.2.5. Other Technical Reports

The **Roads & Traffic Planning Division Report** of 29/6/16 raised no objection to the development subject to conditions.

The **Drainage Division** in their report of 21/6/16 raised no objection to the development subject to standard type conditions.

3.3. Third Party Observations

A number of observations were received by the planning authority which raised issues regarding;

- Distance of proposed development to site boundaries.
- Overlooking and loss of privacy.
- Overbearing impact due to height and mass of structures.
- Development is not in keeping with the character of the existing mews dwellings.
- Disruption caused by construction traffic.
- Reduction in the number of car parking spaces on Tritonville Road.
- Traffic and pedestrian safety.
- Mature trees along boundary should be retained.

4.0 Planning History

5817/06 – Planning permission granted for the construction of a new floor to accommodate bedrooms over the existing two-storey side structure including new bay window to front and new balcony to rear at first floor level at 29 Sandymount Road.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Council Development Plan 2016-2022, which came into effect on October 21st, 2016.

The site is located in an area zoned Z1, Sustainable Residential Neighbourhoods, with the following objective;

'To protect, provide and improve residential amenities'

Residential use is a permitted use in this zoning category.

Standards for Residential Accommodation (houses) are set out in Section 16.10.2, Infill Housing in Section 16.10.10., and Mews Dwellings at 16.10.16.

Relevant sections of the Plan are appended to the back of the report for the information of the Board.

6.0 The Appeal

6.1. Grounds of Appeal

1. James Brendan Mc Cann

- No contextual elevations/sections submitted with the application.
- Inaccurate and misleading information on site notice i.e. no mention of garages.
- Lane to rear of proposed development is not shown.
- The two garages, can at a later stage be converted to bedrooms. If and when this happens the private open space will fall short of the stated requirement.
- The proposed development fails to comply with the 22m separation distance for opposing windows to prevent overlooking. There is only a separation distance of 17m between the first floor windows and the existing first floor windows of the existing mews development.

- It is proposed to provide for an additional 6 no. cars, which will access an unmetaled lane without footpaths, which is a pedestrian access to schools and church from Tritonville Court.
- This speculative development will lead to loss of privacy and overcrowding and will devalue and adversely affect the amenities of all ten properties that it directly adjoins/overlooks.

2. Tom Maher

- Notes the provisions of the development plan and the requirement that new development should have no unacceptable effect on the amenities enjoyed by the occupants of adjacent buildings, in terms of privacy and access to daylight and sunlight.
- The laneway cannot accommodate any more cars. It is already challenging coming and going from the properties.
- The entrances to the proposed development are almost directly opposite the access gates of appellant's property. To access appellant's property it is necessary to turn the car through a 270 degree turn from the lane into the front of the property via inward opening electric bi-fold gates. If the proposed development is permitted, it is likely that it will not be possible to turn a car into the property in the event that there are moving/parked cars (including visitors) in front of the proposed development. This would mean that the car would have to be abandoned in the lane leading to planning compliance issues, additional congestion, danger to pedestrians etc. The answer to this cannot be that applicant's be required to facilitate off-lane parking, which is not enforced post grant.
- Danger posed to pedestrians by additional traffic generated by the development. The laneway is used by many pedestrians to cross from Tritonville Court to Sandymount Road and vice-versa.
- The proposal is contrary to the fundamental principles of urban planning. It does not comply with the 'Sustainable Residential Development in Urban Area Guidelines' (2009) and the provisions of the development plan regarding

separation distances between dwellings, private open space requirements , plot ratio, site coverage etc.

