



An  
Bord  
Pleanála

**Inspector's Report**  
**301292-18**

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<b>Development</b>	Demolition of shed and construction of two-storey mews house with pedestrian and vehicular access on Moat Lane.
<b>Location</b>	21 Vernon Gardens, Clontarf, Dublin 3
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	4325/17
<b>Applicant(s)</b>	Joan Corcoran
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party v Grant
<b>Appellants</b>	Marian Duffley and others
<b>Date of Site Inspection</b>	6 <sup>th</sup> July 2018
<b>Inspector</b>	Suzanne Kehely

## 1.0 Site Location and Description

- 1.1. The site is located on Moat Lane which links Vernon Avenue at its west end and Vernon Grove to its east. The lane provides access to the rear gardens along Vernon Gardens to the north and Clontarf Park to the south – an area substantially comprising mature family homes.
- 1.2. Mews development is commercial at the western end of the lane where the carriage way is over 7m in width, while moving east there are a few mews houses on the southern side which have been developed to the rear of large corner sites. There is a mews under construction to the rear of no.9 to the west on the same side of the lane where gardens are shorter. The remaining structures are garages/sheds ancillary to the main residence. All are single storey.
- 1.3. The garden depths along the south side of Vernon Gardens range from about 21m for no.1 to about 25.5m at no.19 all to the west and then extend much deeper at no.21 and beyond to no.35 where the garden depth extends to 35m. This change is due to a kink in the lane and a narrower alignment to the east. These dimensions are taken at the deepest point from the original rear elevation to the boundary with the lane.
- 1.4. The house to the south west on the opposite side is single storey but with a steeply pitched roof and is unique in the area. It is more suburban than mews in style with a low fence and being detached and set back from its boundaries, whereas, a more traditionally scaled mews to the rear of no.9 or possibly 11 retains or is respectful of the original building lines set by the garages and sheds.
- 1.5. On the site there is a large concrete shed with a tin roof at the end of the garden across its full width and it fronts onto the lane on both its west side and southern side due to the kink in the lane. The west elevation is visible from Vernon Avenue and has a vehicular entrance.
- 1.6. There are no footpaths along the lane. Cars were parked on both sides of the western end of the lane at time of inspection at around 4.30pm.
- 1.7. No.21 is a two storey family home that has been recently extended and the garden up to the shed is used as an ancillary space for the house. The separation distance is 17m between the house and shed at the nearest point. The shed has access from

the garden and both pedestrian and vehicular access to the lane. The main house has side access from the front.

## 2.0 Proposed Development

2.1. The proposed development involves

- Demolition of garage
- Construction of two storey house of 77sq.m
- The house footprint extends 14m in depth and between 3.75m and 4.95m in width. It is setback at a slight angle about 3m from the southern boundary (lane frontage) and 2.25m from the western boundary (also onto the lane) and 1.8m from the rear boundary where it backs onto the existing dwelling on the original site.
- A car park space is proposed at the southern end of the site accessed from the western side.
- Private open space wraps around the house at ground level and a terrace is proposed over the car park space at the southern end – overlooking the lane. A total area of 68.72 sq.m. is proposed between these two areas. (85 sq.m. remains for the principal dwelling)
- The design is contemporary – using a simple cubed formation with varying materials textures and voids to add interest. E.g. brick and timber finishes.
- The layout is unconventional with ground floor bedrooms and first floor kitchen and living space. The windows at first floor level in the west elevation facing down along the lane.
- Pedestrian access to the site from the lane is from the western side into a courtyard from where an external screened staircase is proposed to the terrace at first floor.

## 3.0 Planning Authority Decision

### 3.1. Decision

Following a request for further information regarding the car parking layout, the planning authority issued a notification of a decision to grant permission subject to 9 conditions.

Condition 1 relates to compliance with drawings.

Condition 2 relates to financial contribution.

Condition 3 requires prior agreement of materials and finishes.

Condition 4 specifies minimum cil height of 1.8m for first floor high level windows.

Conditions 5, 6 and 7 relate to construction stage.

Condition 8 relates to access/entrance and traffic requirements.

Condition 9 relates to drainage.

