



An  
Bord  
Pleanála

## Inspector's Report ABP 301374-18

### Development

Demolition of the existing front entrance porch and side bay window, construction of new single storey above basement level extension to the side of existing dwelling with light wells to the front and rear of the basement level and roof lights above ground floor side extension, alterations to existing dwelling and associated site works.

### Location

2 Vesey Mews, Monkstown, Co. Dublin.

### Planning Authority

Dun Laoghaire- Rathdown County Council.

### Planning Authority Reg. Ref.

D18A/0044.

### Applicant

Kathy Prendergast.

### Type of Application

Permission.

### Planning Authority Decision

Grant with conditions.

### Type of Appeal

Third Party Vs Grant

<b>Appellants</b>	1. Kevin and Anne-Marie McGrath. 2. Eamon and Sheelagh Galligan.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	27 <sup>th</sup> June 2018.
<b>Inspector</b>	Dáire McDevitt.

## 1.0 Site Location and Description

- 1.1 This site, No. 2 Vesey Mews, is situated to the west of Dun Laoghaire and on the edge of the boundary with Monkstown in County Dublin. The Mews houses are to the rear of Vesey Place, a Victorian terrace built in the 1860s, fronting onto Vesey Gardens. Vesey Place and Gardens are designated a Candidate Architectural Conservation Area in the current County Development Plan and the properties within the terraces included in the Record of Protected Structures.
- 1.2 Vesey Mews is accessed via a narrow lane off Vesey Place. There are 10 mews houses, eight of which are semi-detached with the two end ones detached. They are visually attractive with gables fronting the lane. The rear facade facing the houses along Vesey Place are intrinsic to the character of the mews houses. Works and alterations have been carried out to Mews houses along the lane.
- 1.3 No. 2 Vesey Mews, the relevant structure, is a storey and a half semi-detached mews dwelling paired with No. 3. Features of note include the northern elevation, which faces the main house (No. 2 Vesey Place, a protected structure and the second named appellant's house), and is comprised of a plastered and pedimented façade. The wall features a recessed arch at ground floor level with a narrow linear band to define the upper floor which has a rectangular recessed feature. The ornate northern gable wall is an architectural feature replicated in the adjoining mews dwelling and the other pairs of mews dwellings to the east.
- 1.4 The site, with a stated area of c. 0.031 hectares is rectangular in shape. It is bounded to the west by a capped stone wall and the gable of No. 1A Vesey Mews (first named appellant's house) which is accessed off Knapton Road. A capped block wall forms the northern (rear) boundary with the second named appellant's house and garden, No. 2 Vesey Place. No. 3 Vesey Mews bounds the site to the east and is separated from it by a capped stone wall. The Mews lane is bounded by a high stone wall and Knapton Lawns. No. 2 is located at

the western end of the mews lane and is accessed via gates with onsite parking available within this restricted site.

## **2.0 Proposed Development:**

The proposed development comprises of the following:

- Demolition of the existing front entrance porch and side bay window.
- Internal alterations to the existing house.
- Construction of a flat roofed single storey above basement level extension to the side of the existing house with roof lights above the ground floor side extension.
- Alterations to the roof and form of the 2 no. existing dormer windows at first floor level and 3 no. roof lights to the existing roof elevation of the existing dwelling.
- Finishes proposed include selected timber cladding to external walls, flat roofs (grass or sedum), zinc surrounds and roof finishes to existing dormer windows.
- New selected metal vehicular and pedestrian gates.

on a site with a stated area of c. 0.031 hectares.

The following documentation is included in the application:

### ***Planning Report.***

This included:

- Details of pre-planning consultation.
- Outline of the design rationale.
- Site context.
- Compliance with Statutory requirements.
- Differences between the previous application and the current proposal.
- Impact of the construction of the proposed basement and the structural stability of neighbouring properties.

### ***Conservation Report***

This included an Architectural assessment and photographic survey.

### ***Engineering Report***

This included a site services report and a Basement construction method statement.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant subject to 11 standard conditions.