3. Alan Gallagher

- The requirements for infill housing are set out in the development plan. It specifies that development should have regard to the existing character of the street by paying attention to the established building line, proportions, heights, parapet levels and materials of surrounding buildings.
- The proposed development is considered to be unsympathetic with the existing character of the area. Whilst modifications were proposed following a request for further information, these alterations will not significantly reduce the impact of the proposal on the existing building pattern and recognisable character associated with the existing mews dwellings in the area.
- The development plan provides guidance on mews dwellings, stating that it will actively encourage development schemes only where a unified approach has been adopted and all landowners are in agreement. The surrounding landowners are all opposed to this development. There is a requirement in the plan that new buildings should compliment the character of both the mews lane and main building with regard to scale, massing, height, building depth, roof treatment and materials etc.
- The Planning Officer expressed 'serious concerns' regarding the bulk and mass of the dwellings and although the height of the dwellings have been reduced to 7m, they remain far in excess of the average building height (6m) of the existing mews along the lane (Fig 9 of appeal).
- Very little consideration has been given to the established character of the area, particularly with regard to building width, depth, scale and massing. The proposed houses are 9.8 m in width and 9.4m in depth. The existing mews dwellings are no greater than 7m in width and no less that 16m in depth (Fig 10 of appeal).
- The scale of the development is excessive on such a confined site. The height, which is a meter above the average height, will result in severe loss of

outlook and an overbearing effect. This will be detrimental to the character and appearance of existing dwellings on Tritonville Lane and impact on their visual amenity.

- The site will be subdivided into two plots which is at variance with the provisions of the development plan which specifies that the amalgamation or subdivision of plots on mews lanes will generally not be encouraged. The proposal would set an undesirable precedent for similar development.
- The existing mews dwellings are in a designated Z2 zone where the objective is 'to protect and/or improve the amenities of residential conservation areas'. The infill development proposed would not result in improvements to the residential conservation of the adjacent properties within the Z2 zoned lands, but will result in a loss of residential amenity due to the development's uncharacteristic features, scale, mass, design and external finishing materials.
- The width of the laneway is c 5.0m, which is below the minimum width of 5.5m specified in the development plan for lanes with no footpaths or verges. It is a fundamental concern of the residents to keep the volumes of traffic to a minimum, especially considering that the proposal is for large family sized homes, which will result in multiple daily trips associated with school runs, shopping, work and recreation. The proposed development will cause a significant traffic hazard.
- There are concerns regarding the viability of the laneway to accommodate construction traffic. There will be impacts on local residents associated with disturbance, overspill of construction traffic to surrounding roads etc.
- Three on-site parking spaces are being provided for each house whilst a maximum of 1 no. space is specified in areas zoned Z1 in the development plan.
- Private amenity space will be substandard as the development falls short of the 7.5m depth that is generally applicable to mews dwelling developments. The proposal will result in overdevelopment of the site, which is more suitable for a single mews dwelling.

- While the removal of the side passages to House No. 1 will increase the separation distance to No. 7 Tritonville Court by 1m to 19m, it will still be 3m below the required standard set out in the development plan. The separation distance to No' 5 and 6 will be even less again.
- Whilst the planning officer stated that consideration should be given to reducing the scale and massing of the proposed development with a view to providing enhanced separation distances, no effort has been made to reduce the massing of the houses to allow for greater separation distances, particularly with respect to No's 5, 6 and 7 Tritonville Court.
- Two over scaled houses will make the character and setting of Trionville Lane unattractive to potential buyers and result in a devaluation of property in the vicinity.
- The application infers that the dwellings will be connected to a combined sewer on Tritonville Lane. There is no evidence that such a sewer exists.
- There is a precedent for refusal for this type of development. The Board refused permission (PL 29S. 214599) for 3 no. two bedroom terrace mews dwellings at the rear of No's 61-63 Synge Street for reasons relating to the scale and design of the development, which would overshadow and overbear on adjacent houses and seriously injure the residential amenity and be out of character with the established building pattern.
- On the basis of the foregoing it is considered that there will be a significant loss of residential amenity to Tritonville Road, Tritonville Terrace and Tritonville Lane. This will result from the negative visual impact and overbearing impact arising from the dominant nature of the proposed structures. The proposed development is not considered to be in the interests of the proper planning and sustainable development of the area.

