



Development

Construction of a 187.5sq.m partial two storey / partial three storey detached three bedroom dwelling in lieu of existing surface car park, b) Private landscaped courtyard garden to the front and rear of the proposed dwelling with the provision of new private setback terraces at first floor and second floor levels, c) Construction of a boundary wall to Lansdowne Park with an entrance driveway gate to provide access to 1 no. off street car parking space to the dwelling , a pedestrian gate to the dwelling, an entrance driveway and pedestrian gate to a 3.9m vehicular access driveway to north side of the site to access the 4no. relocated car parking spaces which will service 60 Northumberland Road the existing office building (a Protected Structure) d) All soft and hardscaping works associated with the relocated car parking spaces, and e) All associated site works f) Note that there are no

works proposed to the Protected Structure as part of this application.

Location

147-148 Lansdowne Park,
Ballsbridge, Dublin 4 Rear of 60
Northumberland Road, Ballsbridge
Dublin 4

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

4433/17

Applicant(s)

McConnell Investments Ltd.

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

First Party v Condition

Appellant(s)

McConnell Investments Ltd.

Observer(s)

None

Date of Site Inspection

05/07/2018.

Inspector

Gillian Kane

1.0 Site Location and Description

- 1.1. The subject site is located on the western side of Lansdowne Park, a residential mews lane running to the rear of Northumberland Road. Lansdowne Park has been developed to the extent that it no longer functions solely as a mews lane, with standard two storey residential development along the eastern side of the lane. The western side, on which lies the subject site more closely resembles mews development.
- 1.2. The subject site is currently part of no. 60 Northumberland Road, providing rear access and car parking to the main building (a protected structure) and a more recent residential development to the rear.

2.0 Proposed Development

- 2.1. On the 05th December 2017 planning permission was sought for the construction of a part two part three storey dwelling (187.5sq.m.) to the rear of no. 60 Northumberland Road (a protected structure), with vehicular access off Lansdowne Road, on a site of 948sq.m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 20th of March 2018, the Planning Authority issued a notification of their intention to GRANT permission subject to 9 no. conditions. Condition no. 3 states:

“The development hereby approved shall incorporate the following amendments:

- The projection at first floor level shall be reduced in length by a total of 2m and shall align with the front wall at ground floor level

Reason: In the interests of orderly development and visual amenity”

3.2. Planning Authority Reports

- 3.2.1. **Drainage** Division: No objection subject to standard conditions.
- 3.2.2. **Roads & Traffic** Planning: proposed development will reduce the number of car parking spaces available to existing building to 4 no. This is in accordance with

development plan standards. No cycle parking provided. Condition to be attached. Loss of one-street car parking is acceptable. No objection subject to 4 no. conditions.

- 3.2.3. **Planning Report:** Proposed rear garden is 3.7m deep. Applicant should be requested to increase proposed private open space. The projecting first floor element will break the building line established by 142-150 Lansdowne Road and should be amended. Recommendation to request further information.

3.3. **Request for Further Information**

- 3.3.1. On the 9th February the Planning Authority issued the following request for further information:

“The Planning Authority is concerned that the proposed development does not meet the standards of the development plan as set out in section 16.10.10 and 16.10.16 with particular regard to the provision of private open space and the established pattern of development adjacent to the site. Therefore the applicant is requested to submit the following information:

- The applicant is requested to consider how the provision of private open space to the rear can be improved to meet the development plan standard as set out in section 16.10.16
- The applicant is requested to consider the proposed building line at first floor level as the Planning Authority has concerns regarding its relationship to adjoining properties and the negative implications it may have.”

3.4. **Response to Further Information Request**

- 3.4.1. On the 20th of February the applicant responded to the request. The proposed dwelling was amended as follows:

- at first floor level to project beyond no. 149 Lansdowne Park by 2775mm (a change of 600mm). The applicant noted that no 151 projects 4m beyond the line, that the 6.176m distance between the subject property and no. 146 is substantial and that the proposed dwelling is now set-back 1.213m from the established building line.
- The proposed rear garden is increased.

3.5. **Reports on File following FI Submission**

- 3.5.1. **Roads & Traffic:** Proposed increased in rear garden reduces car parking to 3 no. spaces. This is acceptable. No objection subject to conditions.
- 3.5.2. **Planning Report:** Concerns raised regarding the proposed rear garden have been adequately addressed. With regard to building line, the report states that the immediate context is taken from no.s 142-150. The proposed first floor projection would result in a dominant form with a negative visual impact. Recommendation that projection be shortened by an additional 1.4m to provide an overall reduction of 2m at first floor level. Recommendation to grant subject to conditions.