These included:

#### **No. 2:**

*Prior to the commencement of development on site, the Applicant shall submit for the written agreement of the Planning Authority, revised details and drawings showing the proposed basement access stairwell structure element protruding (fronting) from the north main elevation of the proposed side extension as omitted, and the stairwell to be placed within the main body of the extension.*

**Reason:** *In the interest of visual amenity and harmony and in order to safeguard any special architectural or historical interest of the building.*

#### **No.4**

*Notwithstanding Class 1, Class 3 and Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended), there shall be no extensions, sheds/stores or similar, or front porch constructed, to the rear or front of the dwelling house without a prior grant of permission.*

**Reason:** *In the interest of orderly development and the proper planning and sustainable development of the area.*

### **3.2. Planning Authority Reports**

#### **3.2.1 Planning Report**

The Planner's Report formed the basis for the Planning Authority's decision.

The main issues are summarised as follows:

- The current application is an attempt to address the 2017 An Bord Pleanála Split decision under PL.06D.248378.
- The Area Planner concluded that the proposed extension was acceptable, subject to the omission of the basement stairwell to the north. That the dormer windows, roof lights and vehicular/pedestrian changes/additions would be of an acceptable design, size and layout, while also noting the existing high surrounding walls and site orientation, and the remaining garden area and adjacent gardens. Given the size, layout and design the proposals would not have a negative impact on the character of the house, or seriously injure the residential or visual amenities of the area or of surrounding properties.
- A condition was attached that the north side basement access stairwell element be omitted and that the stairwell placed within the main body of the building.

### **3.2.2 Other Technical Reports**

#### **Conservation Division**

The Area Planner referred to verbal discussion with the Conservation Division. (13<sup>th</sup> March 2018) stating that the Conservation Officer had no objection subject to a condition that the north (rear) elevation stairs protrusion element to the proposed basement be omitted, and the stairs internalised into the proposed side extensions (and/or potentially relocated to the proposed lightwell in the south elevation, beside the entrance courtyard).

There is no report on file from the Conservation Division.

**Transportation Planning** (21<sup>st</sup> February 2018). No Objection subject to two conditions.

**Drainage Section** (8<sup>th</sup> March 2018). No Objection.

### **3.3 Third Party Observations**

3.3.1 Three submissions were received from:

- Kevin & Anne-Marie McGrath, No. 1A Vesey Mews (Woodside), Knapton Road, Monkstown, Co. Dublin. (Appellant No.1).
- Eamon and Sheelagh Galligan, No. 2 Vesey Place, Monkstown, Co. Dublin. (Appellant No. 2).
- Helen & Rob Lane, 1 Knapton Lawn, Knapton Road, Monkstown, Co. Dublin.

The issues raised in the submission are largely in line with the grounds of appeal and shall be dealt with in more detail in the relevant section of this Report.

Other points of concern raised are summarised as follows:

- No details submitted regarding access route for construction traffic and implications for traffic movements on adjoining roads.
- Limited pay and display parking on Knapton Lawns which is used by residents of Knapton Lawns, Knapton Road and Vesey Place. Concerns were raised that these would be used during the construction period, resulting in a further loss of parking available to residents in the vicinity.
- Potential damage to boundary wall separating the site from Knapton Lawns.
- Concerns regarding drainage. It plans to use the drainage on Knapton Lawn which is already inadequate and the road is prone to surface water ponding.

## 4.0 Planning History

### Application Site:

**Planning Authority Reference No. D17A/0080 (An Bord Pleanála Reference PL.06D.248378)** refers to a 2017 split decision.

Permission **granted** for internal alterations, demolition of the existing front entrance porch and side bay window, provision of the western element of the

single storey extension (containing the kitchen/living/dining area), alterations to two number existing dormer windows at first floor level to include new flat roofs and window surrounds instead of the existing pitched roofs, two number new roof lights to the existing roof side elevations and new front entrance gates with pedestrian access and side piers. Subject to 4 conditions. This included condition No. 2 as follows:

2. The proposed development shall be revised as follows:-

(a) The proposed extension to the 'side' fronting the rear elevation of number 2 Vesey Place shall be omitted.

(b) The external plaster finish to the walls of the existing house shall be retained and made good under the supervision of a suitably qualified Conservation Architect.

(c) The side of the rear extension shall be stepped back to the corner of the plaster pilaster of the northern elevation so as not to disturb this feature.