4. John & Ann Larkin

- Notes the observation submitted to the planning authority which raised the following issues of concern.

- Overlooking with loss of privacy to their rear garden and house, the ground floor of which opens up to this area.
 - Overshadowing, with particular concern regarding the reduction in western 'low-angle' afternoon/evening sun.
 - The misleading use of the term 'mews' to describe the proposed development.
 - Lack of clarity regarding retention of trees etc (if any).
 - Lack of precedent for similar development on the north side of the lane.
 - Density/design with particular emphasis on the possible 'introversion' of the design.
 - Vehicular access and intensification of traffic and hazard for pedestrians. Impracticality of adding further parking restrictions (double yellow lines) etc., on the traditional surface materials of the lane.
- Whilst the modifications brought forward in response to the further information request are broadly welcome (such as re-positioning of the rear building line, redesign of the roof), the central concern of the appellant remains the negative impact of overlooking on the rear of the property. Whilst the lowering of the window heads by approx. 400mm at first floor level is helpful, when compared to the height of the garden wall, the sightline measured from these windows down into the gardens at the rear of Sandymount Road has only been marginally improved.
 - It is noted that Condition No. 4 only requires the smaller dressing room and ensuite windows to be fitted with obscure glazing. The bedroom windows have not been included and the Board is requested to review this and include a condition that all windows at first floor level be fitted with obscure glass.
 - Notwithstanding the issue of obscure glass, some simple design modifications, could make a difference to preserve privacy. For example the en-suite bathroom windows at first floor level could be omitted without any

real or quantifiable negative consequences for the proposed house. There is a good sized window (750 x 1000mm) on the 'inward' facing external wall opposite the entrance door which comfortably appears to provide the ventilation requirement for the en-suite bathroom. Similarly, the corner window to the dressing room arguably has a bigger impact on appellants' property. Given the modified roof design proposed, a shafted rooflight could direct natural light into this area without the need for a window at all. This would further reduce the overlooking aspect to appellants' property.

- The northern boundary wall is to be finished in fair faced brick finish. It is considered reasonable that the appellants' have a consultative role in the exact finish of this brickwork as it will be visible from appellants' property.
- It is considered that the planning authority could have gone further to alleviate the appellants' concerns regarding overlooking of their property and the Board is requested to include conditions requiring that all rear windows be permanently glazed with obscure glass; that revised drawings be submitted to be agreed with the planning authority showing the omission of all non essential windows at first floor level in the rear elevation of both houses and that some involvement or form of approval regarding the brick facing finish on the lane side of the northern boundary of the site to be agreed with the planning authority.
- The appellants' consider that these are reasonable requests which do not undermine the plans of the applicant.

6.2. Applicant's Response

The response is as follows:

- During pre-planning consultations with various Dublin City Council departments, positive responses were received to the proposed development.
- In response to the request for further information, the building height was reduced, obscured glass was incorporated into some of the first floor

windows and a more satisfactory re-shaping of private open space was indicated.

- Much piecemeal development has taken place on Tritonville Lane over recent decades. With the wide frontage available onto Tritonville Lane, the proposed site is suitable for the development.
- It is not considered that the provision of additional car parking on the Lane would be desirable. Two on-site car parking spaces are proposed for each dwelling.
- There will be no living rooms at first floor level and the bedrooms facing the lane are single bedrooms. The main living areas are located to the rear of each house at ground floor level.
- The proposed first floor windows will not create any unacceptable overlooking and the overall massing will not result in unacceptable overshadowing. The proposed development will not adversely affect any adjacent property.

6.3. **Planning Authority Response**

The response received by the Board on 5/10/16 noted that the comprehensive planning report deals with all the issues raised and justifies the planning authority's decision.

