



An
Bord
Pleanála

Inspector's Report ABP 300856 - 18

Development

Demolition of Extensions and returns,
Refurbishments and new extensions to provide for change from multiple occupancy to three dwellings to include alterations to internal layout and lowering of basement floors, reinstatement of gardens, provision three entrances and off-street parking at Nos. 14.15 and 16 Dartry Road.
Demolition of single storey dwelling and garages at the rear.
Construction of 3 no, three storey mews dwellings with six parking spaces and private open space and access via the existing lane to side of No 16 Dartry Road which is to be upgraded and associated works.

Location

Nos. 14 to 16 Dartry Road, Dublin 6.
(Protected Structure.)

Planning Authority

Dublin City Council

P. A. Reg. Ref.

4237/17

Applicant

Bartra Properties Ltd.

Type of Application

Permission.

Decision

Grant Permission

Type of Appeal

Third Parties x Grant.

Appellants

(1) Edward and Irene Doyle,
(2) Loman and Aoife Gallagher
(3) Callie Gleeson and others
.

Date of Site Inspection

17th May, 2018.

Inspector

Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The site is that of an early to mid-nineteenth century terrace of three double fronted houses with returns to the rear in which the central three storey over basement house is flanked by two storey over basement houses which are subdivided into thirteen dwelling units. Multi storey rear extensions were added to the houses in the mid twentieth century. The front curtilage for the three units is converted to a hard-surfaced carpark with flower beds to either side and one shared vehicular entrance and the rear garden space which is enclosed by walling is under grass with some trees and vegetation including a large evergreen tree in the north-west corner.
- 1.2. A lane extending from the Dartry Road frontage at the east along the side of No 16 Dartry Road extends as far as the rear of the gardens for the existing houses. It is gated at the end of the application site at the far side of which it extends in a south westerly direction and terminates at the rear of properties on Dartry Road to the south side of the appeal site. A hard surfaced space is located in front of a single storey dwelling to the north, five garages with up and over doors to the west side and the rear boundary wall for the gardens at the rear of Nos 14, 15 and 16 Dartry Road to the east. Immediately to the west side of the site boundary and the garage structures there are two dwellings one of which abuts the site boundary at the north-western end. These two properties, have vehicular access via a lane between Nos 15 and 17 St. Kevin's Gardens, a *cul de sac* southwards off St. Kevin's Park.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for:
- Demolition of two storey returns and extensions at rear of No 14 and No 16 and construction of two storey over basement extensions with a stated floor area of 150 square metres at No 14 and 153 square metres at No 16. Demolition of existing three storey over basement extension at No 15 and provision for a basement extension with a stated floor area of eight square metres.
 - Lowering of basement floors by 180 to 380 mm, alterations to internal layout in existing houses, repointing replacement of PVC with sash windows, three

vehicular entrances, (one for each dwelling) and, reinstatement of private gardens.

- Demolition of existing garage structures and single storey dwelling at the rear and construction of three, three storey mews dwellings with stated floor areas of 177 square metres and six parking spaces including three visitor spaces. Photo voltaic panels are to be installed at each dwelling.
- Vehicular access via the existing laneway to the side of No 16 Dartry Road which is to be widened and upgraded. Site development works include infrastructure and ducting, changes in levels and landscaping, excavation works and boundary treatments

3.0 **Planning Authority Decision**

3.1. **Decision**

- 3.1.1. By order dated, 11th January, 2018, the planning authority decided to grant permission for the proposed development subject to conditions generally of a standard nature. An additional requirement is the omission of the three on site visitor space proposed for the new dwellings under Condition No 4 (ii) and, preparation of a construction management plan for which a compliance submission is required under Condition No 4 (v).

3.2. **Planning Authority Reports**

Planning Reports

- 3.2.1. The report of the planning officer indicates satisfaction with the proposed development. Included in the report is a statement that the report of the Conservation Officer had not been received.

Other Technical Reports

- 3.2.2. The report of the **Conservation Officer** dated, 8th January, 2018 indicates a recommendation that permission be granted, it being considered that the proposed development would greatly enhance the existing terrace of houses. However, concerns are included in the report about:

- Omission of details of methodology for the repair and maintenance works to original building fabric including joinery are available but intent to repair rather than replace is evident among the available details and the location of services in the new build of existing void is commended.
- Omission of details for the boundary treatment for the gardens to be reinstated for the existing houses.
- Capacity to assess impact on the adjoining existing houses and gardens and their setting, which is restricted due to insufficient drawings included with the application. The proposed houses are to be located on a service road with carparking to the front and not, as is appropriate for mews houses, on the boundary of the houses which is appropriate for mews houses with the landscaped private gardens in between. The gardens of the main houses are insufficient in depth for such development. The three storey, as opposed to two storey houses for the new build mews which would be modest and subservient to the main building.