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

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

Permission **refused** for the extension to the side fronting the rear elevation of No.2 Vesey Place (containing bedrooms 1 and 2), and removal of the external plaster finish to the existing house and repointing of the stone walls for the following reason:

*Having regard to the design and architectural expression of the formal relationship between the subject Mews dwelling and the main house number 2 Vesey Place, a Protected Structure, which is provided by the decorative pedimented and plastered façade to the Mews dwelling which address the rear of number 2 Vesey Place, which is considered to be an exemplar of the Victorian architectural style and which contributes to the character and setting of the Protected Structure, it is considered that the proposed extension to the 'side' fronting the rear elevation of number 2 Vesey Place would break the established building line, negatively impact upon the existing built form and character which exists between the Mews dwelling and the main house and interfere with the views of original ornate gable wall. Accordingly, it is*



*considered that the proposed development would seriously injure the visual amenities of the area, would adversely impact on the character and setting of the protected structure and would, therefore, be contrary to the proper planning and sustainable development of the area.*

### **Adjoining Sites:**

#### **No. 3 Vesey Mews:**

**Planning Authority Reference No. D05B/0763** – Permission was granted for single storey extension to the side and rear of house.

#### **No. 2 Vesey Place:**

**Planning Authority Reference No. D03A/0235** – Permission was granted for refurbishment of existing basement area, its incorporation into main house, new garden room extension to rear of ground floor return, the enlargement of existing terraces, 2 no. to front of house and 1 no. to rear of house, alterations to existing en-suites at first floor level and provision of additional bathroom at second floor return level.

#### **No.5 Vesey Mews:**

**Planning Authority Reference No. D18A/0086** refers to a grant of permission in March 2018 for the conversion of a 2 storey pitched roof semi-detached mews building from stores to a home office with guest accommodation ancillary to the main house and a new glazed extension to serve as a carport to supplement the existing garage which is retained. **All within the curtilage of a Protected Structure at the rear of 5 Vesey Place.** (The application site boundaries outlined in red included No. 5 Vesey Mews and No. 5 Vesey Place).

This included condition No. 2:

*The entire house and mews building shall be used as a single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable units. The mews building shall not be used as a separate dwelling in its own curtilage, and shall not be let or sold as a dwelling independent of the main dwelling.*

**REASON:** *To prevent unauthorized development.*

## 5.0 Policy Context

### 5.1 Dun Laoghaire-Rathdown County Development Plan 2016-2022

**Land Use Zoning Objective:** 'A' *To protect and/or improve residential amenity.*

#### **Built Heritage**

**Appendix 4** includes the Record of Protected Structures & Architectural Conservation Areas. The Record of Protected Structures does not define the curtilage for the Protected Structures at Vesey Place.

No. 1 to 21 Vesey Place are included in the Record of Protected Structures and subject to the appropriate policies as set out in Section 6.1.3 and Section 8.2.11.2 of the Plan.

The structures of most relevance in this instance are those immediately adjoining the application site. No. 2 Vesey Place (RPS No. 851) in particular, the second appellant's house,

No. 1 to 10 Vesey Mews are not included in the record of Protected Structures and are not located within the Vesey Place and Gardens Candidate Architectural Conservation Area.

#### **Built Heritage**

**Section 8.2.11.2 (iii)** refers to development management standards for development within proximity to a Protected Structure and the requirement to protect its setting and amenity.

#### **General Development Management Standards:**

**Section 8.2.3.4** refers to additional accommodation in built-up areas.

**Section 8.2.3.4 (x)** refers to general development management standards for **mews lane developments**. This includes garden depth to be retained by the main house in the case of new development, mews developments should be subsidiary to the main house, carparking, private amenity space, etc

**Section 8.2.3.4 (i)** refers to extensions to dwellings. Such proposals shall be considered in relation to a range of criteria including having regard to length, height, proximity to boundaries and quantum of usable rear private open space remaining. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations.

**Section 8.2.8.4 (i)** sets out the private open space requirements for private houses.

**Section 8.2.4.5** refers to the car parking standards and table 8.2.3 set out the requirement for residential lands use of 2 spaces per 3 bed unit +.

**Section 8.2.4.9 (i)** refers to the minimum width of 3m and maximum of 3.5m required for vehicular entrances.

**Section 8.2.4.9** refers to vehicular entrances and hard standing areas.

## **5.2 Architectural Heritage Protection Guidelines 2011 (DAHG)**

**Section 13.1.1** refers to guidance and definitions for determining the curtilage of a Protected Structure. The notion of curtilage is not defined in law, but for the purposes of these Guidelines curtilage is taken as meaning the parcel of land immediately associated with that structure and which is (or was) in use for the purpose of the structure.

