



An  
Bord  
Pleanála

## Inspector's Report 29S.248618.

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### Development

Construction of a two storey mews dwelling at the rear of an existing dwelling, a protected structure, with attic accommodation and dormer windows and new access onto Grosvenor Road.

### Location

Rear of 69 Leinster Road, Rathmines, D6.

### Planning Authority

Dublin City Council.

### Planning Authority Reg. Ref.

2508/17.

### Applicant(s)

Martin Kelly.

### Type of Application

Permission.

### Planning Authority Decision

Grant.

### Type of Appeal

Third Party

### Appellant(s)

Gill Twomey.

### Observer(s)

None.

### Date of Site Inspection

30<sup>th</sup> of August 2017.

**Inspector**

Karen Hamilton.

## **1.0 Site Location and Description**

- 1.1. The subject site is located to the rear and within the curtilage of 69 Leinster Road, a protected structure. The site fronts onto Grosvenor Lane, a narrow lane, which accommodates rear access for dwellings along Leinster Road and other mews dwellings which have been developed in recent years.
- 1.2. The subject site is at the end of the garden of the main dwelling and is separated by a temporary fence. The garden is overgrown and is surrounded by block wall of 2m along the north and 2.7.m along the south of the site. There is a recently developed mews dwelling to the north of the site and the site to the south been cleared to accommodate a development.

## **2.0 Proposed Development**

- 2.1. The proposed development includes the construction of a two and half storey mews dwelling (178.8m<sup>2</sup>) within the rear garden of a protected structure.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Decision to grant permission with 9 no conditions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The report of the area planner reflects the decision to grant permission and refers to the previous refusal of the Board, the polices of the development plan and the overall design of the proposed development and the impact on the surrounding residential amenities.

#### **3.2.2. Other Technical Reports**

Roads and Traffic Department- No objection subject to conditions.

Drainage Division- No objection subject to conditions.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

One observation was received from the appellant and the issues raised have been addressed in the grounds of appeal.

## 4.0 Planning History

### **PL29S.245723 (Reg. Ref 3073/15)**

Permission refused for the construction of a mews dwelling to the rear of 69 Leinster Road, a protected structure. The reasons for refusal related to the depth of the recess from the laneway and height of the building, the monolithic roof treatment and the negative impact on the adjoining residential amenity. In addition, the absence of any grouped elevations or three dimensional representation of the property would not allow a full assessment of the impact on the conservation area.

### **1821/07**

Permission granted for a 2 storey mews dwelling and use of attic space to the rear of 69 Leinster Road, a protected structure. Condition No 2 required and amended design, limiting the height to 9.2m, amended of attic windows and set back of lane side wall by at least 1m.

### Adjacent sites.

### **PL29S.239312 (Reg. Ref 2706/11)**

Permission granted for demolition of workshop and construction of a 3- storey 3 bed mews dwelling at 68 Grosvenor Lane.

### **6440/07**

Permission granted for 3 storey mews dwelling to the rear of 70/71 Leinster Road.

### Other Sites within the vicinity.

**3410/10** 73 Grosvenor Lane

Permission granted for the demolition of outhouses and the erection 2 storey detached mews dwelling.

**5430/08** 65 Leinster Road

Permission granted for a 2 storey detached mews dwelling. The submitted design was resubmitted following a previous refusal PL29S.228992.

## 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. **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 of mews dwellings is confined to single family units, two storeys in height. Three storey mews developments incorporating apartments will be acceptable where the proposed mews building is subordinate in height and scale to the main building and there is sufficient depth between the main building to ensure privacy, where an acceptable level of open space is provided and parking on site
- Open space for the main dwelling and the mews shall be achieved.
- There is a need to provide one off street carpark and sufficient rear open space.
- Minimum width of 7.5m and 10 m<sup>2</sup> per bed space of rear open space required.
- Minimum distance of 22m from rear building.

- New building should complement the character of both the mews lane and the main building with regard to scale, massing, height, building depth and should be informed by building line and plot form.

The subject site is located to the rear of a protected structure therefore, the following policy of the development plan and guidance are relevant.

- **Policy CHC4 & CHC5:** Conservation Areas: Development will not harm the features of special interest in the conservation areas or involve harm to loss of traditional fabric.
- **Appendix 24:** Protected Structures and Buildings in Conservation Areas.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal are submitted from an interested party of an adjoining property and may be summarised as follows:

- The proposed mews is not compliant with the development plan as it has accommodation in the attic space and is a three storey building. It does not comply with Section 16.10.16 of the development plan.
- The height of the new mews dwellings is higher than those adjoining and those with three stories integrated have lower finished floor levels.
- The pitch and eaves height is not in accordance with the existing mews along Grosvenor Lane.
- The proposed development includes an increase in the height of the wall between the site and No 68 by 3m, which is excessive and will cause overshadowing on the mews dwelling at No 68.

