



Development	Two-storey mews dwelling and associated site works on laneway to rear of dwelling - Protected Structure
Location	96 North Circular Road, Dublin 7
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	4400/17
Applicant(s)	Norma Cahill
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v Decision
Appellants	Norma Cahill
Date of Site Inspection	13 th July 2018
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The site is located to the rear of a dwelling house at no.96 North Circular Road forming part of its original curtilage with access onto the rear lane. This laneway is narrow at 4.9m and serves as a rear access to properties on both sides. The frontage development along the lane is principally ancillary garages and sheds to the north serving the houses on North Circular Road while on the south side it is mainly pedestrian access to small yards of cottage dwellings along Ross Street. The laneway which is fenced off at the end is accessed off Oxmanstown Road. There is no provision for turning. Near its entrance there is some limited frontage development and at time of inspection late afternoon there were parked cars directly outside these mews properties along the lane.
- 1.2. The subject site of 73sq.m. as delineated in red forms part of the original rear garden of no. 96. There are remnants of a stone and brick coach house building and rubble on the site. It is boarded up as viewed from the laneway. There is a similarly scaled adjacent coach house in no.98 which still retains the roof and original structure.
- 1.3. The existing house is a two storey over basement residence with a large return. No details are provided as to layout and windows but it is stated to be in multiple residential units. From the exterior it is in reasonable condition although the original sliding sash windows have been replaced with top hung outward opening windows.

2.0 Proposed Development

- 2.1. The proposed development involves
 - Removal of the remaining structure with an original footprint of 3.07m x 3.57m that has been fire damaged garage. (This is not included in the description)
 - Construction of a 51 sq.m. two storey mews dwelling fronting onto the lane and extending across the full site width to a maximum depth of 6.795m at ground level and about 4.75m at first floor. Overall height is 6.88m
 - It is a simple design with a pitched roof.
 - Materials are a mix of coloured render and stone with a zinc roof. Windows have timber panels but frame material is unspecified.
 - There is one (bathroom) window at ground level in the lane elevation

- The layout provides for a bedroom, with patio doors, a dressing room with a window and bathroom at ground level and living and kitchen at first floor.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority issued a notification of a decision to refuse permission for the following reason:

The planning authority considers that the proposed development by virtue of the sub-standard laneway width , the sub-standard private open space provision for the mews dwelling and a reduction in the private open space to number 96 the main dwelling, the inadequate separation distance between the proposed dwelling and the main dwelling , its design that does not adequately complement the character of the laneway and number 96 North Circular Road, a Protected Structure with specific regard to scale, massing , height, building depth, roof treatment and materials would materially contravene the mews development requirements section 16.10.16 and the Z2 zoning objective as laid out in the Dublin City Development Plan 2016-2022. Therefore, the proposed development would result in substandard development that could create a traffic hazard and would set an undesirable precedent for future development in this area and is contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. The planning report appraises the mews scheme in detail by reference to development plan policy and criteria as set out in section 16.10.16 which relates to mews development. Reference is made to guidance on narrow laneways and the need for car parking in addition to the need for private open space in the context of multiple dwellings for the entire site of which the mews forms a part. There is also concern about separation distances between opposing windows. Accordingly, the planning authority has concerns about traffic hazard and cites a previous report by the Roads and Traffic division, and overall amenity for the entire site.

In view of the deficiency of open space for the entire site, a request for further information in respect of car parking is not therefore warranted.

3.2.2. Other Technical Reports

Roads and Traffic Planning: With regard to mews development the development plan requires that parking be provided within the curtilage of the mews dwelling and not on the laneway. The laneway is a no-through mews laneway and is accessed from Oxmanstown Road. Presently there are a number of buildings/garages and vehicular accesses from the laneway. The applicant has proposed no car parking as part of the application.

The Development plan also sets out that mews laneways must have a minimum carriageway width of 4.8m (5.5m where no verges or footpaths are provided.) The laneway is approximately 4.9m in width with no footpath. As such this division would have concerns with the proposal in its current form. However, given the precedence of vehicular access from the lane, this division would request that the applicant submit revised drawings clearly showing an in-curtilage car space within the proposal and how the vehicular access can be achieved safely with auto track drawings.