3.2.3. The report of the **Roads and Traffic Division** dated, 13th December, 2018, indicates that:

- arrangements for separate vehicular entrances and on-site parking for two vehicles for each of the existing houses, which include capacity for manoeuvring within the curtilage and sufficient sight lines are acceptable.
- the impact on the flow of traffic on the public road would be negligible, the proposed development replacing the existing multiple unit residential development.
- The total provision of twelve car spaces would negate against overspill on the adjoining road network but that the three spaces shown on the lane would obstruct circulation and it is therefore recommended that these three 'visitor' spaces be omitted.
- The existing lane ranges from 2.6m to 3m in width and provides vehicular access to the existing garages on site and adjoining residential properties. A deviation from guidance standards for mews lanes to allow for the existing width of the lane ranging from 2.6 to three metres is acceptable because the limitations to the amount of use and the pre-existing use of the lane. A

deviation from the minimum carriageway width of 4.8m (5.5m where no verges or footpaths are provided) provided for in the Development Plan can be accepted because of the existing use of the laneway and the limited scale of development proposed.

- 3.2.4. The report of the **Drainage Division** indicates no objection subject to standard conditions.

3.3. **Third Party Observations**

- 3.3.1. Observer submissions were received from several parties with addresses of properties in the vicinity on Dartry Road at St Kevin's Gardens and Graceland immediately to the rear of the existing garages were received. The observations expressed include concerns as to the characteristics of the proposed new build regarding the description as mews dwellings having regard to the position of the footprints relative to the Nos 14-16 Dartry Road, scale height and massing and the consequent impact on setting and character of the existing houses, impact on amenities of adjoining residential development, and the adequacy of the laneway to serve the proposed development.

4.0 **Planning History**

- 4.1. There is no record of a planning history for the application site on file.

5.0 **Policy Context**

5.1. **Development Plan**

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site location is subject to the zoning objective Z2: to protect and/or improve the amenities of residential conservation areas.

Nos 14, 15 and 16 Dartry Road are included on the record of protected structures.

Minimum standards for residential development are set out in section 16.10.2 and 16.10.3. Standards for backland development are set out in section 16.10.8, for in development in section 16.10.10 and for mews development in section 16.10.16..

mews laneways must have a minimum carriageway width of 4.8m (5.5m where no verges or footpaths are provided).

The location is within Parking Area 2 as identified within Map J. A maximum provision of one space per dwelling is indicated in Table 16.1.

6.0 The Appeals

6.1. Grounds of the Appeals

6.1.1. There are three third party appeals which were received from Simon Clear and Associates on behalf of the following three appellant parties:

- (1) Edward and Irene Doyle, No 13 Dartry Road. This property is located to the north side of No 13 Dartry Road which adjoins Nos 14-16 Dartry Road.
- (2) Loman and Aoife Gallagher, No 12 Dartry Road. This property is located to the north side of Nos 14-16 Dartry Road.
- (3) Callie and Aidan Gleeson No 17 Dartry Road, David Barniville and Susan O'Connell, No 18 Dartry Road and Antoinette Curley and Robert Whitty of No 19 Dartry Road. These properties are located to the south side of Nos 14-16 Dartry Road.

6.1.2. Many of the issues of objection raised are shared by the three parties and it is requested that permission be refused for the mews element of the proposed development and that a schedule indicating a split decision be issued. A revised scheme could then be proposed which meets the concerns of the appellant parties. The Contents of the appeals are outlined in brief below:

- The planner's report on the current proposal is inconsistent with the Conservation Officer's report. It does not have an overview of the area, of assessment of residential amenity on adjoining properties and of the statutory context. It does not include assessment of the development plan provisions, especially section 16.10.16 in which there is a requirement that mews buildings be confined to two storeys and subordination in height and scale to the main building. It does not deal with the issues raised in the third-party objections.