## 3.2. Planning Authority Reports

### 3.2.1. The planning report refers to

- Development plan policy
  - advocating innovation in architecture (SC26),
  - promoting quality housing in a sustainable manner such as through infill development and through design which allows for adaptation over the longer term, (QH5, QH8, QG13.) and
  - regarding Development standards as set out in chapter 16.
- The site frontage.
- Planning history including permission for mews to rear of no.9 and 11 and a lapsed permission for a two-bed dormer on the subject site.
- Pre-planning discussion during which the applicant was advised about impact on adjacent neighbours by reason of overlooking, overshadowing and overbearing aspect.
- Objections from neighbours on basis of impact on residential amenities, (overlooking etc) capacity of lane for traffic, drainage, visual incongruity by reason of design and materials.
- The window layout and potential for limiting overlooking potential e.g. raising height of high level cil from 1,65m to 1.8 metres in height.
- The terrace is screened by a 2.3m high wall and louvred screen which addresses overlooking of opposing properties to the south and to east and west.
- The massing and overall height at 5.5m off set 1.2m one boundary and 2.3m from the shared east boundary. The separation between the proposed and

principal residence of 13m. Given the scale, massing, bulk and location, issues of overlooking and overbearing aspect are addressed by separation distances.

- The character of Moat Lane.
- It is considered the brick and timber treatment of the contemporary styled dwelling will complement the character of the lane.
- In view of concerns relating to parking layout further information was requested and submitted to the satisfaction of the planning authority.

### 3.2.2. Other Technical Reports

- Roads and Traffic Planning: Concern about narrow car parking on site and risk of generation of parking on lane. Further information required.
- Drainage: no objection subject to conditions

### 3.2.3. Objections: As referred to above.

## 3.3. Prescribed Bodies

- Irish Water: No report

## 4.0 History

### 4.1. The site:

Planning Authority ref 3567/10 refers to outline permission for a dormer style mews at no.21 which conformed more with the existing footprint.

Planning Authority 1357/17 refers to permission first floor extension and attic development at no. 21.

### 4.2. Along Lane

Planning Authority 3224/17 refers to permission for mews to rear of 11 Vernon Garden. 2295/17 referred to a refusal for mews development on the same site.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The site is zoned to protect and improve residential amenity.
- 5.1.2. As set out in detail in the planning authority's report, the development plan advocates quality architecture in addressing housing provision in a sustainable format whether through individual building design or as part of efficient use of land in the city environs.
- 5.1.3. 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 to this mews proposal. Section 16.10. 16 refers to mews development.

#### 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.

## 6.0 Grounds of Appeal

6.1. Marston planning consultancy has submitted an appeal against the decision to grant on behalf of the residents of nos. 19, 23 and 17 Vernon Gardens. The decision to grant is disputed having regard to the following considerations.:

- Impact in terms overshadowing, overbearing and intrusive nature and overlooking – an outline montage illustrates impact.
- Set an undesirable precedent for inappropriate building lines
- Deficient open space - quantitatively and qualitatively– should be 7.5m deep at rear.
- Traffic hazard due to the inadequate car parking, access arrangements and substandard width of lane.

## 6.2. Planning Authority Response

No further comments

## 7.0 Assessment

### 7.1. Issues

7.1.1. This appeal is against a decision to grant permission for demolition of a large garage and construction of a mews dwelling along a laneway at a point where it is

predominantly characterised by small domestic garages. It is proposed to extend deep into the garden from the lane frontage with a two storey dwelling and first floor terrace with external stairs adjacent to established family homes and this raises many concerns for the neighbours on each side.

7.1.2. The issues relate to:

- Principal of development
- Impact on residential amenity and over development: loss of privacy, massing and consequent over shadowing and overbearing aspect. Related issues are:
  - Inadequate open space
  - Precedent of new building lines for future mews development
- Traffic safety

## 7.2. **Principal of Development**

7.2.1. The principal of development is supported strategically in the development plan policies which specifically advocate infill development. An innovative and contemporary design approach is also a desired approach. The laneway site lends itself to mews development having regard to

- The generous garden depths
- The large structure which is proposed to be replaced
- Development of some dwellings among other commercial uses along the lane.
- Vehicular access is provided off the wider western end of the lane which is fronted by two sides of the site,
- Previous permission for mews development in
- Addition to the existence of dwellings of the southern side and wanting a more vibrant neighbourhood.

7.2.2. The proposed use as a dwelling is also compatible with the adjacent residential uses and development objectives for the area.

7.2.3. In terms of height, the site has generous frontage – 7.5m on its south boundary across the width of the plot and about 7.8m on its west side which commands views from Vernon Avenue. This prominent position and frontage permits a higher scaled property than the typically modestly scaled newer development along the lane.



7.2.4. In these circumstances, I consider a mews house that is two storeys in height to be acceptable in principle. However, having inspected the site and environs and reviewed the submissions on file and considered the development guidance for mews, I have some reservations about the proposed site layout and its relationship with adjacent residential development.