### 6.2. Applicant Response

An agent on behalf of the applicant has submitted a response which may be summarised as follows:

- Reference is provided to other planning permissions in the vicinity of the site.

- The policies and objectives of the development plan were considered in the design of the mews dwelling.
- The reason for refusal in PL29S.245723 did not include any reference to garden size, location to 69 Leinster Road or parking. The issues in relation to design have been addressed.
- The new building has been repositioned further from 69 Leinster Road so the rear wall is flush with the rear wall of the adjoining house. There would be no overshadowing.
- Other development along this lane have undergone excavations (e.g. 2706/11). Other ridge heights authorised along the lane (68 and 70) include 7.6m and (59 and 66) 8.0m.
- The appellant is incorrect that only 2 storey mews are permitted in the development plan as Section 16.10.16 allows for three storey in certain circumstances.
- There is a lack of uniformity of any mews dwellings along Grosvenor Road.
- It is estimated that the level difference between the subject site and adjoining No 68 is 0.5m and not 1.0m as suggested by the appellant. Therefore, the boundary wall will be 2.05m when viewed from No 68. This height is required to retained privacy between the sites.
- An error in the drawings indicates an incorrect measurement of 2.2m (drwg no LRM-PP-007 and LRM-PP-008) which could be addressed by condition.

### 6.3. Planning Authority Response

No response received.

### 6.4. Observations

None received.

## 7.0 Assessment

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

- Principle of development
- Compliance with development plan policy
- Residential Amenity
- Built Heritage and Visual Amenity
- Appropriate Assessment

### **Principle of development**

7.2. The proposed development includes the construction of a mews dwelling on lands zoned Z2, to protect residential amenity in a conservation area. The grounds of appeal argue the proposed development will have an adverse effect on the residential amenity of the adjoining dwellings, therefore will be a material contravention of the development plan. There is a number of existing mews dwellings in the vicinity on sites similar to the proposed development.

7.3. The planning history on the site for a mews dwelling (1821/07) and a previous refusal for a similar development on the site PL29S.245723 did not refer to the zoning as a reason for refusal. The refusal reasons relating to the depth and height, roof design and set back from the laneway are dealt with below. Therefore, subject to complying with other planning requirements as addressed in the following sections, I consider the principle of the proposal is acceptable.

### **Compliance with development plan policy.**

7.4. Section 16.10.16 of the development plan provides guidance for development of mews dwellings, I have assessed the proposed development against those standards which are relevant to the subject site.

7.5. Design: The proposed dwelling is described as a two storey mews dwelling with attic accommodation. The height of the dwelling is c.1m above the flat roofed three storey mews dwelling to the north and the attic floor of the proposed development has a height of 2.4 m. Based on the full height of most of the second floor, the inclusion of 2 large dormer windows to both the front and the rear and the use of the second floor for accommodation, I consider the proposed mews dwelling is a three storey dwelling. The guidance in section 16.10.16 restricts the height of mews dwelling to two storeys, unless in certain circumstances a three storey incorporates an

apartment which can comply with the relevant standards. I consider the removal of the dormer windows and a reduction in the pitch of the roof by 0.2m would ensure compliance with the development plan requirement. I consider it reasonable to condition this requirement.

- 7.6. I note section e) the development plan guidance requires new buildings to complement the character of both the mews lane and main building, in particular it should be informed by the established building plot. Whilst a previous reason for refusal referred to the set back of the dwelling from the lane, I note a block wall and vehicular entry is proposed and I consider this is a feature of the mews lane, irrelevant of the setback of the dwelling behind. Therefore, I consider the building set back acceptable on this site.
- 7.7. Car parking: Section g) requires off-street garages, forecourts or courtyards for off-street parking. The vehicular entrance is provided to the front of the mews with direct access from Grosvenor Lane, with the parking space in a courtyard, therefore, I consider the proposed development complies with the parking.
- 7.8. OpenSpace: Section j) requires a minimum depth of 7.5m and 10m<sup>2</sup> per bed space. The proposed development includes 6 bed spaces and 49m<sup>2</sup> of open space. Should the Board be of a min to grant permission, including a condition to reduce the height of the pitch, the dwelling would accommodate 4 bed space, therefore comply with the open space requirements.
- 7.9. Therefore, having regard to the proposed boundary treatment along the lane and a condition to remove the dormers and reduce the dwelling to a two storey, I consider the overall design complies with the development plan guidance.