- The planning officer's assessment is inconsistent with a precedent decision for a mews on the same access lane for which permission was refused. The proposed two storey mews proposed was out of character with the established single storey pattern of development at the rear of the protected structures, with the 'Z2' zoned 'residential conservation area' lands and would be overbearing, seriously injurious to adjoining residential amenities. The planning officer had indicated serious concern on these grounds and particularly, the 11 metres long side elevation on the boundary with an adjoining property. The planning authority's assessment of this precedent proposal is taken into account in the appeals. (P. A. Reg. Ref.2502/17 refers.)
- The Conservation Officer's important assessment in her report of 8th January was not considered by the Planning officer who stated that the conservation officer's report was not received. The assessment in the conservation officer's report is supported. Reference is made to the remarks that the proposal is not for a typical mews development because it is not located on the boundaries of the main houses; the form and three storey height and lack of subservience in scale relative to the main houses which have a shallow planform; insufficient site depth and distance to the main house; inappropriate location for the carparking for the mews, lack of detail on the relationship with the setting of the existing terrace and adjoining development and deficient residential amenity standards.
- The dwelling at the rear of No 14 is shoe horned into a corner. It would provide substandard residential amenity for future occupants. It is immediate to a portion of the south west boundary where there is an existing bungalow and there are no windows on the elevation facing it. The first-floor balcony has no attainable residential amenity as it faces a blank wall and the pitched roof of the bungalow. The garden does not meet the standards of section 16.10.16 of the development plan. It is to the side and front with a narrow and inadequate space at the rear. The separation distance to the main house is less than twenty-two metres.
- The three mews constitute overdevelopment, are overbearing in impact on height, massing and scale and not in keeping with the predominance in surrounding two storey buildings and their modest ridge height.

- The report of the Roads and Traffic division on the permitted development under No 4202/17 was negative, due additional generation on the lane and insufficient space for manoeuvres on the lane. The proposed upgrade in the current application does not include assessment of the impact of the additional traffic on existing residents. The impact on the current use of the lane would be detrimental. The lane is used primarily by pedestrians and cyclists for access to the rear gardens of existing properties and for the garages as asserted on the application. The Roads engineer or planning officer did not assess traditional use of the lane. The proposed development would change the dynamics of the lane's use and there are concerns for the safety of existing residents.
- The lane width at 2.3 to 2.48 falls short of the 4.8 to 5.5 metres width where there are no verges or footpaths required in the development plan. The proposed carparking is inadequate. Visitor parking would have negative impact. There is a direct access for the garden of and garage of No 17 from the lane which could be obstructed. The lane should not be used for carparking and although the visitor spaces are excluded, by condition the lane will inevitably be used for carparking. Hazardous blind reversing may occur and emergency access may be obstructed. A smaller, two unit two storey development can accommodate on-site parking and manoeuvring for access and exit in forward gear within the lane.
- The appeal of Loman and Aoife Gallagher, 13 Dartry Road also includes the objection outlined below. (This property adjoins the northern boundary of the access lane.)
 - The proposed mews at the rear of No 14 would be very overbearing and intrusive to the rear garden of No 13 in terms of sunlight and daylight obstruction. This would not occur if a two, two storey dwellings were to replace the proposed development instead of three, three storey dwellings the height of which blocks sunlight access and affects the skyline. This is demonstrated in the submitted sunlight and daylight study.

- Attainable residential amenity for future occupants would be substandard as the footprint is within a metre of the south west boundary adjacent to an existing bungalow and the balcony which faces towards its blank wall and roof slope. The garden does not meet the standards for private open space in section 16.10.16 of the development plan.
- Demolition of the existing extension at No 14 involves demolition of the boundary wall and the new perimeter boundary treatment for the new gardens which are on a different level to the gardens of No 13. Underpinning of the original non-structural boundary wall beyond the rear extension will be necessary. There are safety implications. A construction method statement is required.
- [The Appeal of Edward and Irene Doyle, No 12 Dartry Road](#). also includes the objection outlined below. (This property is to the north side of No 13 Dartry Road.)
 - The proposed development would be overbearing and would have negative impact on the views from the rear of their property at No 12 and therefore a negative impact the residential amenities of their property.
- [The Appeal of Callie and Aidan Gleeson, David Barniville and Susan O'Connell and Antoinette Curley and Robert Whitty, Nos 17, 18 and 19 Dartry Road](#) also includes the objections outlined below. These properties are to the south side of the Appeal site.
 - The drawings are inaccurate: With regard to Nos 17, 18 and 19 Dartry Road only an extension at the rear of No 17 permission for which was granted under P. A. Reg. Ref. 0667/02 is included. The shape of the returns and the height and depth at the rear of Nos 17 and 18 are incorrect and the proximity of these houses is greater to the proposed news which would cause overlooking. There is an estimated distance of 75 metres between the rear of No 17 and the front of the proposed mews. The first-floor window would overlook the windows in the rear of

Nos 17 and 18. This has a negative impact on existing standards of residential amenity for existing resident and the future occupants.