### 7.3. **Impact on residential amenity.**

- 7.3.1. The design clearly embraces an innovative architectural approach having regard to the site parameters such as orientation, streetscape and has also considered interface with neighbouring development, and on its merits, the composite design in elevational terms is original and has the potential to be elegant and would, I consider, visually enhance the lane in both near and more distant views along the lane. The vista from Vernon Avenue would create interest and connection and contribute to the enlivenment of the lane. As viewed from the laneway and public realm it would appear to positively contribute to defining an emerging streetscape. I do not however, consider sufficient weight has been given to mitigating impacts on the adjacent neighbours or on the occupants of the principal residence.
- 7.3.2. The proposal extends 14m at two storeys in height into the site from the laneway. It is set back just over a metre from the east boundary (with no.23) for about half the depth and the balance abuts the boundary. This will result in a considerable bulk and massing relative to the site to the north east (no.23) as illustrated in the appeal submission and the shadow analysis for 3pm. This would block extensive amounts of sunlight from the garden of no.23 and while a large garden, it is slightly narrower than the others, consequently marginally impacting on no.25. No.23 has been extended to the rear leaving a separation distance of about 15m between it and the proposed house. The aspect presented together with the extensive shadow cast over an otherwise open garden would be overbearing to the extent that its character would be significantly altered and in my judgement, this is unduly intrusive and unwarranted.
- 7.3.3. The depth of the proposed development is influenced by a 3m setback from the south boundary along the laneway and a further 2.3m from the west boundary which accommodate a southerly facing terrace at first floor level and void over a courtyard to the west from where external stairs connect to the terrace. The standard approach

is the provision of a 7.5m deep private open space to the rear of the mews in addition to a 22m separation distance between opposing first floor windows but the house design does not fully permit this. While I accept that the overlooking has been designed out from all angles and the profile of the existing shed sets a precedence of sorts, I consider the aspect presented by an extensive east facing wall would be even more austere and visually obtrusive. This relationship needs to be revisited.

- 7.3.4. I also have reservations about the proximity of the dwelling to the existing house on the site. A more conventional approach would permit a greater separation distance and retention of garden amenity.
- 7.3.5. With respect to the mews' private open space it is argued in the appeal that it is substandard in that it is a residual strip reliant on an upper level terrace for a sunny aspect. There is I note, latitude in the development plan with the overriding consideration for a qualitative space rather than just a quantitative target. In this case as a family home I would have reservations about the limited qualitative space at ground level. I consider however, this is a secondary issue informed by the need to satisfy other criteria such as protecting existing amenities while at the same time facilitating a cohesive approach. It would seem the best option is to reduce the first-floor depth. However due to the depth of the proposed house and its narrowness and the building layout generally, it is not practicable to set back or omit parts by condition. The design would need to be reworked to address fundamental layout issues.
- 7.3.6. The case is made that the building lines are appropriate in so far as future development will not be compromised and this is supported by a masterplan prepared by the applicant. Due to the nature of the objections and appeal this does not appear to be a joint enterprise. The layout relies on future mews to the east to be aligned within the proposed building lines (north and south) and relatively deep into sites from the lane and reliant on first floor terraces for open space on one or both sides. This would potentially introduce a significant level of overlooking and disturbance and would need the general support of the residents/owners of gardens. If the proposed first floor were not so deep and close to the eastern boundary there would be more options for the potential mews to the east, should such development be deemed otherwise acceptable.

#### **7.4. Traffic Safety and Parking**

- 7.4.1. The issue of parking and traffic safety is raised and in this regard, I note that the Road's Division has no objection in principle subject to the provision of off-street parking which has been addressed. The absence of objection in principle is understandable in view of the lane width at over 5.5m immediately south and west of the site, through-access and wide approach (7.5m) at the western end in addition to emerging small-scale mews development. While car parking may well be an issue the proposed house will provide for a single car household. While on-street parking is limited but controlled regard should be had to the strategic location that is well serviced by both shops and public transport as well as wider community issues. There is therefore no reasonable basis to refuse permission on grounds of insufficient car parking or traffic hazard.

#### **7.5. Conclusion**

- 7.5.1. On balance I consider the proposed development to be excessive in terms of its impact on the adjacent dwelling house at no.23 and its curtilage to the north east of the site. Furthermore, it is considered the proposed development would set an undesirable precedent and would not be in accordance with the proper planning and sustainable development of the area. For these reasons permission should be refused.

#### **8.0 Appropriate Assessment**

- 8.1. 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.

#### **9.0 Recommendation**

- 9.1. Refusal of permission based on the following reasons and considerations.

## 10.0 Reasons and Considerations

- 1 Having regard to the height, massing and site layout it is considered that the proposed development would be overbearing in relation to the existing properties at no.21 and No.23 Vernon Gardens and would result in a loss of amenity to these properties. Furthermore, it is considered that the proposed layout would set an undesirable precedent and would therefore be contrary to the proper planning and development of the area.

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Suzanne Kehely

Senior Planning Inspector

17<sup>th</sup> July 2018