



An  
Bord  
Pleanála

## Inspector's Report ABP-301457-18

### Development

Modifications to previously approved mews dwelling house (planning reference number WEB1289/17) to include additional basement level accommodation (82 sqm.).

### Location

The site (0.017 hectares) is to the rear of No. 29 Grand Canal Street Upper, Ballsbridge, Dublin 4, accessed only from Cranmer Lane.

### Planning Authority

Dublin City Council South

### Planning Authority Reg. Ref.

WEB1499/17

### Applicant(s)

Paul Mckenna

### Type of Application

Permission

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

### Appellant(s)

Kieran Corrigan

### Observer(s)

None

**Date of Site Inspection**

9<sup>th</sup> June 2018 & 10<sup>th</sup> June 2018

**Inspector**

Ronan O'Connor

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## 1.0 Site Location and Description

- 1.1. The appeal site is located to the rear of No. 29 Grand Canal Street Upper. The subject site has a stated area of 171 sq. m.
- 1.2. A private pedestrian lane runs alongside the site and provides access from Cranmer Lane to Grand Canal Street Upper.
- 1.3. Vehicular access is from Cranmer Lane, a mews lane that runs behind No.'s 29-47 Grand Canal Street Upper.

## 2.0 Proposed Development

- 2.1. Modifications to previously approved mews dwelling house (planning reference number WEB1289/17) to include additional basement level accommodation (82 sqm.).

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Grant permission with conditions. Conditions of note include:
  - Condition 2. The basement hereby permitted shall be used for garage and storage purposes only and not used for habitable accommodation.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows:

- Application does not state what the basement will be used for.
- Basement would not extend into the garden space.
- No information on impact on underground water and streams.

- No information on how the structural stability of adjoining properties can be ensured.
- Plans do not show access to external ground level.
- Additional Information was requested in relation to the above items.
- Following receipt of Further Information, it was considered that the applicant had adequately addressed all of the above issues.
- A grant of permission was recommended.

#### 3.2.2. Other Technical Reports

Drainage – No objection subject to conditions.

### 3.3. Prescribed Bodies

3.3.1. None.

### 3.4. Third Party Observations

3.4.1. One observation was received. The issues raised are covered in the grounds of appeal.

## 4.0 Planning History

WEB1289/17 – Grant – 2 storey mews house.

WEB1234/16 – Refuse – 3 storey mews house.

## 5.0 Policy Context

### 5.1. Development Plan

From an examination of Map E of the Dublin City Development Plan 2016-2022 the majority of the site is zoned Z1 'To protect, provide and improve residential amenities'. The north-eastern corner of the site is zoned in Z2 "To protect and/or improve the amenities of residential conservation areas".

Relevant policies and standards of the Dublin City Development Plan 2016-2022 include:

- Policy SI13: That development of basements or any above-ground buildings for residential use below the estimated flood levels for Zone A or Zone B will not be permitted.
- Policy CHC4 – To protect the special interest and character of all Dublin’s Conservation Areas
- Section 16.10.2 Residential Quality Standards – Houses – sets out standards to be achieved in new build houses.
- Section 16.10.15 Basements – Provides Guidance in relation to basement developments.
- Section 16.10.16 Mews Dwellings. Provides guidance in relation to design and standards.

## **5.2. Natural Heritage Designations**

5.2.1. None.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The grounds of appeal, as submitted by the Third Party Appellant, are as follows:

- Requirements of Section 16.10.15 of the Development Plan were not met, especially measures to ensure the structural stability of the appellant’s two adjacent properties at 31 Grand Canal Street Upper and the mews to the rear of 31 Grand Canal Street Upper.
- No mitigation measures have been set out by the applicant.
- Construction report supplied by the developer is incomplete. A condition should be imposed requiring surveys to be carried out by competent independent engineers and copies be provided to appellants and the planning authority.

- No assurance that the development will not cause structural damage to appellant's property – report only sets out baseline measures and measures for the benefit of the proposed development.
- Experience in London is that these development are liable to severely affect the stability of adjacent properties unless carefully constructed – particularly the case where the site is very small and very near adjacent properties.
- Lowering of the water table may damage neighbouring properties.
- The Development Plan makes the structural stability of adjoining properties a material consideration.
- No condition in the planning permission ensuring appellant's properties would be surveyed by competent persons in advance of the development commencing.
- Boyd v An Bord Pleanála – High Court held that physical effects on neighbouring properties are a material consideration.
- Note the practice of attaching conditions to mining and quarrying relating to effects of blasting and vibration.
- Unfair that neighbours should be put to the expense of surveying properties where this is necessitated by a third party.
- No proper assessment of the engineering report submitted under Further Information.
- If permission is granted conditions should be imposed in relation to (i) independent survey of appellant's properties to be carried out prior to commencement – these surveys should establish a baseline condition of the properties so any damage can be assessed. (ii) Mitigation measures to ensure that no damage occurs (iii) certificate to be provided by a suitably qualified engineering company that proposed development won't damage neighbouring properties.

