



An  
Bord  
Pleanála

## Inspector's Report ABP-300481-17

---

<b>Development</b>	Demolish existing garage and erect two storey mews house with access from Charlemont Lane.
<b>Location</b>	Charlemont Lane, rear 11 Howth Road, Clontarf, Dublin 3
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3982/17
<b>Applicant(s)</b>	Aidan and Niamh Carew
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Aidan and Niamh Carew
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	16 <sup>th</sup> March 2018
<b>Inspector</b>	Una O'Neill

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	5
3.4. Third Party Observations .....	5
4.0 Planning History.....	5
5.0 Policy Context.....	6
5.1. Dublin City Development Plan 2016-2022 .....	6
5.2. Natural Heritage Designations .....	6
6.0 The Appeal .....	6
6.1. Grounds of Appeal .....	6
6.2. Planning Authority Response .....	7
6.3. Observations .....	7
7.0 Assessment .....	7
8.0 Recommendation.....	11
9.0 Reasons and Considerations.....	11
10.0 Conditions .....	11

## 1.0 Site Location and Description

- 1.1. The subject site is located on the southeast side of the Howth Road, in close proximity to the junction with Clontarf Road and Fairview Park, approx. 3km northeast of Dublin City Centre. The site fronts onto the Howth Road and is accessed from the rear via Charlemont Lane, which provides rear access to the houses along this section of the Howth Road. Charlemont Lane is characterised by single storey garages, a number of which are in commercial use, including uses of car sales and mechanics. An embankment and palisade fence separates Charlemont Lane from the DART suburban rail line.
- 1.2. The site, which is a rectangular plot with a stated area of 592sqm (site area for proposed mews is stated to be 192 sqm), comprises an existing two storey terraced red brick Victorian dwelling fronting Howth Road, with a detached garage in the rear garden accessed from Charlemont Lane.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following:
  - Demolition of existing garage and construction of a two storey, three bed, mews dwelling in the rear garden of 11 Howth Road, accessed from Charlemont Lane.
  - One off street parking in front garden of mews dwelling with new access gate and boundary wall.
  - 1.8m wide footpath.
  - This application comprises alterations to the previously approved mews development relating to No.s 5, 7, 9 11, 13, 25 and 27 Howth Road.

The floor area of the new dwelling is stated to be 149sqm.

## 3.0 Planning Authority Decision

### 3.1. Decision

REFUSED for the following reason:

The proposed development is inconsistent with the permitted mews development on Charlemont Lane (plan ref: 4421/07), with regard to architectural detailing and roof design and would appear visually incongruous in this respect. It is considered that the proposed development does not complement the character of the conservation area, would be contrary to the provisions of the Dublin City Development Plan 2016-2022 and be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority. The following is of note:

- The dwelling meets standards in terms of room sizes, although the attic level room appears quite low. Private open space standards are met.
- A history permission exists for a terrace of mews dwellings (not yet implemented), of which this site forms one part. That permission established a front building line and ridgeline, which this dwelling complies with. However the overall roof design and fenestration pattern does not comply with the unified approach permitted.
- The history permission for mews dwellings required improvement works to Charlemont Lane which has not been undertaken and are not proposed as part of this application.
- The transportation section has no issue with the proposed dwelling and parking arrangements, subject to a 1.8m set back to allow for a footpath along the front of the site.

#### 3.2.2. Other Technical Reports

Drainage Division – No objection subject to conditions.

Roads and Traffic Planning Division – No objection subject to conditions.

### 3.3. **Prescribed Bodies**

Irish Rail – No objection subject to conditions.

### 3.4. **Third Party Observations**

None.

## 4.0 **Planning History**

**2229/17** Permission **refused** to demolish existing domestic garage in rear garden of 11 Howth Road and erect new two storey mews house with access from Charlemont Lane. Reason for refusal:

R1: Inconsistent with the permitted mews development (plan ref: 4421/07), and overlooking adjoining private open space from the first floor corner and angled windows.

**3416/16** Permission GRANTED for off-street parking in front garden of No. 11 Howth Road.

**PL29N.228190** Permission GRANTED for construction of a mews dwelling to the rear of 5, 7, 9, 11, 13 Howth Road and two to the rear of 25 and 27 Howth Road. The seven mews dwellings will front onto Charlemont Lane and will be three bed dwellings, 2 storey with attic accommodation and rooflights to the front & rear; and new boundary walls.

