



An
Bord
Pleanála

Inspector's Report ABP 302318-18

Development	Construction of a three storey three bed (Second floor plus attic level) Mews Dwelling with vehicular entrance and courtyard and parking space at ground level, balconies at first floor level and associated site works.
Location	Rear of No 88 Georges Street Upper, Dun Laoghaire.
Planning Authority	Dun Laoghaire Rathdown County Council.
P. A. Reg. Ref.	D18A/485.
Applicant	Declan Macken,
Type of Application	Permission
Decision	Refuse Permission
Type of Appeal	First Party X Refusal
Appellant	Declan Macken,
Date of Site Inspection	1 st December, 2018
Inspector	Jane Dennehy.

1.0 Site Location and Description

- 1.1. The site of the proposed development has a stated area of 186 square metres and is formed the rear section of the historic curtilage of No 88 Upper Georges Street which is in part use for carparking. The house is two storey mid terraced Victorian building facing onto Georges Street Upper and it is in office use. There is vehicular access to the site off the rear service lane between Melifont Avenue and Adelaide Street with rear access to Victorian properties on both sides, most but not all of which are garage entrances to rear private open space.
- 1.2. At the rear of Nos 86 and 87 Georges Street Upper adjoining the south west side of the appeal site there is a garage structure opening onto the lane. An office building is to the rear of the properties at Nos 84/85 Georges Street Upper. There is another office block to the rear of No 89 Georges Street Upper to the north west side of the appeal site. The property to the north east side is No 1 Adelaide Street, a Victorian terraced house with rear private open space and there is a wall along the boundary with the appeal site which is circa two metres in height.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for development of a part two storey and part three storey dwelling, (incorporating second floor attic level habitable space) with setbacks at each level, on the site which has a total stated floor area of 149 square metres. The attic level is beneath a barrel-vaulted zinc clad ceiling/roof the maximum height of which is 8.7 metres. A combination of stone, brick and rendered finishes are proposed for the facades. The structure is to be built to the boundary with No 87 the site of which is subject of the concurrent application under p. A. Reg. Ref. D18A/0484. Balconies are proposed for both the rear and front facades at first floor level on which the main living accommodation is to be located, above ground floor bedroom accommodation.
- 2.2. The existing entrance off the laneway at which new vehicular and pedestrian entrance gates are to be erected, is to be a shared entrance for both the office accommodation in the existing Victorian building and, for the proposed mews. Three

carparking spaces, two to serve the offices and one to serve the proposed mews are shown on the plans at the rear n the existing building. The remaining space designated as private open space provision for the proposed mews has a total stated are of twenty-two square metres which combined with the two balconies which each have a stated floor area of thirteen metres results in a total area of private open space provision of forty-eight square metres.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 18th July, 2018 the planning authority decided to refuse permission for the proposed development would be contrary to the proper planning and sustainable development of the area based on two reasons.

According to Reason No 1, the proposed development would seriously injure the amenities of and would depreciate property value in the area; is in conflict with policy for Mews Lane Development set out in Section 8.2.3.4 of the CDP which provides parameters for modest infill mews developments on lanes and, would set undesirable precedent for similar development due to excessive scale, bulk and height.

According to Reason No 2 the vaulted zinc clad roof design and the scale and height of the proposed development would be inappropriate for the location and visually overbearing in views from the lane and adjoining sites. It would therefore have negative in impact on the visual amenities of the area having regard to the location with n the ACA and proximity to protected structures and would seriously injure the amenities of and would depreciate property value in the area

3.2. Planning Authority Reports

- 3.2.1. The internal technical reports of the Road and Transportation Department, Drainage Division and Conservation Officer and the submission of Irish Water indicate no objection in principle to the proposed development subject to conditions.

The planning officer in his assessment concluded that the proposed development does not comply with the Mews Lane Policies and objectives in Section 8.2.3.4 of the

CDP having regard to size height, bulk and scale and, that it is also unacceptable due to visual dominance and impact because of the height and the barrel vaulted roof feature in views along the lane having regard to the location within the ACA and close to protected structures.