6.4. **Observations**

1. Brendan & Aideen Byrne

- Own the property at No 5 Tritonville Court which shares a boundary wall with the site.
- The houses should not be referred to as 'mews' dwellings as they are large family homes and are out of character with the mew houses that already exist along Tritonville Lane, the owners of which have gone to enormous trouble and expense to preserve the mews-like character of the lane.
- Following the request for further information, the proposed development has moved further south on the site closer to Tritonville Lane. This will result in

three windows, at first floor level of House No 1, completely overlooking the full width of the house and garden at No 5. The 7m high structure will be located just 2m from the boundary wall and at a distance of 18m from the rear wall and windows of the dwelling, which is far short of the recommended distance of 22m.

- In order to facilitate construction of the gable wall, all the trees and shrubs in the affected location will have to be removed. The view towards the west, enjoyed for the last 35 years will be completely obscured. There will be no privacy and no late afternoon sun (Sketch A).
- No details of the proposed new drainage system has been submitted. Over the years, severe blockages have occurred in the existing foul drainage system outside No's 5 and 6 Tritonville Court. It would be unwise to connect any new drainage pipework into the existing network.
- The concerns of the adjoining property owners regarding the mass and height of the proposed dwellings have not been addressed. The recommendation that innovative designs be followed for mews development has not been adhered to. A new proposal for mews development loosely based on the character of the existing mews on the lane should be seriously considered with possible footprint as indicated on Sketch B. This would maintain the mews-like character and go a long way towards addressing the concerns of adjoining property owners.

2. Philip & Pauline O'Flynn

- Lives at No 6 Tritonville Court with a rear garden backing onto the site of the proposed development.
- The proposal for two large 4 bed houses is ambitious. A single setached house might be worth considering.
- The proposed development would bring additional traffic to Tritonville Lane and exacerbate existing access and parking problems.
- The height of House No 1 is higher than those on Tritonville Lane and is very close to the boundary wall with observers' property.

- Privacy of house will be impacted. The boundary wall is just 1.3 m high and existing trees and hedgerow provide privacy. The removal of vegetation would result in overlooking of the property.
- Drainage should be investigated as serious foul drainage issues have arisen in the past on Tritonville Court.

3. Rodney & Eleanor Devitt

- Tritonville Lane is a short, narrow, unmetaled, privately maintained cul-de-sac, with four mews houses on one side only, which neither overlook nor are overlooked by other houses in front of them.
- The lane is less than 5m in width, with no footpaths. Access and egress, and parking for four houses, is very limited.
- There is no foul water or storm water drainage on or under Tritonville Lane, nor any foul water drainage under Tritonville Crescent. Neither is there any public mains water pipe in Tritonville Lane.
- The provision of two large four-bedroom houses, which are totally out of character with the existing mews and are higher, wider and more dominant than the existing houses, would be an intolerable disruption for the existing residents and result in overdevelopment. Tritonville Lane has already reached the limit of its residential capability.

4 Mary Hegarty

- Owns the property at No 2 Tritonville Crescent, which has a boundary and side entrance onto Tritonville Lane. The bedroom windows are c. 3ft from the lane (Photo 1 of submission).
- The development of two additional houses will result in noise from additional cars entering and exiting the lane. There is no footpath along the lane and the additional traffic will be hazardous when exiting from the side entrance. Additional cars will add to congestion if more cars park on the laneway. The laneway is not sufficiently wide for two cars to safely pass (Photo 2 of submission).

- Construction related impacts arising from noise and traffic. There is an old's persons retirement complex (Tritonville Close) located opposite the entrance to the lane. If permission is granted for this development the construction start time should be changed from 7am to 8am.

7.0 Assessment

The main issues that arise for determination by the Board with respect to this appeal relate to the following matters:

- The principle of the development.
- Impacts on the residential amenity.
- Design of the development.
- Traffic and pedestrian safety.
- Other matters.