Further information is recommended.

Conservation Office: No report

Drainage: no objection subject to conditions

3.2.3. Objections

One letter of objection from neighbouring residents refers to previous reasons for refusal relating to capacity of laneway for cars and consequent traffic hazard. They also raise issues about the impact on their adjoining coach house structure and impact on drains which are seriously deficient and which serve the development through their property.

3.3. Prescribed Bodies

No reports received from Department of Arts Heritage Regional Rural and Gaeltacht Affairs, An Taisce, Irish Water or Heritage Council

4.0 History

4.1. The site:

- PL29N.246376 refers to a GRANT of permission for removing remnants of coach house destroyed by fire and construction of a single storey coach artist's studio of 16.5 sq.m.
- PL29N.232136 refers to a GRANT of permission for repair and refurbishment of derelict coach house. Condition 1 restricted the floor area to 14 sq.m. and prohibited overnight sleeping accommodation or commercial use or other use other than artist's studio. The remainder of the was to be an open garden area and no ancillary storage use to the coach house fir the stated reason in the interest of orderly development and to effectively maintain the limited scale of the proposed artist's studio development fronting onto a narrow rear laneway.
- Planning authority: 3752/08 - Permission REFUSED for demolition of existing coach house and construction of two-storey artist's studio due to inadequate parking provision; endangerment of public safety by reason of a traffic hazard; setting of precedent for substandard development and contravention of Dublin City Development Plan
- An Bord Pelnala ref. PL29N.210094 (Planning authority: A4907/04) - Permission REFUSED for two-storey mews dwelling to rear- decision UPHeld by An Bord Pleanala. Reasons based substandard width of lane and traffic hazard, contravention of objective requiring minimum width for la mews development and undesirable precedent., and the design and sized of proposed house would result in loss of privacy and detract from character of the area.

5.0 Grounds of Appeal

5.1. The agent has submitted an appeal against the decision on the following grounds:

- The proposed development due to its limited scale would not endanger public safety by reason of traffic hazard would not cause any adverse impact on adjoining properties or the lane in general.

- The Board is asked to consider the proposal without car parking in view of: on-street parking availability, a shift to no car development and removal of mandatory requirement, the small scale of development, access to public transport, absence of accidents on lane and pattern of development in the area.
- Open space: It is acknowledged that the required development plan depth of 7.5m cannot be achieved across the full width but the quantum at 28 sq.m. should be acceptable for a one bed mews. It meets the requirement of section 16.10.2 of 10 sq.m. per bedspace. A financial contribution can be paid in lieu.
- The opens space of the main house at no. 96 is not considered relevant.
- Separation distance: A distance of 27.5m is provided from the main house and it is at 19.4m from the rear return where there are no windows facing. The mews at nos. 100-108 are set back similar distances.
- The massing and height and design is considered appropriate but a further 30mm could be taken off height.
- Space design has had regard to sustainable housing guidelines. -Quality housing of sustainable communities
- There is no report from the conservation office objecting to the proposal.
- It is submitted there will be no adverse impact on the protected structure. The original coach house structure is beyond repair.
- Being within a residential conservation area the proposed dwelling would not detract from the character of the area.
- The reuse of a derelict site is positive.
- The previous conservation officer report supported development.
- There will be no adverse overlooking or overshadowing or impact on residential amenities.
- Planning history: Consideration should take of history and the Board decision to PL29N.246376 which granted permission for an artist's studio overturning the council's decision to refuse permission.
- Drainage: the drainage division has no objection. There is an existing connection for a foul drainage that connects to a combined sewer. The drainage for the proposed development shall be designed on a completely

separate system. The small-scale nature of the proposal will not have an impact on the existing drainage.

5.2. **Planning Authority Response**

No further comments

6.0 **Observations**

6.1. The residents of the neighbouring dwelling have submitted an observation on the appeal and have elaborated on points already made on the planning application to the planning authority.