**Section 13.1.2** notes that the curtilage of a Protected Structure may coincide with the land owned together with it but this is not necessary and the Planning Authority should ensure in such cases that the relevant landowners are aware of the status of their structure.

**Section 13.1.5** refers to the following three considerations when determining curtilage:

1. a functional connection between the structures;
2. an historical relationship between the main structure and the structure;
3. and the ownership past and present of the structures.

**Section 13.2.1** refers to guidance and definitions for determining the attendant grounds of a Protected Structure. These are lands outside the curtilage of the

structure but which are associated with the structure and are intrinsic to its function, setting and/or appreciation.

### **5.3 Natural Heritage Designations**

None of relevance.

## **6.0 The Appeal**

### **6.1 Grounds of Appeal**

Two Third party appeals have been lodged by adjoining property owners:

(1) Kevin and Anne-Marie McGrath, 1A Vesey Mews (Woodside), Knapton Road, Monkstown, Co. Dublin.

(2) Eamon and Sheelagh Galligan, 2 Vesey Place, Monkstown, Co. Dublin

There is a degree of commonality in some of the issues raised in both grounds of appeal. I propose to summarise the grounds of appeal under the following headings

#### **6.1.1 Architectural Heritage**

- The appellants are of the view that the mews is within the curtilage of No. 2 Vesey Place by virtue of its relationship with the main house, the mews was the former coach house and, therefore, has the benefit of protected status.
- Under PL.06D.248378 (D17A/0080) both the Planning Authority Conservation Officer and An Bord Pleanala's Inspector formed the view that No. 2 Vesey Mews was within the attendant grounds of No. 2 Vesey Place and not within the curtilage of a Protected Structure. The appellants disagree with the Inspectors conclusion and reiterate that a building does not have to be in common ownership with a protected structure to qualify as being within the curtilage of the protected structures (Architectural Heritage Protection Guidelines 2004). It is the historic relationship that dictates curtilage status, where architectural heritage is concerned.

- The appellants noted that the Inspector at the time held a strong view that the mews feature was an exemplar of Victorian architectural style which contributed to the character and setting of the protected structure and referred to Policy 8.2.11.2 (iii).
- No. 1A Vesey Mews is c.150 year old and the boundary wall is an old stone rubble wall which was originally the stables of No. 1 Vesey Place (protected structure) and are, therefore, arguably a protected structure. This relationship is analogous to the relationship between No. 2 Vesey Mews and No. 2 Vesey Place.
- The application is invalid as the documentation lodged with the application does not address the protected status of the building and the suitability of the proposed interventions to it.

### **6.1.2 Design**

- The application is in response to a split decision of An Bord Pleanála (PL.06D.248748). The Board granted permission for a single storey extension to the west of the existing mews and refused permission for a single storey extension to the north of the mews. The extension to the north was refused on the grounds of preserving the relationship between the architecturally sensitive north elevation of the Mews building and No. 2 Vesey Place (protected structure).
- A key condition attached to PL.06D.248378 was that the northwest extension should be set back in line with the northern building line of the Mews building.
- The north building line is breached by a stairwell to basement level and by a light-well serving the basement, together with its safety barrier. The appellants acknowledge that the condition No. 2 attached to the grant of permission (D18A/0044) requires the omission of the access to the basement. However, the (north) lightwell to the basement accommodation and its safety barrier which break the northern building line are not addressed by this condition.

- The proposal would materially contravene Section 8.2.11.2 (iii) relating to development within the vicinity of a protected structures as it would detract from the setting of No. 2 Vesey Place.
- The development would constitute overdevelopment of the site as evidenced by the number of lightwells and a stairwell which, not only break the northern building line, but also limit the capacity of the southern forecourt to be used for carparking and prevent manoeuvring of cars within the site.
- The appellants do not object in principle to the proposal to upgrade and extend the mews but have a number of concerns with the present proposal and its impact on adjoining properties. Features of the extant historic element should be retained.
- The development would result in a house with a floor area of c. 207sq.m which exceeds to the Development Plan requirement that mews conversions/developments should be modest in scale. Therefore materially contravenes section 8.2.3.4 (x) of the County Development Plan.
- Notwithstanding the Board's approval for the revised dormer windows under PL.06D.248378. The appellants maintain that these involve inappropriate impact on the features of the original mews structure. The large flat roofed dormer structures will be visible in views towards the development from No. 2 Vesey Place. They will be incongruous features, which will detract from the composition of the northern elevation, which the Planning Authority and An Bord Pleanala have stated should be preserved.
- The addition of rooflights to the roof, particularly one straddling the ridge line, will further interfere with the character of the building.
- The configuration of proposed c.1.6m wide light well to the new front bedroom at basement level is inadequate to provide the requisite level of