6.2. Applicant Response

6.2.1. A submission was recovered from Tom Phillips and Associates on behalf of the applicant on 9th March, 2018. Attached statements by the applicant's architect (De Blacam and Meagher), Consulting Engineers (JV Tierney) on sunlight and daylight and consulting engineers, (Cronin Sutton), on roads and traffic and parking and construction impacts. According to the submission:

- The proposed development entails significant planning gain, accords with national policy, and assists in improving dwelling mix in the area.
- The refusal of permission for development at the rear of No 20 Dartry Road under P. A. Reg. Ref.2401/17 is not an appropriate precedent.

The current proposal is inconsistent with and cannot be compared with the development for which permission was refused under P. A. Reg. Ref.2401/17 for reasons of overbearing impact on to property to the south east whereas the proposed development is less constrained and has no overbearing impact as explained in the Architects statement. No overbearing impacts arise with 2 Gracelands, the single storey bungalow abutting the boundary of the proposed Mews (Nos 2 and 3.)

The Roads department recommended that a request for further information be issued regarding the deficiencies proposed arrangements for the use of the lane. No difficulties arose in the current application. Condition No 4 attached to the decision refers.)

- The assessment undertaken by the planning authority was appropriate regarding planning gain, private open space and off-street parking and, the principle of acceptance of the proposed mews houses. The mews terrace is designed as two storey with an attic bedroom beneath a curved roof. The assertions by the appellant parties that the proposed development does not comply with Section 16.10.16 (c) of the development plan which "generally" confines mews development to two storey buildings are not applicable. The same height provisions applied under the prior Dublin City Development plan

2011-2017 and, there are precedent permitted developments for three storey mews developments. (P. A. Reg. Ref. WEB1360/15, 2448/14 and 2935/14 refer.) There are no significant negative impacts on adjoining properties.

- The mews, especially No 3 are not unnecessarily large and dominant and are in a modern design, remaining subservient to the main houses as shown on Drawing A-PA101 with separation distance of 19 to 20 metres. There are no adverse impacts on the main houses, the houses at Gracelands to the west, or the houses on Dartry Road.
- The assertions as to standards of amenity at Mews House No 3 are rejected. The site configuration does not allow for rear private open space provision and a satisfactory alternative provision, with screening, is provided to the side and front of the house affording equivalent standards of privacy and amenity as any standard rear open space.

6.2.2. An outline summary follows on the Cronin Sutton (Consulting Engineers) Statement follows:

- An undertaking to give due care and attention to safety implications will be shown in the construction management plan to be prepared providing for underpinning works and phasing to address level differences and structural stability. Alterations to the garden levels and the existing boundary wall with No 13 are not proposed.
- The lane width and boundary walls provide for traffic calming. Passing bays with appropriate visibility will be provided at each end with the lane operating one way controlled by clear line of sight to each end.
- Visitor parking space were omitted by condition attached to the planning authority decision. The parking space proposed under P. A. Reg. Ref.2402/17 necessitated reversal along the lane due to insufficient manoeuvrability at the rear of No 20 Dartry Road whereas the layout for current proposal accommodates forward motion following three-point turning. It is demonstrated on drawing B060-004 shows a fire-fighting dry main

installed on the lane which can be operated as an extension to a hose from the fire tender. Final details will be agreed with the planning authority.

6.2.3. An outline summary follows on the J. V. Tierney, (Consulting Engineers) Statement follows.

- The sunlight and daylight analysis was prepared in accordance with *Site Layout Planning for Daylight and Sunlight* (2nd edition, 2001, Paul Littlefair.) It is demonstrated that the effect of the proposed development on the Appellant parties' properties complies with the relevant technical and mathematical criteria for daylight, sunlight and shadow.