1. Principle of the development

The proposed development is located in a Z1 zoned area, where residential use is permissible. The proposed development is therefore acceptable in principle. The question that arises for determination by the Board is whether the proposal can be accommodated on the site to comply with all relevant standards, so as to ensure that an appropriate standard of residential amenity can be afforded to future residents, while at the same time ensuring that the residential amenity of existing residents is not compromised.

2. Impacts on residential amenity

To ensure an adequate level of accommodation and amenity is provided for future occupants of residential units, the development plan specifies (Section 16.10.2) that internal layout and space provision shall comply with the principles and standards set out in the DoEHLG publication 'Quality Housing for Sustainable Communities', (2007). The proposed dwellings are generally in compliance with room sizes/aggregate floor areas specified. The rooms are naturally ventilated and lit as required and adequate storage space is provided (Table 5.1).

In terms of private amenity space, the development plan specifies a requirement of 10 sq. m per bed space, noting that 60-70 sq.m of rear garden area is considered sufficient for houses in the city. Open space to the rear/side of the dwellings, at 115 sq.m for House No 1 and 108 sq. m for House No 2 exceeds the minimum requirement and provides a suitable and useable area of private amenity space for each dwelling. This is in addition to the area to the front of the dwellings, which will be screened from the laneway by a new front boundary wall, creating an area of 'defensible space' for each dwelling as required by the development plan.

Compliance with recommended internal space standards and the provision of adequate private amenity space as proposed for each dwelling ensures a reasonable level of residential amenity will be afforded to future residents of these dwellings. The proposed development is also in compliance with site coverage and plot ratio standards for the area, ensuring that the overdevelopment of the site with negative outcomes do not occur.

The appeal site is surrounded on all sides by existing residential properties. To the west, the site faces the front of the existing mews dwellings on the opposite side of Tritonville Lane. The remainder of the site adjoins the rear gardens of properties that front onto Tritonville Crescent to the north, Tritonville Court to the south and Sandymount Road to the north-east.

The proposed dwellings will face the existing mews dwellings on Tritonville Lane. Whilst the 22m recommended separation distance between opposing first floor windows will not be achieved, the potential for significant overlooking is reduced by the high boundary walls that screen the front of these dwellings and the oblique orientation of their first floor windows. Furthermore, the first floor windows serve bedrooms and not living areas of the proposed houses.

To the north there is a single detached two-storey house at No 1 Tritonville Crescent. Its rear garden adjoins the appeal site and the common boundary is formed by a high stone wall, which eliminates any potential for overlooking at ground level. The windows in the elevation of House No 2, facing the existing house include an ensuite, dressing room window and the side part of the window to Bedroom No 4. I note that the planning authority have required that permanent opaque glazing be provided in the ensuite and dressing room windows to reduce the potential for

impacts on privacy as a result of overlooking. Part of the bedroom window will face towards the existing house and whilst it would be possible to remove this section of the window without significant impacts on the design of the house, or provide obscure glazing, I am not persuaded that either measure is necessary having regard to the separation distance, which is in excess of 20m.

A similar situation arises to the south. The appeal site is contiguous with the rear boundaries of No's 5, 6 and part of No 7 Tritonville Court. These sites accommodate semi detached two-storey dwellings and No 7 has a more recent two-storey extension to the rear. The common boundary is again formed by a stone wall/screening ensuring that there is no significant overlooking at ground floor level. The separation distance from opposing first floor windows at 16m is below the that recommended. However, the windows in this elevation serve non habitable rooms (ensuite, dressing room) and a bedroom. Subject to the provision of opaque glazing to the ensuite and dressing room, as required by the planning authority, I do not consider that any significant impacts on the privacy of adjacent dwellings will arise.

The rear boundary of the site abuts a private laneway serving the properties facing onto Sandymount Road. I note that existing views towards the rear of these houses are screened by a substantial hedge located on the appeal site. It is proposed to remove the hedge and provide a 3m high wall and tall columnar trees to provide visual screening. This will ensure that there will be no overlooking of adjacent property or private amenity space at ground floor level.