natural light to this room. Diagram submitted illustrating that inadequate natural light would be provided to the bedrooms at basement level.

- The construction of a basement would have a significant impact on the adjoining property. The use of contiguous piles within c.450mm from the face of No. 1A Vesey Mews' gable wall is likely to cause settlement of the wall and damage to the appellant's property.
- The appellants request, should the Board be minded to permit the basement development, that a condition be attached that the basement be constructed a minimum of c. 2.5m from the gable of No. 1A Vesey Mews.
- Reference to Dublin City Council's policy relating to basement development.

### **6.1.3 Parking & Traffic**

- The location of the extension and associated lightwells off the southern elevation results in the loss of parking spaces on site and non compliance with the requirement for 2 spaces for a 3 bed house.
- The width of the proposed parking area is c.5m in width. This would not comply with the Development Plan requirements for spaces to be c.3m in width, i.e. 6m would be required for two cars to park side by side.
- The new parking arrangement would also preclude completely the turning of cars within the site, resulting in the need to reverse the full length of the Mews lane.
- A comparison drawing of the car turning movements within the site is included.
- The Transportation Department and Planners Report failed to address the issue of onsite parking and turning movements.

### **6.1.4 Drainage**

- The application documentation does not deal with the issue of drainage of the site. An existing combined sewer drain takes sewerage from the existing mews, under the former coach-handling area, under the party wall with 2 Vesey Place, through the rear garden of 2 Vesey Place, under its

basement to the public sewer in Vesey Place. No information has been submitted as to how the provision of a basement will affect this drain. The positioning and levels of the drain are not provided.

## **6.2 Applicants Response**

The applicant has submitted a detailed response which is mainly in the form of a rebuttal. However, the following points of note were made:

In response to condition No. 2 of P.A Ref. No D18A/0044 and in the interest of clarity revised proposals have been submitted, omitting the rear stairwell and relocating the staircase to within the main body of the extension.

### **6.2.1 Status of No. 2 Vesey Mews:**

- The issue of curtilage/attendant grounds was addressed under PL.06D.248378.
- No. 2 Vesey Mews, while originally part of No. 2 Vesey Place was separated from it in the late 1970s following the erection of a boundary wall between the two properties. It is not a Protected Structure or within the curtilage of a Protected Structure, therefore, the planning application is valid.
- No. 2 Vesey Mews incorporated part of the mews lane, this area is used for parking. Access to No. 1 Vesey Mews was blocked off prior to 1964 and the gates and pillars to No. 2 Vesey Mews were erected around this time. This is not disputed by the relevant parties.
- The side elevation of No. 1A Vesey Mews forms the boundary with No. 2 Vesey Mews. This elevation is blank with no fenestration.

### **6.2.2 Design**

- The current design addresses the concerns raised by An Bord Pleanala in 2017 regarding the impact on the architectural linkage between the house on Vesey Place and the mews dwelling.
- A requirement of condition No. 2 of ABP Ref. PL.06D.248378 was that the development not break the established northern building line in order to preserve the views of the ornate gable wall from No. 2 Vesey Place.



- Included with the response are revised proposals to comply with condition no. 2 of D18A/0044, incorporating the stairwell within the built envelope of the extension.
- The issue of dormer windows was addressed by An Bord Pleanála under PL.06D.248378.
- The current proposal will not break with the northern building line. The relationship between No. 2 Vesey Place and the proposed extension remains the same as that permitted in 2017 (PL.06D.248378) with the exception of the 400mm setback and the lightwell, which is below ground level, and the glazed screen, The visual impact of the lightwells and glass screens are minimal. The c.1.2m high screens would not be visible from outside the site and would not have a detrimental impact on adjoining properties, in particular the character and setting of No. 2 Vesey Place.
- The extension is a contemporary design and ensures that the visual and architectural relationship between the rear mews elevation and the ‘parent’ is maintained. The design of the new single storey addition with basement below sits entirely to the side and is clearly of a moderate scale relative to the mews and would not result in a loss of architectural amenity not impact on the setting and character of the protected structure (No. 2 Vesey Place).
- The bedrooms at basement level open into a sunken courtyard to the front and rear with more than adequate natural light into both bedrooms at this lower level.