**4421/07x1** Extension of Duration GRANTED for reg ref: 4421/07 (PL29N.228190). Permission expires on the 13th December 2018.

## 5.0 Policy Context

### 5.1. Dublin City Development Plan 2016-2022

- Zoning objective Z2, 'to protect and/or improve the amenities of residential conservation areas'
- Chapter 5: Quality Housing
- Section 11.1.5.4: Architectural Conservation Areas and Conservation Areas
- Section 16.10.2: Residential Quality Standards, Houses
- Section 16.10.16: Mews Dwellings

### 5.2. Natural Heritage Designations

The site is not located within any designated Natura 2000 site. The nearest Natura sites are the South Dublin Bay and River Tolka Estuary SPA (0040240), North Dublin Bay SAC (000206), and the North Bull Island SPA (004006), to the south east and separated from the subject site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal is summarised as follows:

- The proposed dwelling is designed to be constructed within the permitted front and rear building lines of the terrace of mews permitted (not yet developed) under reg ref 4421/07/PL29N.228190, as extended under 4421/07x1.
- The proposal complies with the scale, massing, height, building depth and material finishes of the previously permitted development.
- Internal floor space and open space requirements are met.
- A precedent for individual housing designs has been established since the previous permission relating to this site, specifically reg ref 3642/12 to rear of 31 Howth Road and 3587/15 to rear of 1-3 Howth Road, both of which have

been constructed. One dwelling has a modern cubic form with sheltered roof garden and sheet metal cladding and the other has a balcony to the front. Neither of these permitted dwellings were considered to be visually incongruous.

- The applicants should not be tied to the development of the other adjoining sites, which are outside their ownership and the owners of which are not considering development at this time.

## 6.2. Planning Authority Response

None.

## 6.3. Observations

None.

## 7.0 Assessment

- 7.1. The proposed development is for the construction of a detached two storey mews dwelling, to the rear of no. 11 Howth Road and fronting onto a mews laneway called Charlemont Lane. One off street parking is proposed to serve the mews dwelling and a 1.8m set back to provide for a footpath is proposed.
- 7.2. The site subject of this application forms part of a previous application which permitted a terrace of 5 dwellings, and this site relates to one of the mid terrace sites permitted. The previous permission is valid until December 2018. No development has commenced.
- 7.3. The subject site is located within zoning objective Z2, the objective for which is 'to protect and/or improve the amenities of residential conservation areas'. The existing house fronting Howth Road is not a protected structure. I consider the development as proposed to be acceptable in principle.
- 7.4. The primary issues for assessment include;
- Design & Impact on Visual Amenity
  - Vehicular Access to Charlemont Lane

- Appropriate Assessment

### **Design & Impact on Visual Amenity**

- 7.5. The reason for refusal as issued by Dublin City Council states the proposed development is inconsistent with the permitted mews development on Charlemont Lane (PL29N.228190) with regard to the architectural detailing and roof design and would be visually incongruous.
- 7.6. The applicant argues the proposed dwelling follows the building line and ridge height permitted PL29N.228190. It is also argued that a precedent exists of dwellings permitted on other sites which have been built post this decision and have allowed for variations in building design, such as reg ref 3642/12, rear of 31 Howth Road and reg ref 3587/15, rear of 1-3 Howth Road.
- 7.7. I note from reviewing the drawings permitted under PL29N.228190 that the design of the terrace comprised of two storey, two bay, pitched roof dwellings, with a centrally positioned door and a simple flush finish to the facades, which were set back approx. 10.5m-11m from the edge of the laneway to establish a consistent building line, with 1.8m reserved as a footpath. The dwellings were designed as three beds, with one of the bedrooms at attic level omitted by way of condition.
- 7.8. Section 16.10.16 of the development plan sets out parameters in relation to mews dwellings and states that it is policy to encourage schemes which provide a unified approach to the development of residential mews lanes. I consider that parameters have been set by the previous permission in relation to building line and overall height that remain relevant in considering the wider development of this laneway. I consider that the development of an individual house in place of a terrace is acceptable and that the basic parameters previously agreed in relation to building line and height are worthy of replicating.
- 7.9. With regard to design, the proposed dwelling comprises a pitched roof with a projecting gable from the front roof plane which is flush with the front building line. The proposed dwelling is 9.34m high, in line with the ridgeline of the previously permitted dwellings. The building line is positioned 10.5m from the edge of the laneway and is consistent with the building line previously permitted at this location. The dwelling complies with standards in terms of room sizes and storage.



