



An
Bord
Pleanála

Inspector's Report ABP-301611-18

Development

PROTECTED STRUCTURE: The development will consist of: The part demolition of the existing single storey garage and store to the rear site and construction of a new two storey mews dwelling, including one car parking space, all accessed off Chelmsford Lane.

Location

Site to the rear of, No. 76, Ranelagh Village, Dublin 6

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

2383/18

Applicant(s)

Sorcha Hanratty.

Type of Application

Permission.

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Ruth Casey.

Observer(s)

None.

Date of Site Inspection

29th of August 2018.

Inspector

Karen Hamilton

1.0 Site Location and Description

1.1. The subject site includes a three storey over basement dwelling, converted for multiple residential use, located along the main Raneagh Road, Dublin 6. A large outbuilding is located to the rear of the site and is divided into use as a utility room for the main dwelling and a garage which is accessed separately from a rear laneway, Chelmsford Lane. There are a number of mews dwellings along Chelmsford Lane with access to garages at the back of dwellings along Ranelagh Road and the rear of properties along Chelmsford Road.

2.0 Proposed Development

2.1. The proposed development would comprise of the following:

- Part demolition of the existing single storey garage and store (78m²) to the rear of the site,
- Construction of a new two storey two bedroom mews dwelling (109m²),
- Inclusion of one car parking space accessed from Chelmsford Lane.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 11 no conditions of which the following are of note:

C 3- Conservation requirements including supervision, compliance with best practice and submission of detail of panel colours and new garden wall.

C 4- Increase in setback along the laneway to ensure a minimum width provision of 5m.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission and refers to the report of the conservation officer and the report of the roads department and considers the proposed development is acceptable.

3.2.2. Other Technical Reports

Conservation Officer- Request for clarification of information.

Roads Department- No objection subject to conditions.

Drainage Department- No objection subject to conditions.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

One observation was received from a resident of a neighbouring property, the appellant, and the issues raised including undesirable precedent, impact on residential amenity and access and parking have been addressed in the grounds of appeal.

4.0 Planning History

Reg Ref 5144/08

Permission refused on the site for a 2 storey mews dwelling for two reasons, the first being the inadequate separation distance between the first floor of the mews and the protected structure causing overlooking and the second related to the failure to provide for a minimum carriage way of 5.5m.

Adjoining site

Reg Ref 4302/15

Permission granted for a 2 storey mews dwelling to the east of the site at No 78 Ranelagh Road. Condition No 4 required the set back of the rubble wall by 1.27 m with surfacing to match the laneway. Condition No 5 required the refurbishment and replacement of the original granite random walls with a set back from the edge of the lane.

5.0 Policy Context

- 5.1. Architectural Heritage Guidelines for Planning Authorities, 2004. Development guidelines for Protected Structures and Areas of Architectural Conservation.
- 5.2. Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).
- 5.3. **Dublin City Development Plan 2016-2022**

The site is zoned in **Z2** "*To protect and/or improve the amenities of residential conservation areas*".

Section 16.10.2 Residential Quality Standards – Houses

Section 16.10.16 Mews Dwelling. Development is confined to single family units, two storeys in height. There is a need to provide one off street carpark and sufficient rear open space. Minimum width of 7.5m and 15 m² per bed space of rear open space required. Minimum distance of 22m from rear building.

The subject site is a **protected structure** and within a **residential conservation area** and is the following policy of the development plan and guidance are relevant.

Policy CHC2: To ensure that the special interest of protected structures is protected.

Development will conserve and enhance Protected Structures and their curtilage and will: (a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest

Policy CHC4 & CH5: Conservation Areas: Development will not harm the features of special interest in the conservation areas or involve harm to loss of traditional fabric.

Appendix 24: Protected Structures and Buildings in Conservation Areas.

5.4. Natural Heritage Designations

None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal is submitted from a resident of the dwelling on the opposite side of Chelmsford Lane and the issues raised are summarised below:

- The concerns raised in the initial observation were not considered satisfactorily by the planning authority.
- The proposed development will set an undesirable precedent for other similar mews dwellings along the laneway which will affect the character of the laneway and surrounding area.
- The proximity of the development to the appellant's side elevation will have a negative impact on the residential amenity and the proposed development will cause overlooking into the surrounding dwellings.
- The forward projection of the dwelling will be 5m from the appellant's side window.
- The development will lead to a greater demand for parking along the lane, there is no proper turning area and the laneway width does not comply with the development plan standards. The proposal will conflict with the movement of pedestrian and cause a traffic hazard.
- The restrictive nature of the development provides a substandard development, the site constraints remain the same and issues in the previous refusal remain relevant. The proposal is out of character to the surrounding area.

6.2. Applicant Response

A response has been submitted from an agent on behalf of the applicant as summarised below:

- The subject site is not at the end of the lane as there are two dwellings beyond. The rear return and rear garden of the appellant's site backs onto the laneway and includes a 2.4m high wall.