7.0 **Policy Context**

7.1. **Development Plan**

- 7.1.1. The site is zoned Z2 to protect and improve amenities of residential conservation areas.
- 7.1.2. The site as part of the original curtilage of no.96 North Circular Road is in the Record of Protected Structures.
- 7.1.3. Chapter 16 provides a range of guidance for residential development, whether new build, infill, subdivision or provided by way of extension and all are relevant. Section 16.10.16 specifically refers to mews development which addresses car parking, design, height and amenities of both residents of the principal dwelling and the proposed mews/coach house dwelling as provided for in the guidance. The overall aim to protect the architectural integrity of the protected structure while having a cohesive approach in maintaining the character of the mews lane while protecting the amenities of adjacent properties. High quality contemporary design is advocated.
- 7.1.4. Section 16.10. 16 states:
Mews Dwellings
- a) Dublin City Council will actively encourage schemes which provide a unified approach to the development of residential mews lanes and where consensus

between all property owners has been agreed. This **unified approach framework** is the preferred alternative to individual development proposals.

b) **Stone/brick coach houses on mews laneways are of national importance. Dublin City Council recognises the increasing rarity of stone/brick coach houses and the need to retain and conserve all of the surviving examples, particularly in relation to their form, profile and building line as well as any original features remaining. Proposals to demolish such buildings will generally not be accepted.**

c) Development will generally be confined to two-storey buildings. In certain circumstances, three-storey mews developments incorporating apartments will be acceptable, where the proposed mews building is subordinate in height and scale to the main building, where there is sufficient depth between the main building and the proposed mews building to ensure privacy, where an acceptable level of open space is provided and where the laneway is suitable for the resulting traffic conditions and where the apartment units are of sufficient size to provide for a high quality residential environment. This is in line with national policy to promote increased residential densities in proximity to the city centre.

d) Mews buildings may be permitted in the form of terraces, but flat blocks are not generally considered suitable in mews laneway locations.

e) **New buildings should complement the character of both the mews lane and main building with regard to scale, massing, height, building depth, roof treatment and materials. The design of such proposals should represent an innovative architectural response to the site and should be informed by established building lines and plot width.** Depending on the context of the location, mews buildings may be required to incorporate gable-ended pitched roofs.

f) The amalgamation or subdivision of plots on mews lanes will generally not be encouraged. **The provision of rear access to the main frontage premises shall be sought where possible.**

g) **All parking provision in mews lanes will be in off-street garages, forecourts or courtyards. One off-street car space** should be provided for each mews building, subject to conservation and access criteria.

h) New mews development **should not inhibit vehicular access to car parking space at the rear for the benefit of the main frontage premises**, where this space exists at present. This provision will not apply where the objective to eliminate existing unauthorised and excessive off-street car parking is being sought.

i) Potential mews laneways must have a **minimum carriageway of 4.8 m in width (5.5 m where no verges or footpaths are provided)**. All mews lanes will be considered to be shared surfaces, and footpaths need not necessarily be provided.

j) Private open space shall be provided to the rear of the mews building and shall be landscaped so as to provide for a quality residential environment. **The depth of this open space for the full width of the site will not generally be less than 7.5 m** unless it is demonstrably impractical to achieve and shall not be obstructed by off-street parking. Where the 7.5 m standard is provided, the 10 sq.m of private open space per bedspace standard may be relaxed.

k) If the main house is in multiple occupancy, the amount of private open space remaining after the subdivision of the garden for a mews development shall meet both the private open space requirements for multiple dwellings and for mews development.

l) The distance between the opposing windows of mews dwellings and of the main houses shall be generally a minimum of 22 m. This requirement may be relaxed due to site constraints. In such cases, innovative and high-quality design will be required to ensure privacy and to provide an adequate setting, including amenity space, for both the main building and the mews dwelling.

