



An
Bord
Pleanála

Inspector's Report PL29S.247438

Development	Two-storey 3 bed house, rear balcony terrace and 1 off street parking space
Location	No. 6 Louis Lane, Rear 15 Leinster Road, Rathmines, Dublin 6
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3498/16
Applicant(s)	Margaret & Brendan Scannell
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Margaret & Brendan Scannell
Observer(s)	None
Date of Site Inspection	20 th December 2016
Inspector	Rónán O'Connor

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1.0 Site Location and Description

- 1.1. The appeal site comprises part of the rear curtilage of No. 15 Leinster Road, a large mid-terrace Georgian Dwelling and Protected Structure. No. 15 Leinster Road is a late Georgian property constructed in stone, yellow brick, plaster and timber with original slate roof finish. The rear of the property has a 3-storey return with render finish. It is occupied as a single dwelling house.
- 1.2. There is an existing access gate from the rear garden of No. 15 Leinster Road onto Louis Lane.
- 1.3. Louis Lane is a narrow laneway, accessed under an archway in No. 13 Leinster Road and runs along the rear boundaries of house No.'s 6-20 Leinster Road. There are a number of existing two-storey mews houses on Louis Lane.
- 1.4. On the northern side of the lane is St. Louis Primary School which has a secondary access point and fire emergency access onto Louis Lane.

2.0 Proposed Development

- 2.1. The proposed development comprises of the construction of a new 2 storey, 3 bedroom mews dwelling with one off street car parking space within the curtilage of No. 15 Leinster Road and fronting on Louis Lane.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Refuse permission for the following reason:

The proposed development by reason of its design and height would have an overbearing impact and would materially affect the Protected Structure at No. 15 Leinster Road and would be visually obtrusive and out of character with the existing pattern of development along Louis Lane. The proposal would set a precedent for other such substandard mews dwellings and would contravene policies which seek to protect and enhance residential conservation areas and the standards for mews developments as set out in Section 17.9.14 of the Dublin City Development Plan

2011-2017. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

- Notes that residential development is permitted in principle on lands zoned objective Z2.
- Notes that mews developments on Louis Lane have been permitted in principle by previous decisions by the planning authority and An Bord Pleanála.
- Officer considered that the mews development as proposed is very similar to that refused permission under application reference. 3430/14.
- Considered that the overall bulk and scale of the proposed development was incongruous and unacceptable.
- Concern in relation to the overall design
- Proposal would set an undesirable precedent
- Recommended that the permission be refused.

3.2.2. Other Technical Reports

Drainage Division - No objection.

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

3.4.1. The Planning Authority received one letter of objection. The issues raised are covered in the grounds of appeal.

4.0 Planning History

- 4.1.1. 3430/14: Permission refused for the construction of a new 3 bedroom mono pitched 2/3 storey mews dwelling with loft accommodation, screened balcony at loft level to Louis Lane, car port, new boundary wall treatments and all associated side works.
- 4.1.2. 4398/08: Permission granted for vehicular access to front of 15 Leinster Road.
- 4.1.3. 0282/14: Social Housing Exemption Certificate granted for mews dwelling to the rear.

5.0 Policy Context

5.1. Architectural Heritage Guidelines for Planning Authorities, 2004 (republished 2011)

- 5.1.1. Development guidelines for Protected Structures and Areas of Architectural Conservation.

5.2. Development Plan

5.2.1. Dublin City Development Plan 2016-2022

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

- 5.2.3. Relevant policies and standards of the Dublin City Development Plan 2016-2022 include:

- Policy CHC2 - To ensure that the special interest of protected structures is protected.
- Policy CHC4 – To protect the special interest and character of all Dublin's Conservation Areas
- Policy CHC5 – To protect Protected Structures and preserve the character and the setting of Architectural Conservation Areas.
- Appendix 24: Protected Structures and Buildings in Conservation Areas.

- Section 16.10.2 Residential Quality Standards – Houses – sets out standards to be achieved in new build houses.
- Section 16.10.16 Mews Dwellings. Provides guidance in relation to design and standards.

5.3. **Natural Heritage Designations**

None

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The grounds of appeal, as raised in the submission from Moda Architects, on behalf the first party appellants, can be summarised as follows:

- Design approach is the correct one.
- Proposal differs from that previously refused.
- Car access will be same as for existing residents.
- Construction traffic will be managed professionally by a competent contractor.