6.2.4. An outline summary follows on the De Blacam and Meagher, (Architects) Statement follows.

- The Conservation Officer's remarks that the proposed development is not typical of mews lane development which is on a boundary and back to back with gardens of a main house but access to the rear was from the front, (via the lane) in the original layout Adequate separation from adjoining development is provided for with the footprint for the proposed mews being nine metres from the rear boundary. Living space faces south west protection privacy of the adjoining houses and maximising access to sunlight. The 13-15 metres long rear gardens for the existing houses and long front gardens are suitably scaled. The proposed extensions protect amenity along with the rear boundary screening. Good aspects for the dwellings, an orderly layout and efficient use of the rear of the overall site is achieved.
- The existing and proposed site plans on Drawings A-PA-002 and A-PA-100 and A-PA-002 and A-PA-101 which include long sections and contiguous elevations clearly show the context of existing and proposed development in relation to surrounding development.
- The mews dwellings are not three storey dwellings as they are designed as two storey with a curved roof with a bedroom in the roof space. The height is

consistent with the existing mews to the south west and reads as a single coherent, slim terrace in unified style parallel to the existing houses in scale.

- Reasonable private open space provision has been made for the three mews houses ranging from 71 to 86 squares without detriment to amenities of surrounding properties. Mews House No 3 has back to back gardens with No 14, and is suitably screened and separated from No 14 Dartry Road by the access road. The terrace has generous setbacks from and narrow side elevations facing all boundaries. There are no issues in terms of overlooking.
- With regard to the boundary with No 13 Dartry Road, the proposed extension for No 14 follows the same line as the extension to be demolished but at 5.9 metres in depth is 2.8 metres shorter and no oversailing will occur. (Drawing A-PA-103 refers.) The garden wall is to be unaltered but extended in matching materials to meet the line of the proposed extension. The proposed development improves conditions bring the rear building line in line with that of No 13 Dartry Road.
- The layout of the buildings in the application drawings which were based on OS data have been updated to include the extensions at the rear of Nos 17 and 18 and are included with the submission.
- There is no potential loss of amenity at No 17 and 17 Dartry Road as there is a fourteen metres separation distance between the rear of the extension at No 17 and the proposed new mews building in which all the living space is orientated towards the south west. Only a stairwell and bathroom window face Nos 17 and 18 Dartry Road.

6.3. Planning Authority Response

There is no submission from the planning authority on file.

7.0 Assessment

- 7.1. The three Appeals have been received on behalf of the occupants of Nos. 17,18 and 19 Dartry Road, the three properties to the south side of the appeal site, from the occupants of No 12 and from the occupants of No 13 Dartry Road which adjoin the

northern side of the appeal site. The issues central to the determination of the decision are that of:

the nature and standard of the proposed development at existing houses in principle having regard to conservation of architectural heritage.

The nature and standard of development – mews houses at the rear having regard architectural conservation.

Residential amenities of adjoining properties.

Residential amenities of future occupants and,

Traffic access, parking and public safety.

7.2. The nature and standard of the proposed development at existing houses in principle having regard to conservation of architectural heritage.

- 7.2.1. There is no objection to the proposed reversal of the subdivision of the existing terrace of three houses at Nos 14 to 16 Dartry Road, which are included on the record of protected structures, from multiple occupancy, (in thirteen units) to three independent dwelling units, removal of the extensions at the rear and reinstatement of front and rear gardens incorporating on-site parking and the three entrances. Significant historic fabric, including joinery is intact and appropriate proposals are made in terms of good conservation practice in reinstatement, maintenance and repair works. A requirement for supervision of the implementation of the project by an architect with specialist expertise in historic building conservation, by condition is recommended, should permission be granted.
- 7.2.2. The proposed replacement extensions at the rear are considered acceptable from a conservation perspective in the context of the existing original terrace. The proposal to concentrate servicing as far as possible in the proposed new build is acknowledged. From the perspective of the interests of architectural heritage, the proposed reversal from multiple to single dwelling units is welcome.
- 7.2.3. It is of note that the site configuration for the terrace of three dwellings, the construction of which appears to predate the surrounding development, based on review of historic OS maps is somewhat atypical due to the relatively short rear garden depth and long front garden depth. The dwellings do not appear to have had a coach houses or stables directly at the end of the rear gardens facing a services

lane at the back of the houses. The space at rear boundaries in which the garages and single storey dwelling are located, appears to have been subdivided from the existing terrace and the access lane at the side of No 16 from Dartry Road turns south westwards at the side of this space.