### **6.2.3 Traffic/Parking:**

- Vehicular access to the site already exists and the traffic movements along the mews lane would replicate the existing ones.
- Adequate parking and manoeuvring space is provided within the site for 2 vehicles.

### **6.2.4 Basement & Impact on adjoining property:**

- The Structural Engineering report submitted clearly sets out details pertaining to the construction of the basement. The applicant is satisfied

that the information on file clearly demonstrates that the impact of the basement and ground floor extension will ensure the structural integrity of the appellants property (No. 1 A Vesey Mews) by utilising best construction practice.

- The appellants have provided no evidence that the proposed piling would have a negative impact on the structural integrity of their property.
- Dublin City Council Development Plan policies do not apply to the Dun Laoghaire Rathdown area.

#### **6.2.5 Drainage:**

- The drainage running from 2 Vesey Mews serves the house alone. Pumping will be required from the basement to the connection to the rear. No other changes are required.

#### **6.3 Planning Authority Response**

The Planning Authority has reiterated points made in the Planner's report and as reflected in its decision.

#### **6.4 Observations**

None.

#### **6.5 Prescribed Bodies**

The appeal was referred to The Department of Culture, Heritage and the Gaeltacht, An Taisce, The Heritage Council, Failte Ireland and An Chomhairle Ealaion. No responses received.

#### **6.6 Further responses following the circulation of the Applicants response to the Third Party Appeals.**

##### **6.6.1 Response from the Planning Authority.**

The Planning Authority has reiterated that the Board is referred to the original Planner's report. No new matters are raised, in the opinion of the Planning Authority that would justify a change of attitude to the proposed development.

### **6.6.2 Response from Kevin and Anne-Marie McGrath**

Reiterate the concerns raised in the grounds of appeal. Other points of note include:

- No. 1A Vesey Mews is a converted stable block dating from c.1850, such buildings have trench fill foundations and not modern concrete strip foundations and are, therefore, susceptible to local ground movement.
- If permitted, the basement should be set back from the boundary with their property.
- The appellants have submitted an aerial image stated to be from the 20<sup>th</sup> September 2008 illustrating the available space to turn cars within the site. The construction of the extension would remove this available area.

### **6.6.3 Response from Eamon and Sheelagh Galligan**

Reiterate the concerns raised in the grounds of appeal. Other points of note include:

- The applicant's response does not adequately address the grounds of appeal.
- The Applicant has referred to revised plans submitted to comply with condition no. 2 of D18A/0044. The report includes a small, unscaled image of the ground floor plan of the extension. A rectangular symbol located between the kitchen/dinning and sitting area is presumed to be the proposed stairs to the basement. No basement plan has been submitted. Therefore, revised plans have not been submitted.
- Appellants concerns remain relating to the sizable structure (light well and surrounding guard rail) breaching the north building line of the mews building.
- Concerns remain as before regarding
  - The impact of the southern light well on manoeuvrability of vehicles within the site.
  - The inability of the site to accommodate two car parking spaces.

- The lack of detail regarding drainage of the site to and through No. 2 Vesey Place
- Residents of No. 2 Vesey Mews park along Vesey Place (photographs submitted). The proposal would exacerbate this situation due to the limited parking within the site.

## **7.0 Assessment**

- 7.0.1 A split decision was issued in 2017 by An Bord Pleanála under PL.06D.248378 for a similar development to that currently before the Board. The element of the development refused was on the basis that the ground floor extension would break the established northern building line, negatively impact upon the existing built form and character which exists between the Mews dwelling and the main house and interfere with the views of the original ornate gable wall.
- 7.0.2 The current proposal, in an attempt to overcome the reason for refusal, consists of a single storey over a basement level extension with a stairwell and light wells off the northern and southern elevations. The relationship between No. 2 Vesey Place and the proposed extension remains broadly the same as that permitted in 2017 (PL.06D.248378) with the exception of the 400mm setback, stairwell and lightwells, which are below ground level with glazed screen at ground level.
- 7.0.3 The applicant has submitted revised proposals in their response to the appeal incorporating the stairwell within the built envelope of the extension as required under the Planning Authority's condition No. 2 of the current application. I note that the scope of these changes would not require re-advertisement. This report, therefore, includes reference to the alternative proposal in the assessment.
- 7.0.4 The protected status of No. 2 Vesey Mews was considered by the Board under PL. 06D.248378. This status of the mews house has been raised by both appellants.