- The first floor window of the appellant's property faces onto the laneway.
- A car is parked along the laneway, at the end of Chelmsford Lane which blocks access into No 74 Ranelagh and No 1 Chelmsford Road.
- The proposed development is for a modest two storey mews dwelling which is modern in design.
- The requirement for an additional setback and increase in the laneway will allow the car parking requirement for the proposed development to be addressed. The Roads department of the council was satisfied with the proposal. The lane is not heavily trafficked and an additional car will not cause any traffic hazard.
- The proposed development will not set a precedent as each application is determined on its own merits and require compliance with Section 16.10.16 of the development plan.
- The proposal is not the same as the previous refusal on the site as it includes a smaller dwelling (106m² v 114m²) on a larger site (147m² v 126m²).
- The design of the dwelling and windows on the first floor to the rear will ensure there is no overlooking. If the Board remains concerned with the overlooking from the study window a condition for non-transparent glazing up to 1.6m or a high level window could be included.
- The Conservation officer is satisfied with the overall development.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

None received.

7.0 Assessment

7.1. The issues of the appeal can be dealt with under the following headings:

- Principle of development
- Impact on Visual and Residential Amenity
- Built Heritage
- Access and Parking
- Appropriate Assessment

Principle of development

7.2. The proposed development includes the construction of a mews dwellings within the rear garden of a protected structure. The site is zoned for residential development in the current Development Plan and therefore subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

Impact on Visual and Residential Amenity

7.3. The site is located at the end of a small laneway which radiates off Chelmsford Lane, which contains two mews dwellings to the rear of No 84 and No 86, and No 78, to the east of the subject site currently has planning permission on a mews dwelling (Reg Ref No 4302/15).

7.4. The proposed development includes the removal of single storey rear outbuildings associated with the main apartment building and attached garages (78m²) and the construction of a two storey mews dwelling with private parking. The overall site is to be split to accommodate the mews dwelling with a 1.8m wall between the proposed site and existing dwelling. The grounds of appeal are primarily concerned over the impact of the proposed dwelling on their residential amenity as the dwelling will face directly onto the side of their property, on the opposite side of the laneway. The impact of the proposal on the character of the protected structure is dealt with separately below and I have first assessed the impact on the residential amenity of the surrounding area.

- 7.5. Overshadowing: The proposed mews dwelling is situated to the north east of the existing dwelling, east of an adjoining single storey garage and south west of the appellant's dwelling. The side elevation of the appellant's dwelling bounds the opposite side of the lane and includes a c. 1.8m high block wall and having regard to the location and design of the appellant's dwelling and separation via the existing laneway, I do not consider there will be any significant overshadowing on this property. Having regard to the orientation of the site and the location and design of those buildings around the site, I do not consider the mews dwelling will cause any overshadowing on the surrounding area.
- 7.6. Overlooking: The proposed dwelling will be located c.12m from the rear of No 76 Ranelagh Road and c. 17m from the first floor bedroom windows. A previous refusal on the site (Reg Ref 5144/08) referred to the overlooking on the first floor windows of No 76 and the design was amended to include one smaller bathroom window and retention of a similar sized bedroom window. I do not consider the revised design is a significant alteration to the previous refusal and whilst I note the dwelling size has been reduced by c.8m² the site has been increased (21m²) to include more of No.76. Section 16.10.16 of the development plan requires a minimum separation distance of 22m for new mews dwellings, which has not be achieved and having regard to the use of the main dwelling for bedsits I consider the private amenity space of the current residents would be compromised. The response from the applicant recommends the inclusion of a high level window or obscure glazing, should the Board consider the window would lead to overlooking. Having regard to further concerns in relation to the provision of open space, as discussed below, I do not consider the inclusion of this condition reasonable.
- 7.7. The first floor study window on the north east elevation, along the laneway, faces onto the side elevation of the appellants dwelling and although there is one side window I noted its location is not directly in front of the subject site and therefore I do not consider there would be any direct overlooking.
- 7.8. Design and Layout: The proposed mews dwelling is located 12m from the rear of No 76 Ranelagh Road, faces directly onto the laneway and is a 2 storey contemporary style dwelling with a flat roof. The adjoining permitted dwelling is a traditional two storey with pitched roof, higher than the proposed development. Section 16.10.16 of the development plan provides guidance for new mews dwellings and I do not

consider the contemporary style would have an adverse impact on the surrounding area, the report of the Conservation Officer, detailed below, requested the submission of appropriate materials for the glazing which I consider reasonable to protect the character of the protected structure.

- 7.9. **Building Line:** The building line is set forward by c.3m from the existing garage to be demolished and in front of the adjoining garage, along the laneway and in line with the adjoining permitted mews at No .78. The grounds of appeal are concerned the new building line will have a negative impact on the laneway. I note the location of the adjoining permitted mews dwelling at No 78, the requirement for separation distance to the rear and provision of open space and I consider the location of the mews dwelling will provide an appropriate treatment along the edge of the laneway in line with the rear of adjoining properties.
- 7.10. **Size:** The size of the dwelling (106m²) and room sizes comply with the minimum standards in Table 5.1 of the national guidelines 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).
- 7.11. Having regard to the location of the first floor windows relative to the existing dwelling I consider the proposal would cause substantial overlooking and have a significant negative impact on the amenity of those occupants which is contrary to the requirement for guidance in Section 16 of the development plan relating to mews dwellings and protection of residential amenity.

