



An
Bord
Pleanála

Inspector's Report PL29S.247651

Development

Construction of a mews house, new vehicular gate, off-street car parking spaces and all associated site works – site within curtilage of a Protected Structure.

Location

Rear of 3 Clyde Road, onto Clyde Lane, Ballsbridge, Dublin 4

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

3413/16

Applicant(s)

Bradley Investments Ltd.

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Third Party

Appellant(s)

Susan Kennedy

Observer(s)

None

Date of Site Inspection

09th February 2017

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. 3 Clyde Road, a Protected Structure. There is an existing access gate from the rear garden of No. 3 Clyde Road onto Clyde Lane. The site is grassed with a number of mature trees on site. Original stone boundary walls remain.
- 1.2. Clyde Lane runs to the south of the buildings on Clyde Road and is accessed via Herbert Park Road from the east and from Clyde Road to the west.
- 1.3. To the east of the site is 2A and 2B Clyde Lane, a pair of semi-detached two-storey mews dwellings set back from Clyde Lane. To the west of the site is an informal car park to the rear of No. 4 Clyde Road. Further west is No. 5 and 6 Clyde Lane, a pair of contemporary mews dwellings fronting onto Clyde Lane.
- 1.4. On the southern side of the lane is Herbert Park.

2.0 Proposed Development

- 2.1. The development will consist of the following:
 - construction of a new 4 bed. mews house varying in height from single storey to 3 storeys.
 - reconfiguration of the existing stone boundary wall to Clyde Lane to incorporate a new vehicular gate.
 - 2 no. off street car parking spaces.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant Permission. There are no conditions of note.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

- Planning Officer requested additional information in relation to (i) reduction in width of vehicular access so as to maintain the maximum amount of the original boundary wall (ii) details of how existing on street parking will be impacted upon.
- Subsequent to the receipt of the additional information, the Planning Officer recommended that planning permission be granted.

3.2.2. Other Technical Reports

Drainage – No objections

Roads and Traffic – No objection subsequent to receipt of additional information in relation to on-street parking.

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

3.4.1. One submission was received in relation to the application. The issues raised are covered in the grounds of appeal.

4.0 Planning History

3 Clyde Road

4.1.1. 2209/17 Current application for works to rear, roof and extensions as well as internal and landscaping works.

4.1.2. 3940/16 Refuse permission for works to rear, roof and extensions as well as internal and landscaping works.

4.1.3. 3020/02 Grant permission for change of use for garden level from office to residential accommodation.

5.0 Policy Context

5.1. **Architectural Heritage Guidelines for Planning Authorities, 2004**

Development guidelines for Protected Structures and Areas of Architectural Conservation.

5.2. **Development Plan**

Dublin City Development Plan 2016-2022

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

5.2.2. 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**

5.3.1. None

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The grounds of appeal, as submitted by Marston Planning Consultancy on behalf of No. 4 Clyde Lane, are as follows:

- Reasoning behind the grant of permission is flawed.
- Refer to recent application for works to No. 3 Clyde Road which was refused (Reg Ref 3940/16)
- Application significantly alters the setting and character of the protected structure.
- Pattern of development along the laneway is two-storey.
- Proposal would be visually dominant and out of character with existing pattern of development, contrary to Z2 Zoning Objective.
- Fails to meet open space standards
- Overlooking of both No's 3 and 4 Clyde Road.

6.2. Applicant Response

- Application Reg. Ref. 3940/16 was refused and should not be given any consideration in the context of this appeal.
- Pattern of development along the laneway is a mix of 2 storey and 3 storey mews houses.
- Proposed development is 2.5 stories in height and not 3 stories.
- Proposal will not be visually dominant or out of character.
- Other 3 storey mews developments have been granted permission.
- Amount of private open space exceeds the minimum standards.
- Proposed development is a significant distance from No's 3 and 4 Clyde Road.
- No 4 is a commercial office property and is not residential.
- No distinct style in the residential conservation area.
- Mews dwelling is lower in height than the main house.

6.3. Planning Authority Response

- 6.3.1. Reasons for granting permission are set out in the Planners Report for the application.

6.4. Observations

6.4.1. None

7.0 Assessment

7.1. 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 site is zoned Z2, and there are a large number of existing mews dwellings on Clyde 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 (residential conservation area) is to ensure the protection and improvement of the amenity prevailing in the 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. Design/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. The dwelling is three storey, albeit with the second floor element set back from the western elevation. The proposal adopts a contemporary design approach with the

roof form consisting of a zinc clad barrel vaulted roof with a mix of render and recycled stone proposed for the front elevation and render for the rear.