3.2.2. **Prescribed Body.**

A submission by An Taisce indicates concern that that the proposed development would fail to contribute to and enhance the integrity and character of the area in which there are protected structures, and which is within the ACA, and that it does not comply with mews lane policies and objectives for infill development.

4.0 **Planning History**

4.1. There is a concurrent application and appeal for mews lane development adjoining application site at the rear of Nos 86 and 87 Upper Georges Street. The planning authority decided to refuse permission. At the time of writing, the first party appeal is undetermined. (P A. Reg. 18A/484/ PL 302321 refers.) The details in the planning application and planning authority assessment and decision have been reviewed on the Council's website for information purposes.

4.2. No 88 Upper Georges Street has the following prior planning history:

Under P. A. Reg. Ref. D03A/1155 Permission was granted for change of use from residential to office use, with off street parking at the rear and some replacement fenestration and internal alterations.

Under P. A. Reg. Ref. D05A/1637 Permission was refused for change of use to Day Health Services and Offices.

5.0 **Policy Context**

5.1. **Development Plan**

The operative development plan is the Dun Laoghaire Rathdown County Council Development Plan, 2016-2022 (CDP) according to which the site is within an area subject to the zoning objective "*MTV*": *To protect provide for and/or improve major town centre facilities*" in which Residential use is a permissible use. No 88 Upper

Georges Street is included on the record of protected structures and is within the Haigh Terrace/Park Road Architectural Conservation Area (ACA)

Dun Laoghaire is also subject of an Urban Framework Plan (UFP) provided for in section 1.3.5.1 of the CDP and is in Appendix 12. A strategic policy objective of the UFP is to develop and expand the residential population to create demand for local services and facilities.

Mews Lane development policies and standards are set out in section 8.2.3.4. According to it, mews development will be confined to single units in one or two storeys of modest side with separation distance from the rear face of the main house normally at a minimum of twenty metres and, not less than twenty-two metres where first floor habitable room windows face each other. Setbacks for dwellings and boundary walls may be required and they may also be required to reflect scale height materials and finishes of existing walls and buildings particularly where there are coach houses and two storey structures are proposed. A minimum provision for private open space to a minimum of forty-eight square metres is required and windows for habitable rooms on opposite sides of a lane must be nine metres apart.

Qualitative standards for density and design are set out in section 8.2.3.1.

Guidance on design and materials for new build development within the ACA is set out on Page 42 in which high quality sensitive development enhancing the ACA is required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was received from Future Analytics on behalf of the applicant on 14th August, 2018. Attached to the appeal a set of drawings including an auto track analysis drawing.
- 6.1.2. The submission includes a very detailed outline and commentary on the design intent of the proposed development having regard to the surrounding built environment along with some details about the applicant's architect.

6.1.3. The applicant's agent claims that there is an established planning precedent for the proposed development. A comprehensive review and discussion on the assessments of the applications for previously permitted mews lane developments which has been taken into consideration in the assessment of the current proposal is included in the appeal. (Permitted development at No 6 Park Lane, P, A, Reg Ref D17A/0906; No 20A Adelaide Street. P, A, Reg. Ref D15A/0559; No. 7 Park Road, D11B/0066) and, No. 2 Anglesea Lane, P. A. Reg. Ref. D06A/0057 refer.)

6.1.4. According to the Appeal:

- Reason 1 for the decision for refusal of permission is refuted. The proposed development complies with section 8.2.3.4 of the CDP and is appropriate to the setting:
 - The term "modest" which is linked to 'single units' within section 8.2.3.4 of the CDP is unclear. It is assumed that the purpose of use of the term is not that development should be small but to accept mews as a dwelling typology and to prevent multiple unit apartment developments in back land sites.
 - The dwelling is well designed, and high quality and it reads as two-storey in the context with the concurrent proposal for the adjoining site. The planning officer misinterpreted the elevational design as a three-storey dwelling parapet and ridge heights steps upwards from the adjoining site has a parapet height of 6.54 and ridge height of 8.65 metres. It is lower than the 9.3 metres height of the development at Park Lane and a mews office building at NO 2 Anglesea Lane, permitted under P. A. Reg. Ref. D06A/0057.
 - Undesirable precedent would not be created because of the high quality of the proposed mews, which sets a 'high benchmark' and would contribute to improvement in the appearance of the lane. It would set precedent for high quality mews development. Barrel-vaulted roofs can and are used to good effect to reduce massing. Examples, with images are included in support of the claim that there is existing precedent in the city.
- Reason Two for Refusal of permission, is somewhat repetitive and it places emphasis on the barrel-vaulted roof design as being inappropriate. It is not

