



An
Bord
Pleanála

Inspector's Report ABP-300760-18

Development

Permission for development to construct 1 No. 2 storey, 2 bedroom plus study/bedroom, pitched roof mews house with vehicular garage and all associated drainage, demolition of north boundary wall, site works and landscaping. The site is located within the site of 32 Dartmouth Square North, a Protected Structure.

Location

32 Dartmouth Square North,
Ranelagh, Dublin 6.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

4146/17

Applicant(s)

Jane and Michael Collins

Type of Application

Permission

Planning Authority Decision

Grant Permission subject to conditions

Type of Appeal

First Party against conditions

Appellant(s)

Jane and Michael Collins

Observer(s)

none

Date of Site Inspection

5th July, 2018

Inspector

Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located to the north of number 32 Dartmouth Square North a protected structure and forms part of the rear garden of this property. The site is adjoined to the east by existing two storey mews dwellings which fronts on to Dartmouth Walk.
- 1.2. Dartmouth walk is a Mews Lane way of approximately 3 m in width in the vicinity of the appeal site. To the east the laneway has been widened by the setback of the boundary with the new mews dwellings and in this area the laneway is approximately 4 m in width. Immediately to the north of Dartmouth walk is located Grand Parade which runs to the south of the Grand Canal.
- 1.3. The stated area of the appeal site is 144 square metres.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a two storey 2 bedroom plus attic study room mews dwelling with car parking and associated site development works. The design of the proposed dwelling is similar in scale and general design to the existing mews properties to the east.
- 2.2. The stated floor area of the proposed dwelling is 147 square metres. On the basis of the information submitted with the application the plot ratio of the development would be 0.98 and the site coverage 48%.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 10 no. conditions, the most notable of which are as follows:

- Condition No.3 requires that the development be amended such that the maximum height shall be 7.65 metres and west facing glass block windows are to be omitted from the development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the nature of the proposed development, internal reports received and objection received. The principle of a mews dwelling in this location is accepted however concern is expressed with regard to the scale of the dwelling and the extent that the proposed design would complement the existing character of the laneway as required by section 16.10.16 of the Plan. A grant of permission consistent with the Notification of Decision which issued is recommended.

3.2.2. Other Technical Reports

Conservation Officer – No objections. The report notes that the proposed development would be marginally higher than other adjoining mews dwellings but does not consider that this would impact on the interrelationship between the mews dwelling and the main house.

Roads and Traffic Planning – No objection to proposed development subject to conditions.

3.3. Prescribed Bodies

The application was referred to the Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht by the Board. No response was received from the Department.

3.4. **Third Party Observations**

A single objection to the proposed development was received by the Planning Authority. Issues raised in this submission related to:

- Excessive height of roof and that the regular roof height at Nos 33-36 would be broken.
- That the height / level of the rain gutter is above that of adjoining properties.
- Excessive size of rear first floor windows.
- Excessive scale and height of the roof to the proposed rear extension.

4.0 **Planning History**

A number of planning applications relating to the main dwelling and to the adjoining sites are recorded in the report of the Planning Officer and on file.

Dublin City Council Ref. 3966/16 - Permission granted by the Planning Authority for an extension to the rear of number 32 Dartmouth Square, a protected structure. The extent of this permitted extension is indicated on the submitted drawings and works on the construction of this extension have commenced.

Dublin City Council Ref 2643/ 08 - Permission granted by the Planning Authority for the construction of a two Storey detached Mews dwelling to the rear of No.33 Dartmouth Square with access on to Dartmouth walk.

5.0 **Policy Context**

5.1. **Development Plan**

The appeal site is located on land zoned objective Z2 in the *Dublin City Development Plan 2016 to 2022*. This land use zoning objectives seeks to protect and / or improve the amenities of residential conservation areas.

Paragraph 11.1.5.3 of the plan relates to protected structures and notes that the curtilage of protected structures are often an essential part of its special interest. It is also stated that the traditional proportionate relationship in scale between buildings Returns Gardens and new structures should be retained.