7.3. The nature and standard of development: – mews houses at the rear having regard architectural conservation.

- 7.3.1. It is considered that the appropriateness of the use of the term, “mews” to describe the three proposed dwellings at the rear of the existing terrace of houses included in the application is questionable. The feasibility of mews lane development as envisaged in the development plan provisions at the site location is very limited due to the somewhat atypical site configuration. The boundary of the limited depth rear gardens of the existing terrace does not provide for capacity for development of modest side dwellings directly to the rear of the houses fronting onto a boundary providing for direct access off a rear service lane.
- 7.3.2. As pointed out in the appeals, the application provides for three dwellings facing across a curtilage providing for access and parking towards the rear of the existing houses. This element of the development might be more appropriately and accurately described as dwellings to the rear or infill development. To this end, from the perspective of the interest of sustainable development, infill on underutilised accessible lands in an inner suburban serviced area in principle, should be encouraged. The development plan objectives and standards for mews lane development set out in section 16.10.16 would therefore be irrelevant with the provisions for back land or infill development being more appropriate. (sections 16.10.8 and 16.10.10 of the Dublin City Development Plan, 2016-2022 refer.)
- 7.3.3. There is no objection to the proposed demolition of the single storey dwelling and the five garages to facilitate the development of new dwellings from the perspective of facilitating viable sustainable infill development on serviced land in built up areas.
- 7.3.4. The three proposed mews houses provide for habitable accommodation over three floors, the roof configuration allowing for sufficient headroom to accommodate bedroom accommodation at the top floor. It is considered relatively immaterial as to whether the dwellings can be described as two or three storey, having regard to the development plan policies that provide for two storey mews development that is

clearly subordinate in scale, mass and height to the main house. The curved roof which is a substitution for a more appropriate pitched roof above an eaves, to facilitate the insertion of habitable accommodation at second floor level results in the three dwellings reading as a block of considerable mass up to 9.1 metres in height, the depth being eight metres. The impact of this form, extending across the entire north south axis is considerable relative to the original terrace the planform of which is shallow and the proposed lower height (7.2 metres) rear extensions. It is therefore agreed with the conservation officer and third parties that this element of the proposed development is excessive in form, scale, mass and height relative to the main houses in close proximity. To this end, it is considered that the three new dwellings would be excessive and seriously injurious to the integrity of the context and setting of Nos, 14- 16 Dartry Road.

7.4. Residential amenities of adjoining properties.

Demolition and construction of new extensions to existing houses.

- 7.4.1. It is considered that the proposed works and demolition of the existing extensions and construction of new extensions to the existing original houses do not give rise to implications of a negative nature on the amenities of the adjoining residential properties, including their extensions and rear gardens at operational stage, following completion of the development. There is no doubt that some disturbance can be anticipated during the demolition and construction stage.
- 7.4.2. However, subject to preparation of and compliance with an appropriately agreed construction management and construction traffic management plan and full adherence to all standards and codes and good practice, the standard codes and practices and the limited period involved, the construction stage impact on amenities should not be unreasonable. Protective measures such as the underpinning of common boundary walling to be included to ensure structural stability supplemented by maintenance works are noted in this regard. On review of the plans, there is no apparent potential absailing over into adjoining properties by either the proposed extensions or proposed new dwellings.

Residential Amenities of properties to the north: Nos 12 and 13 Dartry Road.

- 7.4.3. The top floor accommodation at Dwelling No 3 has a principle bedroom window in the front elevation. On review of the section drawings that are available, this window

gives rise to a limited potential for overlooking and perceptions of overlooking of No 16 and No 17 adjoining the site, owing to the height. However, it is noted that this window is for a bedroom and that the scope for overlooking is relatively marginal and not unreasonable. The footprint of Dwelling No 3 does adjoin the south west boundary of the rear garden of No 13. It is satisfactorily established in the daylight and sunlight analysis provided on behalf of the applicant that undue overshadowing or obstruction of access to daylight at the rear private open space of Nos 12 and 13 Dartry Road would not occur.

7.4.4. Nevertheless, it is acknowledged that the proposed development entails a changed context from a low profile single storey dwelling and garages and relatively little activity at the site to three dwelling units. As pointed in the applicant's submissions, the shorter depth of the proposed extension to the main hose at No 14 potentially reduces any sense of enclosure and obstruction of light at the rear of No 13. It can be concluded that the proposed development is not seriously injurious to the residential amenities of No 12 and 13 Dartry Road.

7.4.5. As stated above under para. 7.4.2, it is considered that the applicant's proposals for the existing boundary wall with the No 13 Dartry Road is addressed adequately in the proposals for underpinning, extension and repair and maintenance works.