7.0.5 The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment and environmental impact assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Architectural Heritage.
- Design.
- Parking and Traffic.
- Drainage
- Appropriate Assessment.
- Environmental Impact Assessment.

## **7.1 Architectural Heritage**

7.1.1 It has been put forward by the appellants that the site is within the curtilage of a protected structure (No. 2 Vesey Place, RPS Ref. No. 851) which is part of a Victorian terrace, all of which are included in the Record of Protected Structures. I note historical maps show that the original plot of land associated with No. 2 Vesey Place included the application site and a structure along the lane.

7.1.2 While I concur with the appellant that the site appears to have been originally part of a larger plot associated with No. 2 Vesey Mews. The application site itself, however, is physically separated from No. 2 Vesey Place by a wall erected in the 1970s, mature boundaries and is in different ownership. There are no functional links between the two properties. The structure (No. 2 Vesey Mews) which is the subject of this application is not included in the Record of Protected Structures in the current Development Plan. The Record of Protected Structures does not define the curtilage for the protected structures at Vesey Place. The proposed development does not include works to the boundary wall with No.2 Vesey Place, a later addition dating from the 1970s. No works are

proposed to the eastern and western boundary walls or the southern stone wall which bounds the Mews lane along Knapton Lawns.

7.1.3 I have reviewed planning histories for Vesey Place and the Mews houses. I refer the Board to a recent planning application for No. 5 Vesey Place where the Main house and Mews remain in common ownership with no defined boundaries separating the properties. While the relationship between No. 2 and the mews originally would have mirrored that of No. 5. I note that the application site boundaries outlined in red for D18A/0086 includes both structures, which are in common ownership, and the use of the mews is ancillary to the main house. Condition no. 2 of PA Ref. No. D18A/0086 reinforces this as highlighted in section 4 of this report

7.1.4 The location of the mews house does not preclude it from appropriate development. Having regard to the nature of the site and its relationship with No. 2 Vesey Place, I consider the principle of extending the mews house acceptable subject to compliance section 8.2.11.2 (iii) which refers to development within proximity to protected structures and with the relevant development management standards.

7.1.5 Concerns are raised in relation to the validity of information submitted with the planning application with respect to the requirements vis a vis protected structures. The application was accepted as valid by the Planning Authority.

## **7.2 Design**

7.2.1 The current proposal consists of a single storey over a basement level extension to the west of the existing mews in line with its northern building line, a stairwell and light well (below ground level) and associated c.1.2m high glass screen at ground level project beyond the northern building line. A second lightwell is proposed off the southern elevation. Alterations to existing mews are also proposed. The relationship between No. 2 Vesey Place and the proposed extension remains broadly the same as that permitted in 2017 under PL.06D.248378 with the exception of the 400mm setback and the stairwell and lightwells.

7.2.2 The applicant included revised proposals with their response, omitting the stairwell to the northern elevation and its incorporation within the built envelope of the extension as required under condition No. 2 of P.A Ref. No. D18A/0044. The appellants have highlighted particular concerns relating to this lightwell as it would break the northern building line and detract from the northern elevation, which is the main ornate feature, thus detracting the character and setting of the Protected Structure (No. 2 Vesey Place) and its visual connection with the mews.

7.2.3 No. 2 Vesey Mews and its garden are enclosed and contained within high stone walls, resulting in no views into the site from outside this boundary at ground level. At the time of inspection I noted that there are limited intermittent views of the rear elevation from the first floor of No. 2 Vesey Place due to the nature of the boundary between these properties. In my view, the proposed extension in terms of siting, design, scale and overall form would not detract from the architectural composition of the existing mews house or the adjoining protected structures. Furthermore, I consider the provision of a lightwell, while projecting beyond the northern building line, its design and use of materials (glass) has cognisance of the importance of the northern (rear) elevation of the mews dwelling and would not form a discordant feature as its impact would be imperceptible from outside the site. The Planning Officer's report referenced verbal comments from the Council's Conservation Officer relating to the removal of the stairwell from the northern (rear) elevation. The applicant has stated that they have no objection to internalising the stairs within the extension. I have no objection to the provision of the stairs internally with the extension. I am satisfied that detailed basement plans can be required by condition if the Board considers granting permission.