- 7.10. It is my view that the exact design should not have to conform to the previously permitted design and fenestration pattern from 2007 given that what is now proposed is a detached property and not part of a terrace. Within the building envelope provided there is scope to accommodate a variation in design, subject to protection of the character of the dwellings fronting the Howth Road. The proposal complies with the building line and overall height previously permitted on the site, which is sufficient in aiding in the establishment of a basic coherency to the redevelopment of this laneway, which at present is rather run down and comprises primarily garages and sheds.
- 7.11. Overall I am of the view that the proposed development, given its distance from the main dwelling fronting the Howth Road and its lack of visibility from the Howth Road, will not impact negatively on the character of the conservation area. The establishment of the building line proposed and accommodation of a set back to facilitate the provision of a footpath will support a coherency to the redevelopment of the laneway into the future and ties in with the development parameters set by the two existing dwellings on the laneway. The design as proposed is considered acceptable.

#### **Vehicular access to Charlemont Lane**

- 7.12. From a review of the file associated with PL29N.228190, I note it was proposed by the applicant to widen the access point at Clontarf Road through the acquiring of land from Iarnrod Eireann to allow for the removal of a section of wall. It was furthermore required that land at the northeastern end of Charlemont Lane be purchased from the ESB to remove a section of wall at the corner to the northeastern end of the laneway toward the Howth Road exit to enable easier traffic movements.
- 7.13. No improvements are proposed to the lane as part of this application. The transportation report on file notes that the works identified for previous improvements are outside the ownership of the applicant and are not proposed as part of this application. The report states that the existing laneway is narrow and substandard in nature, however, the additional traffic generated from the proposed house is considered minimal in terms of what is currently generated by commercial activity on the lane from two car garages and car sales. The report states no objection to the

proposal, subject to a 1.8m wide footpath along the entire site frontage with Charlemont Lane.

- 7.14. I note that the original purpose of the laneway was to provide vehicular access for the dwellings fronting onto the Howth Road and access now also serves a small number of existing commercial premises which operate from some of the converted garages. The existing dwelling on site has no parking to the front on Howth Road, however permission has been granted for off-street parking, reg ref 3416/16.
- 7.15. Neither the planning officer's report or the transportation report indicate a requirement for wider improvement measures to the laneway, as was proposed in 2007, as an issue in progressing development of individual dwellings. While I note the limitations of the laneway, I have no evidence before me to indicate traffic difficulties arising from the development of this single mews dwelling will result in a traffic hazard. The laneway is narrow but given its one-way nature there will be no conflicts in terms of passing movements. The exit from the laneway onto Howth Road is not ideal, however it is an existing situation where car movement is already permitted as a rear access for the dwellings fronting Howth Road. Overall I consider the proposal acceptable from a traffic safety perspective.

### **Other Issues**

- 7.16. Irish Rail submitted an observation to Dublin City Council highlighting that the applicant should be made aware of normal vibrations and noise from railway operations and maintenance. It is stated the applicant should conduct noise assessments to ensure noise levels at the proposed residential unit does not equal or exceed undesirable noise levels as specified in the Local Authority's Noise Action Plan. Where noise levels are exceeded it is the responsibility of the applicant to specify necessary noise mitigation measures.
- 7.17. I note the existence of the railway in close proximity to the site. I consider the issue of noise is not so significant as to warrant a noise study and I am of the view that construction to modern insulation standards is sufficient.

### **Appropriate Assessment**

- 7.18. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any 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 a European site.

## 8.0 Recommendation

8.1. It is recommended that permission is granted, subject to conditions.

## 9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or of property in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) Details of the boundary treatment to Charlemont Lane shall be submitted and agreed with the planning authority. Access gates onto Charlemont Lane shall open inwards to the site.
  - (b) The boundary of the site shall be set back to provide for a 1.8m wide

concrete footpath and associated kerb. The footpath shall be construction in accordance with the requirements of the planning authority for such works and services.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

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

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. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

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.

---

27<sup>th</sup> March 2018

Una O'Neill  
Senior Planning Inspector