## 6.2. Applicant Response

- 6.2.1. No response was received by the applicant within the requisite timeframe.

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

6.3.1. None.

### 6.4. **Observations**

6.4.1. None.

### 6.5. **Further Responses**

6.5.1. None.

## 7.0 **Assessment**

7.1. The following assessment covers the points made in the appeal submission, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Basement Development
- Other Issues
- Appropriate Assessment

### 7.2. **Principle of Development**

7.2.1. The mews house has permission under WEB1289/17 and as such the principle of the mews is established and is acceptable. The appeal relates solely to the consideration of the merits, or otherwise, of the additional basement accommodation.

7.2.2. The subject zone is in Flood Zone C and according to Floodinfo.ie<sup>1</sup> there is no history of flooding events. The Development Plan, by specifically excluding basement developments in Flood Zones A and B, implies that such development are acceptable in principle elsewhere, subject to the requirements of Section 16.10.15.

### 7.3. **Basement Development**

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<sup>1</sup> Accessed 6<sup>th</sup> July 2018



- 7.3.1. The appellant contends that the development does not comply with Section 16.10.15 of the Development Plan, specifically those provisions concerned with structural stability.
- 7.3.2. The report of the planning officer states that the information submitted as Further Information is sufficient, having regard to the requirements of Section 16.10.15.
- 7.3.3. Section 16.10.15 states that, in general, significant underground or basement development are discouraged in properties within, or adjacent to Conservation Areas. Other considerations include:
- Size of the basement – should not extend more than 50% of the garden space.
  - Impact on the water table.
  - Provision of planted material and use of SUDS.
  - Measures to ensure structural stability of adjoining properties and critical infrastructure.
  - Daylight and ventilation standards
  - Means of escape.
- 7.3.4. The basement does not extend beyond the footprint of the mews dwelling and therefore is appropriate in size. While the appeal site is adjacent to a Conservation Area, it is not a significant basement development and as such, the location is appropriate.
- 7.3.5. In relation to the impact on the water table, the Engineering report submitted as part of the Further Information requests considers this issue and concludes that the impact of the basement on ground water is so minimal as to be unidentifiable, given the characteristics of the sub-soil on the site.
- 7.3.6. In relation to the structural stability of neighbouring buildings, I have had regard to the Engineering report and additional drawings submitted as part of the Further Information request. Specifically in relation the structural stability of surrounding structures, it is stated that the proposed basement structure, an in-situ cast concrete structure, is designed to retain the surrounding infrastructure and buildings in place without significant movement. During construction, temporary support in the formed of a contiguous mini-piled wall with a ground level beam cast on-top of the piles. It is

further stated that, prior to the commencement of construction, surveys of surrounding buildings will be carried out and survey monitoring points established.

7.3.7. The drawings detail the method of construction and demonstrate the measures put in place to ensure stability of surrounding structures.

7.3.8. My view is that the details submitted as part of the Further Information request are sufficient to ensure that the stability of surrounding structures is maintained.

#### **7.4. Other Issues**

7.4.1. The planning authority note that the basement area is not suitable for habitable accommodation and I concur with same. A condition should be imposed restricting the use for garage/storage purposes only.

7.4.2. I do not consider that there will be any adverse impact on residential amenity as a result of this proposed development.

7.4.3. The design and appearance of the proposal, as seen from street level, is not altered from the existing permission and there will be no adverse impact on the streetscape or on the character of the adjacent Conservation Area.

#### **7.5. Appropriate Assessment**

7.5.1. Having regard to the nature and scale of the proposed development, a basement to a permitted mews property, within a serviced area, and having regard to the separation distance to the nearest European site, 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 the conservation objectives of any European site.

### **8.0 Recommendation**

8.1. Grant permission subject to conditions.

### **9.0 Reasons and Considerations**

Having regard to the design, appearance of the proposed mews house and basement, and having regard to the pattern of development in the vicinity, it is considered that, subject to compliance with conditions below, the proposed

development would not adversely impact on the structures adjacent to the appeal site, would not seriously injure the visual amenities of the area or residential amenities of property in the vicinity and would not adversely impact on the character of the adjacent Residential Conservation Area. The proposed development, therefore, would 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, as amended by the further plans and particulars submitted on the 28th day of February 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. The basement hereby permitted shall be used for garage and storage purposes only and shall not be used for habitable accommodation.

**Reason:** In the interests of orderly development.

3. The terms and conditions of the permission for the original development, which was issued under register reference numbers WEB1289/17, shall be fully complied with, except where modified by this permission.

**Reason:** In the interests of proper planning and development.

4. 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, as amended. The contribution shall be paid

prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, 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.

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Rónán O'Connor  
Planning Inspector

10<sup>th</sup> July 2018