7.2.4 I consider the proposed development would not compromise features of interest of No. 2 Vesey Mews, namely its northern gable, or detract from the character and setting of adjoining protected structures, in particular No. 2 Vesey Place. I consider, therefore, that the proposal complies with policy Section 8.2.11.2 (iii) of the Development Plan.

7.2.5 The appellants have raised concerns that the proposal in its current form would constitute overdevelopment of the site due to its scale. I consider the proposal broadly in compliance with the County Development Plan Standards and does not constitute overdevelopment.

7.2.6 The first named appellants have raised concerns that the construction of the basement would have a negative impact on the structural stability of No. 1A Vesey Mews, and would give rise to nuisance from noise and vibrations during the construction phase. I note that a basement construction management plan was submitted with the application and further addressed by the applicant in their response to the appeal. This plan addresses how it is proposed to manage noise, vibration and other impacts arising at the construction phase to ensure the construction of the basement is undertaken in a controlled and appropriately engineered manner to minimise intrusion. I note that the impacts associated with the construction works and construction traffic would be temporary and of a limited duration. I am satisfied that any outstanding issues could be required by condition if the Board is of a mind to grant permission.

### **7.3 Parking and Traffic**

7.3.1 Concerns have been raised by the appellants in relation to the onsite parking, turning areas. I note the existing house has a vehicular access off the Mews lane and onsite parking. The lane is used unofficially for parking. No traffic concerns were raised at assessment stage by the Council's Transportation section.

7.3.2 The proposal is for an extension to an existing house that would not exacerbate the existing traffic movements at this location. The availability of turning movement within the site is noted and having regard to the dimensions set out, I am of the view that cars can be manoeuvred with care within the site. The issue of parking along the mews land and in the wider area is beyond the control of the applicant and not within the remit of this report. I consider the proposed development is acceptable in terms of access and parking.



## **7.4 Drainage**

7.4.1 The second named appellants has raised concerns regarding drainage and the potential impact on their property. The applicant in their response to the appeal have set out that the drainage running from No. 2 Vesey Mews serves this house alone. Pumping will be required from the basement to the connection to the rear of the site.

7.4.2 The Council's Drainage Division noted no objection to the proposed development. I am satisfied that this matter could be dealt with by condition if the Board consider granting permission.

## **7.5 Appropriate Assessment**

7.5.1 Having regard to the nature of the proposed development and the location of the site in a fully serviced built up suburban area, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **7.6 Environmental Impact Assessment**

7.6.1 Having regard to the nature and scale of the development which consists of an extension to an existing house in a fully serviced built up suburban location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **8.0 Recommendation**

I recommend therefore that planning permission be granted for the reasons and considerations and subject to the condition set out below.

## **9.0 Reasons and Considerations**

Having regard to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022, the pattern of development in the area, and the

design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not unduly impact upon the character of the existing mews house, on the character and setting of No. 2 Vesey Place which is a Protected Structure, would not seriously injure the visual and residential amenities of adjoining properties and would therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 8<sup>th</sup> day of May, 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2. Prior to the commencement of development revised plans and particulars shall be submitted for the written agreement by the Planning Authority which clearly show the omission of the stairwell to the northern elevation and its relocation internally within the proposed extension.

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

3. Samples of the proposed external finishes and materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of protecting the character of the area.

4. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the extension and in the interest of residential amenity.

5. 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 shall take place within the curtilage of the house, without a prior grant of planning permission.

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

6. 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.

7.
  - a) The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.
  - b) Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional

circumstances where prior written approval has been received from the planning authority.

- c) Prior to the commencement of development the developer shall submit for the written agreement of the Planning Authority details and methodology for the site excavation works. This shall include timeframes and proposals to deal with vibration and noise.
- d) All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**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.

---

Dáire McDevitt. Planning Inspector

21<sup>st</sup> September 2018