### **Residential Amenity**

- 7.10. The subject site is located to the rear of the main dwelling and beside an existing three storey, flat roofed mews dwelling, which faces directly onto Grosvenor Lane. The front building line will be set back by 5.6m from the front boundary wall. Planning permission was granted (6440/07) for a row of 3 mews dwellings to the south, although these have not been built. The grounds of appeal argue the increase in the height of the boundary wall along the existing boundary between No 68, by 3m is excessive and will cause overshadowing on the existing mews dwelling. I have

assessed the impact of the proposed development on the adjoining residential amenity as below.

- 7.11. Overlooking: Section 16.10.16 includes a minimum requirement of 22m between opposing windows of mews dwellings and the main dwelling. The mews dwelling is located c.28m and does not include another windows facing onto adjoining residential properties. Therefore, I do not consider there will be any overlooking from the proposed development.
- 7.12. Overbearing: The proposed mews will be set behind the building line of the existing mews dwelling at No 68, which has a staggered first floor, and will not protrude behind the rear building line. As stated previously, I consider the height and dormer detail of the proposed development should be altered to allow compliance with the development plan guidance, and I consider these alterations will remove the potential for any overbearing on the main dwelling and along the adjoining lane. Therefore, subject to a condition reducing the height and the removal of the dormer, I do not consider the proposed development would cause any overbearing on the surrounding area.
- 7.13. Overshadowing: The site is located to the west of an existing mews dwelling at No 68. Based on the orientation of the site and the location of the proposed dwelling directly adjacent to No 68, I do not consider the proposed development would have a significant negative impact on the adjoining property. As stated above, the grounds of appeal raise concern over the impact on the new boundary treatment along the east of the site. The submission from the applicant notes the difference in ground levels between the subject site and the appellants site to the east and estimates c. 0.5m, which I consider is a reasonable estimation. The submission also refers to the height of the boundary wall between these site at 1.55m when measured from the applicants site and c. 2.05m if measured from the appellants site. I consider the height of this wall for boundary treatment reasonable and I do not consider there would be a significant amount of overshadowing from the wall to cause a negative impact on the amenities of the adjoining property at No 68.

### **Built Heritage and Visual Amenity**

- 7.14. The site is located within the rear garden and curtilage of a protected structure. The proposed development includes the construction of a new two and half storey mews

dwelling fronting onto Grosvenor Road with new vehicular access, and private gardens. It is proposed to separate the main dwelling from the subject site by a 1.55m high boundary wall and the distance between the rear return of No 69 Leinster Road and the proposed mews will be c. 28m. Other similar sites within the vicinity, have been split to accommodate mews dwellings similar to the proposed development.

- 7.15. A conservation report and impact assessment accompanied the proposed development and includes a background on the existing protected structure, the provision of open space and the details of the proposed mews dwelling and concludes that the mews dwelling will not be visible from Leinster Road and will not have a negative impact on the character and setting of the protected structure.
- 7.16. Guidance on appropriate development of mews dwellings in Section 16.10.12, for standards, and Policy CHC4 & CHC5 in relation to the impact on protected structures and conservation areas, requires new development to respect the features of special interest of the protected structure. I consider the façade and the design and materials of the main building the features of special interest. As stated above, the proposed development complies with the requirements of the development plan and I consider the mews dwelling is of a sufficient distance not to have a negative impact on the character of the protected structure.
- 7.17. 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.

### **Appropriate Assessment**

- 7.18. Having regard to the nature and scale of the proposed development within a serviced urban 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 Z2 residential zoning objective for the area, the policies and objectives of the Dublin City Council Development Plan 2016-2022, the pattern of development along Grosvenor Lane and the location and design of the proposed mews dwelling it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity or have a negative impact on the character and setting of a conservation area or a protected structure. 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
  - The height of the dwelling shall be reduced by 0.2m.
  - The dormer windows on the front and rear of the dwelling shall be removed.

Prior to the commencement of development revised drawings showing the above modification shall be submitted to and agreed in writing with the Planning Authority.

**Reason:** In the interest of residential amenity.

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 [attenuation and] disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health

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.

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Karen Hamilton  
Planning Inspector

04<sup>th</sup> of September 2017.