Residential Amenities of properties to the north: Nos 17-19 Dartry Road.

7.4.6. The supplementary details provided with the appeal take into account the extensions added to the adjoining property further to the publication of the OS mapping consulted for survey purposes in preparing the site layout and contiguous development for the existing and proposed development. No 17 Dartry Road is separated from the footprint of the existing and proposed extensions at the rear of No 16 Dartry Road by the access lane. No undue overlooking could occur from the upper floor windows of the proposed extension or from the proposed mews house No 1. The main bedroom window at first floor level facing east is positioned more than four metres from the rear side boundary at No 17 and would not give rise to undue direct overlooking of that property or Nos 18 and 19. Other first and second floor fenestration is confined to bathroom/cloakroom space. Again, as in the case of the properties adjoining the northern side boundary the proposed development

entails change to the immediate environs by way of replacement of the existing development with the proposed development.

Amenities of properties to the west at Gracelands, (St. Kevin's Park).

- 7.4.7. There are two dwellings immediately adjacent to the west and south west boundaries of the appeal site on confined site with a shared front curtilage and access lane between Nos 15 and 17 St Kevin's Gardens, to the west, along which there are two storey terraced and semi-detached houses. As in the case of the houses on Dartry Road adjoining the appeal site, the substitution of the proposed three storey mews houses for the existing garage and single storey dwellings, amounts to a significant change to the immediate environs of these properties. The separation distances between the existing and proposed development and orientation relative to each other is such that the standards of attainable residential amenities at the two properties at Gracelands would be relatively unaffected.

Residential amenities of the existing houses at Nos 14, 15 and 16 Dartry Road.

- 7.4.8. The attainable standard of residential amenity at Nos 14, 15 and 16 Dartry Road would be satisfactory notwithstanding the limited depth of the rear gardens for the existing houses. In this regard the development proposed includes incorporation of a definitive rear boundary wall supplemented by screen planting. Furthermore, the distribution of fenestration in the front facades and the internal layout the new dwellings. The adverse impact of the massing, height and profile of the proposed new dwellings relates to the character and setting of the protected structures rather than attainable standards of residential amenity

7.5. Residential amenities for the future occupants of the proposed mews dwellings.

- 7.5.1. While it has been established that satisfactory standards of amenity can be achieved for the existing houses and the neighbouring residential properties in the immediate environs, it is considered that the attainable standard and consequent quality of residential amenity for future occupants is substandard and unsatisfactory. The primary concern is Dwelling No 3 shown at the northern end of the block. The spatial layout and dimensions internally is acceptable. However, as pointed out in the appeals there is in effect no rear private open space and the outlook from the rear windows and balcony is directly onto the blank walls and roof profile above of

the adjoining dwelling abutting the boundary. It appears that the dwelling would have limited and possibly substandard access to sunlight and daylight at the rear windows although a scientific study is not available. Quantitatively, adequate total private open space provision is achieved through provision of an area at the front of the dwelling, segregated from the access and carparking. Qualitatively, this substitution for the lack of private open space to the rear is not a solution.

7.6. Access Lane and curtilage Parking.

- 7.6.1. There is no objection to the replacement of the existing shared entrance for the three individual entrances for each of the existing houses at Nos. 14-16 Dartry Road along with front curtilage parking for each dwellings, access and egress in forward gear.
- 7.6.2. The Roads and Traffic Division is satisfied that it is demonstrated that sightlines of 45 metres in both directions where the access at the side of No. 16 Dartry Road meets the road frontage are attainable. The lane at present serves as an access to rear garages including that of an adjoining property and for the single storey dwelling the demolition of which is proposed. It is also agreed that an adequate standard is achieved, which is to the satisfaction of the Roads Traffic Planning Division whereby safe one way passing along the entire route can be achieved along with capacity for turning at the front of the mews if visitor parking is omitted.
- 7.6.3. However, is agreed with the appellant party the omission of the visitor parking spaces serving the mews, which is necessary to facilitate egress and access in forward gear, could lead to unauthorised parking that potentially obstructs the free and safe movement along the lane and overspill on the public road network. This scenario could to be ameliorated by a reduction in the number of mews dwellings in which case, some provision for visitor parkin may be feasible. It is noted that the shortfall in width of the lane at 2.6 to 3 metres relative to the minimum recommended carriageway width of 4.8 metres of 5.5 if no footpath is available) in the development plan was accepted by the Roads and Traffic Department owing to the pre-existing development for which it is used and limited overall intensity of the existing and proposed development. It is considered that the measures and facilities to be put in place as part of the application improving conditions along the lane is effective, notwithstanding the appellant parties' concerns about potential for undesirable generation of casual parking that is potentially obstructive.