- 7.3.3. The design approach taken takes reference from the mews dwellings at No. 5 and 6 Clyde Lane, which are similarly contemporary in appearance with a mix of render, stone and timber cladding. Furthermore, there are many variations of mews house types along Clyde Lane and I do not consider that additional variation proposed here is inappropriate in this instance. The roof form reflects this variation in design approaches along Clyde Lane and adds visual interest to the streetscape.
- 7.3.4. I note that the proposed mews dwelling has a similar height to No's 9C and 9D Clyde Lane and as such there is precedent for such height variations. Furthermore, given that the second floor only occupies approximately half the floorspace of the lower floors, and given the curved form of the second floor element, the dwelling does not appear overbearing or over dominant within the streetscape.
- 7.3.5. In relation to materials, painted render and reclaimed brick is proposed for the main front elevation with black zinc proposed for the barrel vaulted roof. Windows are timber framed. The materials palette is in keeping with the contemporary design approach taken and is appropriate in this instance.
- 7.3.6. In relation to the amenity space provided, the proposed garden depth is 13.8m for half of the width and 7.35m for the remaining half. A total of 140 sq. m is provided. This level of provision is below that required within the Development Plan, having regard to the number of bedspaces proposed.
- 7.3.7. However, the Development Plan states that, where the minimum garden depth of 7.5m is provided, the 15sq.m of private open space per bedspace may be relaxed. I consider that it is appropriate to do so in this instance, given the depth of the garden which exceeds the required standards for half of the site. It is of note that the size of the rear garden of the appeal site, with the development in place, is similar to that of neighbouring mews dwellings.
- 7.3.8. In conclusion design approach taken here responds well to the constraints of the site and reflects the variations in the design of mews dwellings along Clyde Lane. 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, No. 3 Clyde Road. The proposed dwelling is set back from the main building at No. 3 Clyde Road by 21 m.
- 7.4.2. In relation to the existing boundary walls, I note that the majority of the front boundary wall is proposed to be retained and the existing east and west boundary walls will be retained with the dwelling constructed within the existing walls, thus maintaining as much as possible the historic boundaries of the protected structure.
- 7.4.3. I am satisfied that the proposed dwelling respects the protected structure, is of a similar scale to the existing mews dwellings on Clyde Lane and to the surrounding pattern of development, and therefore does not have a negative impact on the built environment.
- 7.4.4. I conclude therefore that no serious impact will result on setting or appearance of the existing protected structures along Clyde Road, nor on the setting and appearance of any curtilage protected structures.

7.5. Residential Amenity

- 7.5.1. In relation to the impact on residential amenity I have given consideration to the following: loss of natural light or overshadowing, outlook, overlooking/loss of privacy and impacts from construction.
- 7.5.2. In relation to loss of natural light and overshadowing, I note that the proposed building sits forward of the neighbouring building at No. 2B Clyde Lane. There will be some impact on the ground floor and first floor windows nearest the site. However, No. 2B will still receive the majority of its natural light from easterly and southern directions. Existing foliage on the appeal site already has a large impact on natural light levels received to this dwelling.
- 7.5.3. In relation to outlook, I note that the windows nearest the boundary at first floor level at No. 2B Clyde Lane will have views towards the proposed mews house. However, I do not consider any loss of outlook from these windows would be sufficient justification for a refusal in this instance and sufficient outlook remains from this dwelling.

- 7.5.4. In relation to the impact on the rear of No. 4 Clyde Road, to the west of the appeal site, I note this is currently in use as a car park 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.
- 7.5.5. In relation to any potential overlooking of neighbouring sites, having regard to the positioning of windows of proposed dwelling and the distances to the rear windows of No.'s 3 and 4 Clyde Road, I do not consider that any overlooking or loss of privacy will occur.
- 7.5.6. 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.
- 7.5.7. 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. The width of the laneway as measured from the boundary of the appeal site to opposite side of the lane is 5.7m. This meets the required lane width of 5.5m as outlined in the City Development Plan 2016-2022. I note the majority of mews dwellings along Clyde Lane have off-street parking spaces and hence the principle of such off-street parking on the lane has been established.

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 submitted on the 06th 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. 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 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.

6. 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

07th March 2017