8.0 Assessment

8.1. Issues

8.1.1. This appeal is against a decision to refuse permission for a two-storey mews on the site of a fire-damaged coach house which is on the site of a protected structure. This follows two grants of permission for a single storey artist's studio following previous refusal of permission for a mews dwelling. In this case the applicant seeks to revisit the case for a two storey mews dwelling considering the history and change in circumstances.

8.1.2. The issues relate to:

- Principle
- Traffic
- Conservation
- Impact on residential amenity and over development. Related issues are:
 - Inadequate open space
 - Precedent of future mews development

8.2. Principle of Development

8.2.1. The principle of development is supported strategically in the development plan policies which specifically advocates infill development. However, the intensity of development having regard to the criteria for mews development is constrained by both traffic and conservations issues in addition to the normal development control issue requiring an adequate standard of development.

8.3. Traffic

- 8.3.1. The laneway is narrow and not ideally suited for development whereby lanes, as measured wall to opposing wall/façade, should be 5.5m or have a carriageway of 4.8m if there is a footpath. This has been the standard applied in previous cases and I see no substantive reason why this standard should be relaxed in this case.
- 8.3.2. The planning authority has serious reservations about developing a laneway of 4.9m without any car parking. This application proposes no parking and it is therefore argued there will be no generation of traffic and this case is further supported by reference to the enhanced provision of public transport and cycling facilities.
- 8.3.3. While I accept that there is residential development in the city centre without parking in this case the lane presently provides vehicular access ancillary to the residences along North Circular Road and so it is not a car free lane. The provision of an independent dwelling at this site is likely to generate vehicular traffic by visitors and services including emergency vehicles if needed. The lane has no provision for turning and no through access. Without access through a gated entrance visitor would be reliant on reversing onto the junction with Oxmanstown Road. From my experience of visiting the site in a car I concur that there would be, most likely, serious issues with regard to safe access and egress associated with traffic generated by a house whether having a car or not. This would have consequences for both safety of the lane and residents along Oxmanstown Road. Further residential development along the lane would require cohesive management of traffic to address such issues if this lane were to be developed with any intensity.
- 8.3.4. In this case the proposal extends across the full width of the site and eliminates any possible rear access to the site and does not include any provision for off-street parking, whereas in the extant permission, pedestrian access is retained.
- 8.3.5. Permission in this instance would set an undesirable precedent for further development along substandard lane for potentially a considerable number of dwellings. While there are some established modestly scaled two storey mews – which appear to be in commercial use - these are located close to the junction and are more readily accessed from the main thoroughfare and from where safe parking is available. The premises appear original and pre-date parking issues and current standards which are reasonable.

8.4. Conservation

- 8.4.1. In conservation terms the proposal would be materially different in that it seeks permanent and private division of the garden as compared to the extant permission which required an open garden as part of the approved layout for the artist's studio following consideration of the matter of subdivision in that case. More obviously, the proposal would introduce a two storey structure and a height and scale where none previously existed on the site.
- 8.4.2. In the previous cases, there was, firstly, a permission for the refurbishment of the coach house of 14.5sq.m and then a subsequent permission for a marginal increase to 16.5m. While removing the original element of the fire damaged coach house was permitted, it was to be effectively reinstated in a scale, form and site layout appropriate to its original character and that of the adjoining coach house. Furthermore, despite the remnants of the coach house and design reference in the adjoining site, in this case the original coach house and references to same will be entirely obliterated in terms of form, height, scale, materials and use and will, I consider, significantly alter the character of the site of the protected structure. This character and integrity of the original structure is further eroded by the introduction of a boundary wall and a permanent subdivision in form and function. There is nothing in this proposal that would enhance the character or integrity of the protected structure in a conservation area.