4.0 Planning History

- 4.1.1. None on file.

5.0 Policy Context

5.1. Dublin City Development Plan 2016 -2022

- 5.1.1. The subject site is located in an area zoned Z2, which has the stated objective “To protect and / or improve the amenities of residential conservation areas.” Residential use is a permitted use in this zoning category.
- 5.1.2. Standards for Residential Accommodation (houses) are set out in Section 16.10.2, and Mews Dwellings at 16.10.16.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal against condition no. 3 of the decision of the Planning Authority was submitted to the Board by an agent on behalf of the Applicant. The grounds of the appeal can be summarised as follows:
- The further information submission reduced the first-floor projection by 600mm to reduce the impact on neighbouring properties.
 - The proposed stepped building does not extend across the site leaving a 6.176m gap between the proposed dwelling and the property to the north no. 146 Lansdowne Park. This is a substantial separation in the overall context.
 - The proposed first floor projection extends 1.756m beyond no. 146. This is submitted to be modest in the context of the street.

- No. 151 Lansdowne Park extends 4m beyond the building line.
- The proposed first floor is set back 1.213m at first floor level from the established building line.
- Any further set-back would compromise the living accommodation. A reduction in the scale of the proposed development would jeopardise the architectural intent and viability of the project.
- The proposed development challenges the notion of pastiche infill housing. It complies with the development plan, is an appropriate site-specific response and will harmonise with surrounding development.
- The Board is requested to grant permission.

7.0 **Assessment**

- 7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. Section 139 of the Planning and Development Act 2000- 2016 provides that where an appeal is made to the Board against only a condition of a permission and where the Board is satisfied that a de novo assessment of the appeal is not required, that the Board may issue a direction to the Planning Authority relating to the attachment, amendment or removal of the condition.
- 7.1.2. In the case of the current appeal against condition no. 3, I am satisfied that the appeal accords with the criteria of section 139 and therefore I restrict my assessment of the appeal to condition no. 3 only.

7.2. **Condition no. 3**

- 7.2.1. Condition no. 3 of the Planning Authority decision requests the applicant to reduce the length of the projection at first floor level by a total of 2m, thereby aligning the front wall of the first floor to that at ground level. The Planning Authority's concern, according to the planning report on file, relates to the building line established by the properties on either side of the subject site and that the proposed development breaches this line at ground and first floor.

- 7.2.2. In their appeal submission, the applicant states that the building line is not consistent, as no. 151 Lansdowne Park extends approx. 4m beyond its adjoining neighbour.
- 7.2.3. Section 16.10.16 of the development plan refers to mews dwellings. Part (e) states that 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. The policy requires that proposed development should be *informed by* building lines (my emphasis), not that it is required to be constrained by or that they must adhere to without flexibility. The proposed dwelling with a stepped profile in height and depth and with a markedly contemporary presentation is clearly a new feature into the mews lane. It is considered that the design of the proposed dwelling is such that it clearly reads as a stand-alone structure, without reference to the surrounding pattern of development. This is compounded by the fact that the proposed dwelling, unlike all other mews on the lane, does not extend the full width of the mews site. In this context, it is considered that the creation of a new building line is acceptable. The proposed projection at first floor level will not impact on the residential amenity of the adjoining properties, nor would any amendment to same change the impact of the proposed development. I accept the applicant's submission that a further amendment to the first-floor level would compromise the architectural integrity of the subject dwelling and the accommodation provided at first floor. It is considered that such an amendment would be made with no appreciable gain to the visual impact of the streetscape. I am satisfied that the proposed development as shown on the further information drawings is acceptable in terms of visual impact and is in compliance with the development plan. I recommend that condition no. 3 be omitted.

8.0 **Appropriate Assessment**

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

9.0 Recommendation

- 9.1.1. I have read the submissions on file, visited the site, and have had due regard to the provisions of the Dublin City Development Plan 2016-2022 and all other matters arising. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 3 and the reasons therefore.

Reasons and Considerations

Having regard to the nature and scale of the development to be retained, to the pattern of development in the area, it is considered that the imposition of condition no. 3 is unnecessary and the removal of this condition would not contravene the provisions of the current Development Plan for the area nor create a precedent.

Gillian Kane
Senior Planning Inspector

09 July 2018