6.1.2. The appellants have submitted amended plans to An Bord Pleanála which detail the following amendments:

- Reduction in ridge height of 628mm
- Revised roof pitch from 31 degrees to 28 degrees
- Internal modifications

6.2. **Planning Authority Response**

6.2.1. No further comment.

6.3. **Observations**

6.3.1. None

7.0 Assessment

7.1.1. Revised plans have been submitted with this appeal and with the substantial change being a reduction in ridge height of the proposed mews dwelling. My assessment is based on these revised plans.

7.1.2. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of the proposed development
- Visual Amenity Impact / Streetscape
- Impact on the Protected Structure
- Residential Amenity
- Road Access and Traffic Safety
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The planning principle of residential development at No. 6 Louis Lane has been established. The site is zoned Z2, and there are a number of existing mews dwellings on Louis Lane. Residential development would, therefore, be acceptable in principle, subject to the considerations below. It is noted, however, that the primary objective of the Z2 zoning is to ensure the protection and improvement of the amenity prevailing in the conservation area. In this respect I note that specifically, the Z2 General Objective seeks to protect from unsuitable new developments, or works that would have a negative impact on the amenity, or architectural quality of the area.

7.3. Visual Amenity Impact / Streetscape

7.3.1. Section 16.10.16 'Mews Dwellings' of the Dublin City Development Plan 2016-2022 states that new buildings should complement the character of both the mews lane and the main building with regard to scale, massing, height, building depth, roof treatment and materials.

- 7.3.2. Since the previous refusal (PA Ref 3430/14), the proposal as refused by the planning authority (PA Ref 3498/16) and the revised drawings submitted by the appellant to An Bord Pleanála, there has been a substantial reduction in the scale, massing and height and a simplification of the design approach.
- 7.3.3. In relation to the roof form, it is noted that this differs from the mews dwellings at No's 7, 8 and 9 Louis Lane which are gable ended. However further south down Louis Lane, roof forms are varied, with a hipped roof on the original stone coach house at No. 5 Louis Lane and flat roofs at No's 3 and 4 Louis Lane. As such I do not consider it necessary architecturally to ape the roof forms of No's 7, 8 and 9 which have taken a different architectural approach. The roof form reflects the variation in design approaches along Louis Lane and adds variation and visual interest to the streetscape. The roof form proposed here is therefore acceptable in my view.
- 7.3.4. In relation to materials, a combination of lime render, Dolphins Barn' brick and random coursed limestone cladding is proposed for the main elevations with a natural blue/black Bangor Slate finish is proposed for the roof finish. Windows are triple glazed aluminium clad timber windows. The materials palette takes its cue from other development on Louis Lane and is appropriate in this instance.
- 7.3.5. I consider the design approach taken here responds well to the constraints of the site, the established stepped building line and the plot width of neighbouring developments. Accordingly, subject to compliance with the revised architectural drawings submitted by the appellant (received by ABP 19th October 2016), I conclude that no disproportionate negative visual amenity impact will result, and the proposed development would be in accordance with the Z2 zoning objective, and the proper planning and sustainable development of the area.

7.4. Impact on the Protected Structure

- 7.4.1. The site is located within the curtilage of a protected structure. The proposed dwelling is set back from the main building at No. 15 Leinster Road by 22.4 m.
- 7.4.2. I am satisfied that the appellant's revised design and reduction in bulk, mass and height of the mews house, will help to emphasise the distinction between new and original, while mitigating the impact of the new house. The resultant change to the

rear of No. 15 would not result in a disproportionate negative impact on the appearance or setting of the existing house.

- 7.4.3. The proposed dwelling respects the protected structure, is of a similar scale to the existing mews dwellings on Louis Lane and to the surrounding pattern of development, and therefore does not have a negative impact on the built environment.
- 7.4.4. In relation to the demolition and rebuild of the boundary walls, I note that the existing rear limestone wall is proposed to be removed with the stone retained to construct the new rear garden boundary wall. A new structural party wall with No. 16 Leinster Road/5 Louis Lane is also proposed, which would necessitate the demolition of part of this boundary wall.
- 7.4.5. I do not consider that the setting and appearance of No. 16 Leinster Road (a Protected Structure) nor the existing coach house at No. 5 Louis Lane, which is protected by virtue of being within the curtilage of No. 16 Leinster Road, would be negatively impacted upon as a result of the boundary wall proposals, subject to a condition be requiring details of the proposed boundary treatment and requiring the reuse of the original stone where possible.
- 7.4.6. I conclude therefore that no serious impact will result on setting or appearance of the existing protected structures at No. 15 and 16 Leinster Road, nor on the setting and appearance of the coach house at No. 5 Louis Lane.