Built Heritage

- 7.12. The site is located on lands zoned Z2, residential conservation, and includes the construction of a mews dwelling in the rear garden of a protected structure. Planning permission was granted for a 2 storey mews dwelling to the east of the site at No 78 Ranelagh Road although this has not been built to date.
- 7.13. CHC2 of the development plan provides guidance for the appropriate development within the curtilage of protected structures where those features of interest should be conserved and enhanced. In addition, CHC4 & CHC5 provides similar guidance for developments within conservation areas, where features of special interest are to be preserved. A conservation report has been submitted with the application which provides a history of the protected structure and an inventory of interior. The report

does not include any details on the main dwelling although acknowledges that the rear shed has no original features and concludes that the proposal will not have a negative impact on the character or setting of the protected structure. I note the modern addition of the building to be demolished and I consider its demolition would not have a significant negative impact on the protected structure.

- 7.14. The report of the Conservation Officer notes the rear amenity space for the main dwelling has already been compromised by rear additions and considers the mews dwelling will further restrict the amenity space, it is also requested that clarification is sought on the use of materials for the windows panels and the proposed construction of the garden wall between the protected structure.
- 7.15. The rear open space area for the current dwelling includes a hard surfaced yard providing access to the outbuildings which are proposed to be demolished and includes two large oil tanks. The proposal includes the subdivision of the site and retention of 45m² rear garden space for c. 8 no bedsit apartments, no floorplans of the current dwelling are included although having regard for the required provision of 4m² for studio apartments, I consider the open space provision complies with the standards in the national "Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities although no private amenity space is included. I note the requirement for a dwelling with 8 bed spaces is 80m². I do not consider the current hard standing may be classified as useable space for the existing residents of No 76 Ranelagh Road and therefore I consider the proposed development would have a negative impact on the protected structure by further eroding amenity space and would therefore be contrary to CHC2, which requires the features of interest to be preserved.
- 7.16. Having regard to the use of the protected structure as a dwelling, the location of the mews from the rear and the removal a rear amenity space I consider the proposed mews dwelling would lead to overdevelopment on the site by virtue of the substandard provision of amenity space for the occupants of the main dwellings and have regard to the inadequate separation distance, discussed above, the proposed development would have a significant negative impact on the character and setting of the protected structure.

Access and Parking

- 7.17. The rear of the subject site and proposed mews dwelling is accessed from a rear laneway which radiates off Chelmsford Lane and the proposal includes 1 no car parking space on site. The grounds of appeal do not consider the parking is satisfactory as there is no sufficient turning space along the laneway, particularly adjoining the appellants site, where there are cars parking along the lane, therefore the development would endanger public safety by reason of hazardous turning movements.
- 7.18. The width of the existing laneway ranges between 3.5m and 5.5m. Section 16.10.12 of the development plan requires a laneway width of 5.5m to accommodate mews dwellings. A previous refusal of permission on the site (Reg Ref 5144/08) highlighted the provision of an inadequate width for the laneway access which was lower than the required 5.5m. Planning permission was recently granted (Reg Ref 4302/15) for a mews dwellings directly to the east of the site at the rear of No 78 and Condition No 4 required a set back of the random rumble wall along the western boundary by 1.27m and surfaced to match the existing dwelling, in order to provide a minimum width of 5m. The report of the Roads Department notes the precedence for a similar development on an adjoining site and considered the inclusion of a similar condition reasonable to permit the proposed development.
- 7.19. I note the concerns of the appellant in regard to the impact of parking along the laneway although I do not consider this a reasonable reason to refuse the access as the laneway is a shared access. In addition, I note the report of the Roads Department and having regard to the existing mews dwellings, the recent grant of permission on the adjoining site and the inclusion of 1 no car parking space and a condition requiring the set back of the wall and finish of the laneway I do not consider the overall development would cause any traffic hazard.
- 7.20. **Appropriate Assessment**
- 7.21. Having regard to the nature and scale of the proposed development within a serviced area and 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. I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the under provision of useable private amenity space to the rear of the existing dwelling and the inadequate separation between first floor windows from the proposed mews house and the protected structure located to the rear of the site; it is considered that the proposed development would provide an unsatisfactory standard of residential amenity for future occupiers; and would result in excessive overlooking of the protected structure to the rear of the site. The proposed development would therefore, seriously injure the amenities of property in the vicinity, have a detrimental and irreversible impact on the character of the protected structure and be contrary to the provisions of the Dublin City Development Plan 2016-2022, in particular, Section 16.10.12 (Mews Dwellings) and Policy CHC2 (Protected Structure). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Karen Hamilton
Planning Inspector

06th of September 2018