8.5. Impact on residential amenity.

- 8.5.1. As the proposal is for a two storey house with living room and kitchen at first floor and windows on both sides, there are opportunities for overlooking towards the rear of the principal house to the north and to the south in the direction of the cottages which back onto and abut the lane at a distance of 4.9m.
- 8.5.2. The separation distance between directly opposing windows of the principal house is over 25m. The rear window in the return has been blocked up but if reinstated it would be 19.5m away. There is also the potential for overlooking into adjacent properties flanking the site – these would be at an oblique angle into the gardens and just over 20m from the nearest elevations. While noting the extensive garden and buffer for privacy, the placing of the more intensive day time use at the upper

floor intensifies loss of privacy that may arise. Overlooking would be most serious for the occupants of the single storey cottage backing onto the lane. The design does nothing to mitigate this impact. I note for example the floor to ceiling height is over 2.6m which heightens the impact. (The suggestion in the grounds of appeal to reduce height by 30mm is possibly an error and more likely to be 300mm.)

8.5.3. In terms of amenity and convenience occupants of the site, the proposal to build across the site and block access with no courtyard encroaches on the amenities of the existing and the proposed dwelling which is reliant on moving bins and bikes through the bedroom area to move outside to the lane. To address this would require a fundamental redesign.

8.5.4. In terms of open space, the planning authority seeks to apply the 7.5m deep set back in the interest of amenities for existing and proposed dwellings. While the applicant makes the case that the 28 sq.m. is adequate, the planning authority is also concerned about the potential to compromise the amenities of the existing house by the subdivision of the site whereas the applicant seeks to treat the development site on its own merits particularly as the sites are in separate ownership. From reading the history cases I agree that subdivision is an issue in this case and it is difficult to make a judgement on the overall amenities in the absence of details of the principal house and its occupancy. In this regard I note section 16.10.16 which requires consideration of such. I do however consider this to be a secondary issue that could be resolved by clarification of further information but in view of other fundamental issues, seeking this information is unwarranted.

8.6. Conclusion

8.6.1. On balance I consider the proposed development to be excessive relative to a narrow laneway of about 4.9m, with no provision for turning of vehicles and on which multiple dwelling are reliant for both vehicular and pedestrian rear access. I also consider the proposed development relative to the original structure on site and that adjoining to be excessive in terms of scale and height and would detract from the integrity of a protected structure and the conservation area of which the site forms a part. The proposed development, would not comply with the requirements of the development plan for such development and would in overall terms would constitute retrograde step from that previously permitted. It is accordingly considered the

proposed development would materially contravene the objective to protect and improve amenities of residential conservation areas and set an undesirable precedent. The proposed development would therefore not be in accordance with the proper planning and sustainable development of the area. For these reasons permission should be refused.

9.0 Appropriate Assessment

9.1. In view of the relatively modest scale and nature of the proposed development which involves rebuilding on a developed site in an urban area, I do not consider the issue of appropriate assessment arises.

10.0 Recommendation

10.1. Refusal of permission based on the following reasons and considerations.

11.0 Reasons and Considerations

1 It is considered that:

- a) The proposed development on a narrow lane with no through access together with no provision for off-street parking would be likely to generate traffic which would obstruct existing occupants of the properties reliant on the lane for access. Furthermore, the alignment of the lane would be likely to necessitate reversing of vehicular traffic onto Oxmanstown Road. It is therefore considered that the proposed development by itself and by the precedent it would set for the generation of additional traffic would be prejudicial to public safety by reason of traffic hazard.

- b) The proposed development relies on the permanent subdivision of an ancillary coach house from the principal house. Furthermore, the proposed development by reason of height, footprint and scale and which involves the removal of the remnants of the original structure would entirely remove any evidence of the original structure and would thereby detract from the setting and integrity of a protected structure in a residential conservation area.

- c) The proposed development by reason of height, and design would be inappropriate for a narrow laneway characterised by single storey development on the Southern side and predominantly single storey ancillary development on the same side and would be out of character with surrounding development. The proposed development would therefore seriously injure the amenities of the area.

The proposed development would therefore be contrary to the provisions of the development plan as set out in section 16.10.16 for mews development, would be injurious to the amenities of the area and would materially contravene the objective 'to protect and improve amenities of residential conservation areas' and would therefore be contrary to the proper planning and sustainable development of the area.

Suzanne Kehely

Senior Planning Inspector

17th July 2018