Having regard to the significant separation distances between the first floor windows, which would appear to be well in excess of 22m, I do not accept that there will be any significant impacts on the privacy of these dwellings. Whilst the appellants' request that opaque glazing should be provided in all of the rear bedrooms windows, I consider that this would result in a significant reduction of the level of amenity afforded to future residents of the proposed houses, which is not warranted to protect the amenity of the houses facing onto Sandymount Road.

Whilst the proposal will remove part of the rear garden associated with No 29 Sandymount Road, sufficient private open space will be retained to ensure that the existing amenities of the dwelling are not compromised.

Having regard to the forgoing, I am satisfied that the site can be developed as proposed to provide an adequate level of residential amenity to future occupants while at the same time ensuring that the amenity of existing residents is not compromised. I consider that the proposed development is sufficiently removed from established properties not to result in any overbearing impacts or loss of sunlight/daylight and that issues regarding potential overlooking can be suitably addressed by conditions.

3. Design of the development

I accept that the design of the proposed houses is not typical of that normally associated with mews development, which traditionally involved the conversion of coach houses, outhouses etc at the rear of established properties. The question that arises therefore, is whether the proposed development, which does not mirror the design of existing residences would impact on the established character of the area.

I would point out to the Board that the existing houses on the laneway were not developed in a unified fashion. The houses display considerable variation in terms of design, roof profile, finishes etc. The laneway does not have a clearly recognisable character or present as a cohesive architectural area. The sites are restricted in width and depth which limits the type of dwelling that could be accommodated.

Whilst the scale, massing and height of the proposed houses differs from the existing houses on the opposite side of the laneway, the appeal site has a significantly wider frontage and the ability to accommodate houses of different scale and proportions. The proposed development complies with all relevant standards and I consider that it can be effectively assimilated into the site, without significant adverse impacts on the character of the laneway or adjacent residential conservation areas.

I do not consider that any reasonable comparisons can be made between the development refused by the Board at 61-63 Synge Street (PL29S.214599), which is contended should be considered as a precedent to refuse permission for the proposed development. The proposal consisted of a three-storey development with two-storey terraced mews dwellings over garages to ground floor, bearing no resemblance to that proposed on the subject site.

4. Traffic and parking

Concerns have been raised in the submissions regarding the impacts of the development on traffic and pedestrian safety and that the proposal will increase congestion and exacerbate parking on the lane.

As stated, Tritonville Lane at 5m is marginally below the recommended minimum in the development plan (5.5m) for mews development. However, I note that the Roads & Traffic Planning Division considers the laneway to be suitable for the proposed development having regard to the limited potential for any further development.

Whilst I accept that the proposal will increase traffic movements on the lane, I note that the site is within walking distance of local schools and services, including public transport such as DART and bus services. The availability of alternative means of transport has the potential to reduce the requirement for car based travel associated with the proposed development and congestion on the laneway.

The proposed development will not generate any increased demand for car parking on the laneway as on-site car parking (2 no. spaces) is proposed for each house. Any issues regarding enforcement and parking restrictions on the laneway that may arise are a matter for Dublin City Council. Whilst I accept that vehicular access to the existing houses on the laneway may be challenging, this arises as a consequence of the narrow frontages associated with each dwelling. The proposed development has the advantage of significantly wider frontages, which together with the provision of on-site parking as proposed, will not exacerbate existing conditions.

The laneway functions as pedestrian short cut to surrounding areas. Whilst the development will marginally increase traffic movements, requiring an increased level of awareness, it will not impede pedestrian usage.

5. Other matters

I do not consider that any significant issues arise regarding the validity of the application. Whilst matters such as the omission of the garages in the development description and use of the term 'mews' to describe the proposed development may be considered inappropriate by the appellants', the public notices have served their function and alerted the public to the proposed development.