Paragraph 16.10.16 of the plan relates to mews dwellings and sets out a number of criteria to be met in developments on mews laneways. These provisions include that developments will generally be confined to two storeys, that new building should complement the character of the mews lane and the main building with regard to scale, massing, roof treatment and materials, the provision of off street garages / parking and that mews laneways must have a minimum carriageway of 4.8 metres in width. Open space is required to be provided to the rear of the mews building and this area of open space must have a depth of 7.5 metres across the full width of the site. Private open space shall be provided as a level of ten square metres per bed space.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the first party grounds of appeal:

- That the appeal relates to Condition No.3 attached to the Notification of Decision issued by the Planning Authority and specifically the requirement that the height of the mews dwelling would be reduced to a maximum of 7.65 metres.
- That the first party is happy to omit the proposed glass block as required by Condition No.3(b).
- That there is a high degree of uniformity among the mews dwellings (11 no.) already constructed on Dartmouth Walk.

- That the condition is not prescriptive as to how the height of the building would be reduced but the most expedient method would be a reduction in roof height.
- That the existing roof treatments are generally pitched with dark slate finishes however there is significant variation in terms of height and fenestration. The variations in roof height existing are made more pronounced by the variations in roof pitch and form.
- Considered that the proposed mews is entirely consistent with the existing properties in terms of its overall design. The proposed 8.3 metre height is already present on Dartmouth Walk.
- Submitted that the required reduction in height cannot be justified on the basis of conformity and no uniformity exists. It cannot be in the interests of visual amenity as the proposal is consistent with the established roof pattern.
- That the proposed development is on the same building line as other permitted developments on the lane. It would have the same rear building line as the mews at No.33.
- Overall, there appears to be no logic in seeking uniformity of height with No. 33 given the existing variations.
- The planners report in respect of the development at No.33 noted the c.500mm difference in height to No.34 and considered this to be 'minor'. It is also noted that the proposed dwelling at No.27 Dartmouth Sq. North (Ref. 3984/15) has a ridge height of 8.3 metres and a design very similar to that proposed on the appeal site.
- That the reasoning set out in the report of the Planning Officer regarding height is not clear.
- It is noted that the report of the conservation officer states that the difference in height between the existing dwelling at No.33 and the proposed site is 'marginal' and there would be no adverse impact on the relationship with the main dwelling.

6.2. Planning Authority Response

No response on file.

7.0 Assessment

The following are the main issues in the assessment of this case:

- Principle of Development
- Building Height and Appropriateness of Condition No.3(a)
- Other Issues Including Appropriate Assessment

7.1. Principle of Development

- 7.1.1. The appeal site is located on lands that are zoned Objective Z2 under the provisions of the Dublin City Development Plan, 2016-2022. The stated objective is '*to protect and / or improve the amenities of residential conservation areas*'. Residential development is identified as a Permissible Use on lands zoned Objective Z2.
- 7.1.2. The site is located in the curtilage of a protected structure, No.32 Dartmouth Square North. The proposed development would follow a form similar to those on mews sites located immediately to the east of the appeal site with part of the rear garden of the protected structure ceded to the new development. Under the proposed layout, a rear garden depth of 9.67 metres would be retained on the site of No.32 Dartmouth Square North and the separation distance between the original rear building line of the protected structure and the new site boundary would be c.15 metres. The separation distance proposed between the original rear building line of the protected structure and the rear building line of the mews dwelling would be slightly in excess of 22 metres.
- 7.1.3. Given the two storey scale of the proposed mews dwelling and the separation distances between the proposed structure and the existing protected structure at No.32 Dartmouth Square, I do not consider that the proposed development would have an adverse impact on the character or setting of the protected structure. In terms of impact on the existing protected structure on the main site I would also note

the fact that the Conservation Officer in Dublin City Council has a report on file stating that they have no objection to the proposed development and also that the form of development proposed, and the relationship with protected structures that front onto Dartmouth Square, is consistent with that on previously permitted developments on Dartmouth Walk.