7.7. **Appropriate Assessment.**

- 7.7.1. Having regard to existing development on the site, the central city location, the availability of existing services, the scale and nature of the proposed development, including the proposed site works, it can be concluded that no appropriate assessment issues arise. The proposed development therefore would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1.1. It can be concluded that the proposed development at Nos. 14-16 Dartry Road entailing the refurbishing and reversal of the subdivision of the three houses from multiple occupancy in thirteen dwelling units to three individual dwelling units with reinstatement of the front and rear gardens, replacement of the existing vehicular entrance with three individual entrances, removal and replacement of the rear extension and associated site works including boundary treatment are acceptable. No modifications are required.
- 8.1.2. It is considered that the proposed demolition of the garages and single storey house and construction of three houses with access along the lane is unacceptable for reasons of overdevelopment, excessive scale and massing in inappropriate form and profile resulting in adverse impact on the integrity of the character and setting of the existing houses which are included on the record of protected structures and deficiencies in the standards of residential amenity attainable for the future occupants. It would not be appropriate for the modifications necessary to be addressed by condition. this element of the development satisfactory and that the modifications to design necessary to overcome.
- 8.1.3. In view of the foregoing, it is recommended that a split decision be issued:
- Grant Permission** for Demolition of Extensions and returns, refurbishments and new extensions to provide for change from multiple occupancy to three dwellings to include alterations to internal layout and lowering of basement floors, reinstatement of gardens, provision three entrances and off-street parking at Nos. 14.15 and 16 Dartry Road. Dublin 6

Refuse Permission for Demolition of single storey dwelling and garages at the rear of Nos 14.15 and 16 Dartry Road. Dublin 6, construction of 3 no, three storey mews dwellings with six parking spaces, private open space and access via the existing lane to side of No 16 Dartry Road which is to be upgraded and associated works.

9.0 Reasons and Considerations

9.1. Grant Permission:

Having regard to the scale and nature of proposed works, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the residential amenities of adjoining property or the integrity of the character and fabric of the existing houses which are included on the record of protected structures and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and lodged with the application except as may otherwise be required 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.

Reason: In the interest of clarity

2. The proposed development shall be carried out under the direction of an architect with specialist expertise in historic building conservation and in accordance with the recommendations within: *Architectural Heritage Protection: Guidelines for Planning Authorities* issued by The Department of the Environment, Heritage and Local Government in 2005.

Reason: To ensure appropriate building conservation practice the interest of the protection of the integrity of the structure.

3. Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of clarity, and the protection of the residential amenities of the area.

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. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of the residential amenities of the area.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations without a prior grant of planning permission.

Reason: In the interest of the residential amenities of the area.

7. Details of colours and textures of all the external finishes, inclusive of samples shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual and residential amenities of the area.

- 5 Details of the proposed boundary treatment including materials and finishes and for hard and soft landscaping within the perimeter of the site shall be submitted to and agreed with the planning authority prior to the commencement of the development.

Reason: In the interest of the visual and residential amenities of the area.

- 6 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.

- 7 Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of the residential amenities of the area.

- 8 The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in 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. The contribution shall be in respect of the retail unit only and shall be paid prior to the 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 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.

9.2. Refuse Permission

1. It is considered that due to the limited separation distance between the existing dwellings at Nos. 14.15 and 16 Dartry Road, which are included on the record of protected structures and, the scale, form and height, and roof profile of the proposed block of three dwelling units the proposed development would adversely affect the integrity of the setting and context of the protected structures and would be contrary to the proper planning and development of the area.
2. Having regard to the site configuration, the proximity of Dwelling No 3 to the adjoining dwelling abutting the western boundary, the lack of private open space provision to the rear of Dwelling No 3, notwithstanding the substitution of alternative private open space provision to the front and, lack of scope to for vehicular manoeuvring within the site to facilitate for egress and access in forward gear along the lane without omission of visitor parking provision, it is considered that the proposed development would constitute substandard overdevelopment of the site and substandard amenity potential. As a result, the proposed development which would seriously injure the residential amenities of the units for future occupants. The proposed development would be contrary to the proper planning and development of the area.

Jane Dennehy
Senior Planning Inspector.
22nd May, 2018.