I note that contrary to the assertions made, the private laneway to the north is shown on Dwg No. 3136/07A submitted with the application. Contextual elevations, whilst not submitted with the application, were submitted in response to the request for further information (Dwg No. 3136/12). The application together with the further information received provides an adequate level of information on the proposed development and I do not consider that third party rights have been compromised in any way.

I accept that there will be disturbance with the potential for elevated noise levels and other nuisance during the construction stage. However, these impacts will be temporary and short lived. Subject to conditions controlling the hours of construction and the implementation of a construction management plan, the impacts on adjacent residents will be minimised.

With regard to the issues raised regarding drainage difficulties, I note that the Drainage Division have raised no objection to the development subject to compliance with standard conditions.

8.0 Appropriate Assessment

The nearest Natura 2000 site is South Dublin Bay SAC (Site Code 000210). Having regard to the location of the development within a built up area , the nature and scale of the development and the separation distance from the Natura 2000 site, I consider that the proposed development, either alone or in combination with other plans or projects, does not have the potential to impact adversely on the qualifying interests of any Natura 2000 site. Appropriate Assessment is not therefore required.

9.0 Recommendation

- 9.1. Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that permission be granted for the development for the reasons and considerations set out below.

10.0 Reasons and Considerations

10.1. Having regard to the location of the proposed development in a built up area and on a site zoned for residential purposes, and the nature and scale of the development, it is considered that subject to compliance with the conditions set out below, the proposed development would not detract from the visual or residential amenities of the area, would not detract from the character of the adjoining residential conservation area, would be acceptable in terms of traffic and pedestrian safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 4th day of August 2016, 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 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 interests of clarity.

2. Prior to commencement of the development a sample of the brick finish to be used on the external walls of the houses and the boundary walls of the site shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of visual amenity.

3. The en-suite, bathroom and dressing room windows at first floor level in the north-west and south-east elevations shall be permanently fitted and maintained with obscure glazing.

Reason: To prevent overlooking of adjoining residential property.

4. The side passages shown adjacent to the garages on Drawing No's 3136/07B, 3136/11B, and 3136/12 received by the planning authority on August 4th,

2016 shall be omitted from the scheme. The garages and dwellings shall be positioned centrally on the site and directly adjacent to each other to details to be submitted to and agreed in writing with the planning authority prior to commencement of the development.

Reason: In the interests of privacy.

5. Prior to commencement of development the developer shall submit a landscaping plan for written agreement with the planning authority showing proposals for screen planting, which shall comprise native species (to include details of species, variety, number, spacing etc) to be provided along the rear and side boundaries of the site. The scheme shall not include *cupressocyparis x leylandii*.

Reason: In the interests of residential and visual amenity.

6. The driveway entrances shall be at least 2.5m and shall not exceed 3.6m in width and shall not have outward opening gates.

Reason: In the interests of traffic safety.

7. Water supply and drainage arrangement including the disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health.

8. Site development and building works shall be carried out only between the hours of 07.00 am to 18.00 hours Monday to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall be allowed only in exceptional circumstances where prior written approval has been received from the planning authority.

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

9. Prior to commencement of the development a Construction Management Plan shall be submitted to and agreed in writing with the planning authority. The plan shall include details of intended construction practice, proposals for traffic management, noise management and measures for off-site disposal of construction/demolition waste.

Reason: In the interests of amenities, public health and safety.

10. The developer shall pay to the planning authority a financial contribution of €30,412.80 (thirty thousand four hundred and twelve euro and eighty cent) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that it 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. 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 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.

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision satisfactory completion and maintenance until taken in charge by the local authority of services required in connection with the proposed development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion and maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement shall be referred to an Bord Pleanála for agreement.

Reason: To ensure the satisfactory completion of the development.

Breda Gannon
Planning Inspector

14th January 2017.