- 7.1.4. Paragraph 16.10.16 of the Plan relates to Mews dwellings and sets out a number of design criteria that are required to be met in mews developments. In terms of basic design and scale, the proposed development is a detached two storey dwelling that is consistent with the form of development envisaged in 16.10.16. The proposal is also generally consistent in scale and form with existing mews dwellings on the lane.
- 7.1.5. Private open space to the rear of the dwelling across the full width of the site and which meets the standard set out in sub paragraph (j) is proposed. The total area of private amenity space proposed is c. 50 sq. metres which meets the development plan requirement. I note the fact that the proposed plans provide for accommodation at attic level which is indicated as bedroom / study on the submitted floorplans. This room does not appear to have adequate headroom to meet the requirements of the building regulations for a habitable room and were it to be classed as a habitable room then additional private amenity space would be required to meet development plan standards.
- 7.1.6. Off street parking is proposed to be provided and the front building line is proposed to be set back into the site slightly to match that on the existing developed sites to the east and such that the width of mews laneway would be c.4 metres. This is considered to be acceptable.
- 7.1.7. Overall, on the basis of the information presented, it is my opinion that the basic form of development proposed is acceptable in principle. It is therefore considered that the principle of a grant of permission is acceptable in this instance and it is proposed to proceed with an assessment of the merits of the specific grounds of the first party appeal which relate to Condition No.3(a) and the requirement that the height of the dwelling would be reduced to a maximum of 7.65 metres.

7.2. Building Height and Appropriateness of Condition No.3(a)

- 7.2.1. The first party appellants contend that the reduction in height from 8.30 metres to 7.65 metres as required by Condition No.3(a) attached to the Notification of Decision cannot be justified on the basis of conformity with existing patterns of development, precedent or visual amenity.
- 7.2.2. With regard to precedent and the established scale of development in the vicinity, there are two existing sections of mews development located in the vicinity of the appeal site along Dartmouth Walk. Immediately to the east of the appeal site, the 4 no. existing mews sites are developed in a form that has a generally consistent front roof profile and ridge height. The proposed development would have a roof height of c. 650mm higher than these adjoining properties and an eaves height that is consistent with these properties. As noted by the first party appellants, the mews dwellings to the west of the site at Nos. 20-26 Dartmouth Walk have a variety of roof profiles and heights. Specifically, it is noted that the height of a number of these existing mews buildings is approximately the same as the 8.30 metres overall height proposed on the appeal site.
- 7.2.3. While the proposed development would result in a break with the established pattern of development to the east of the site, it is my opinion that the scale of development proposed is not such that it would have a significant adverse visual impact. I would agree with the appellants that the design proposed is consistent with the existing properties in terms of its overall design and form. As noted by the appellants, the proposed 8.3 metre high roof height is already present on Dartmouth Walk. On balance therefore I do not consider that there is a strong case that the height should be reduced on the basis of conformity with the existing pattern of development or with regard to the impact on visual amenity.
- 7.2.4. The additional height of c.650mm proposed relative to the level conditioned by the Planning Authority is not in my opinion such that it would have any impact on the relationship between the proposed mews structure and the protected structure at No.32 Dartmouth Square North.

7.2.5. I note that the additional roof height is proposed to facilitate the provision of an attic room that is indicated as bedroom / study in the submitted plans. The floor to ceiling height of this attic room would appear to be such that it would not meet the requirements of the building regulations for a habitable room. The planning authority have not attached a condition specifically limiting the use of this room to a non habitable room or bedroom and given that this aspect of the proposal is covered by a different legislative code I consider that this is the correct approach. I also note that were the attic accommodation to be used as a bedroom it would generate a requirement for an additional 20 sq. metres of private amenity space such that a total of 60 sq. metres would be required. As per the submitted plans a total of 50 sq. metres of private amenity space is proposed.

7.3. Other Issues Including Appropriate Assessment

7.3.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. It is recommended that Dublin City Council be directed to remove Condition No.3(a) from the schedule of conditions attaching to the Notification of Decision to Grant Permission issued.

9.0 Reasons and Considerations

Having regard to the Objective Z2 zoning objective for the area, to the relationship of the proposed development to the existing protected structure on the site and to the pattern of development in the area, it is considered that the proposed development would not seriously injure the visual amenities of the area and would not set an undesirable precedent for similar forms of development. It is therefore recommended that the Planning Authority be directed as follows:

-

to remove Condition No.3(a) from the schedule of conditions attaching to the Notification of Decision to Grant Permission issued.

Stephen Kay

Planning Inspector

10th July, 2018