7.5. Residential Amenity

- 7.5.1. In relation to the impact on residential amenity I have given consideration to the following: visual obtrusion, loss of natural light or overshadowing, outlook, overlooking/loss of privacy and impacts from construction.
- 7.5.2. In relation to visual obtrusion, I do not consider the proposed mews dwelling will have a negative impact on visual amenity, having regard to the nature of surrounding developments and having regard to the revised and downscaled proposals for the mews house.
- 7.5.3. In relation to loss of natural light and overshadowing, I note that the mews house at No. 7 Louis Lane to the immediate east of the appeal site has windows to the front elevation facing north and also a window on the ground floor side elevation facing

west towards the appeal site. While there will be an impact on natural light levels from a westerly aspect as a result of the proposed dwelling, this replicates to a degree the situation between No.'s 7 and 8 Louis Lane, and is not a sufficient justification to refuse permission in this instance. No. 7 Louis Lane will still receive the majority of daylight from the southerly aspect, which will be unaffected.

- 7.5.4. In relation to outlook, I note that the westerly facing ground floor window at No. 7 Louis Lane will have views towards the proposed mews house. However, I do not consider any loss of outlook from this window would be sufficient justification for a refusal in this instance.
- 7.5.5. In relation to the impact on the original coach house to the west of the appeal site, I note this is currently vacant but potentially may have some form of development at a future date. However, I am not of the view that any potential development, or the amenity of any future occupiers, would be compromised by this development which, as noted above, follows the stepped approach of development along Louis Lane.
- 7.5.6. In relation to any potential overlooking of neighbouring site, having regard to the positioning of windows and balconies of the proposed dwelling, I do not consider that any overlooking or loss of privacy will occur.
- 7.5.7. In term of impacts arising from the construction period, it is noted that these impacts are temporary and are necessary to complete the proposed development. Furthermore, given the relatively minor scale of development, I do not consider that these impacts will be significant and can be appropriately minimised and mitigated by the attachment of appropriate conditions to a grant of permission, should the Board be minded to grant permission, and deem such mitigation of negative impact necessary.
- 7.5.8. Overall I am of the view that the proposed mews development will have no serious, or disproportionate negative impact on the prevailing residential amenity and I consider the proposed development is satisfactorily compliant with the Zoning Objective "Z2 – To protect and/or improve the amenities of residential conservation areas" and accordingly would be in accordance with the proper planning and sustainable development of the area.

7.6. Road Access and Traffic Safety

- 7.6.1. In relation to road access, the site is accessed via an archway at No. 13 Leinster Road. The road is a cul-de-sac and is relatively narrow. There is a turning area at the end of the laneway.
- 7.6.2. The width of the laneway as measured from the boundary of the appeal site to opposite side of the lane varies from 3.5m to 5.4m, due to the stepped nature of the site boundary. This does not meet the required lane width of 5.5m as outlined in the City Development Plan 2016-2022. However, given the turning area at the end of the laneway, and the stepped nature of existing development along Louis Lane, which allows for passing areas, I do not consider the shortfall in the mews lane width should preclude an off- street parking space in this instance. I note mews dwellings at No's 3, 7 and 8 Louis Lane have off-street parking spaces and hence the principle of such off-street parking on the lane has been established. I note that that no objection was raised by the planning authority in relation to road access and traffic safety issues
- 7.6.3. In relation to any health and safety impacts during the construction period, this can be controlled by way of a Construction Management Plan and as such I recommend that a Construction Management Plan is prepared and submitted to the planning authority for approval prior to commencement of development.

7.7. **Appropriate Assessment**

- 7.7.1. 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

- 9.1. Having regard to the zoning objective for the site, the pattern of development in the vicinity and the policies of the current Dublin City Development Plan 2016-2022, 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 Structures. 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, as amended by the further plans and particulars received by An Bord Pleanála on the 19th day of October, 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 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. A schedule and appropriate samples of all materials to be used in the external treatment of the development, to include proposed brick, render, roofing materials, windows, doors and gates, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure an appropriate standard of development.

3. Details of boundary treatments shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These details shall include the following:-

(a) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

(b) proposals for the re-use of the existing boundary stone.

The boundary treatment shall be carried out in accordance with the agreed details.

Reason: In the interest of conservation and visual amenity.

- 4 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.

- 5 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.

- 6 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.

- 7 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.

Rónán O'Connor
Planning Inspector

23rd January 2017