accepted because the barrel-vaulted design is imaginative, high quality and a sympathetic response to the setting of the lane.

- The planning authority, and An Taisce did not conduct a proper analysis of the ACA which is proactive regarding modern interventions and encourages a sensitive approach. (Extracts from the ACA are included in the appeal.) The local authority and statutory guidelines (“*Architectural Heritage Protection – Guidelines for Planning Authorities*”, DOEHLG, 2005) (The Guidelines) encourage a discretionary approach. The ACA status should not be used as a ‘blunt instrument’ preventing sensitive and appropriate development. The site surroundings and back land lanes are of lesser merit than main frontages, squares, facades and structures. (A selection of images is included.) ACAs include areas, as anomalies that have limited or no architectural merit.
- The proposed development is fully consistent with the ACA. Extracts from Section 3.7.3, 3.8.1 and 3.10.1 of the Guidelines are reproduced in the appeal in support of the statement as to lack of uniformity and quality within an ACA and design for new build, at appropriate scale and respecting the existing built environment within an ACA as being of paramount importance.
- The proposed development accords with the zoning objective and the objectives for the Urban Framework Plan although there is no reference to this in the planning authority assessment. The planning authority in refusing permission has ignored the policy for creating vitality counteracting underutilised urban lands in a town centre and the emphasis on densification and intensification.
- Negative impact on the amenities of the rear gardens of the residential properties on Melifont Avenue and Adelaide Street is avoided in the fenestration and balconies which include screens and opaque glazing, if required for the proposed mews. Detailed design in this regard is a vital consideration in avoiding direct overlooking and protecting residential amenities. References are made to the design in the proposal for and assessment of the permitted development at No 20A Adelaide Street. It

has also been demonstrated in the submitted sunlight and daylight analysis that the rear garden of No 1 Adelaide Street would receive sunlight and daylight levels that are more than the minimum BRE standards.

- The proposed development along in conjunction with the concurrent proposal for the development at the rear of Nos 87 and 86 will, due to the setbacks, bring about an improvement to vehicular access along the lane as the width will be increased from 3.28 metres to four metres. Existing limitations with manoeuvres for access and egress at the rear of Nos 86 and 87, 'ad hoc' parking arrangements on the lane and are described in the submission. Swept path auto track analyses for Nos 88 and 87 and 86 are included to demonstrate the improvement to manoeuvring capacity for access to the parking on site that can be achieved relative to the existing arrangements where vehicles must also exit in the order in which they entered is included in the submission.

6.1.5. It is requested that the decision to refuse permission be overturned and that permission be granted based on the reasoning for a decision to grant permission, following appeal, for a mews development at Adelaide Lane which is reproduced below:

“ Having regard to the nature, scale and detailed design of the proposed development it is considered that, subject to compliance with the conditions set out below the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the character of the Architectural Conservation Area and would be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.”

6.2. Planning Authority Response

The planning authority has confirmed in a letter received by the Board on 4th September, 2018 that it does not wish to make any changes to the assessment and decision on the application.

7.0 Assessment

- 7.1. There is no dispute that the design and form of the proposed dwelling, when considered on a stand-alone basis is of high quality and interest. It is acknowledged that the design intent is also to form a group in conjunction with the concurrent proposal for development at the rear of Nos 86 and 87.
- 7.2. However, a major constraint is that considerable space to the front, side and rear is required to provide for vehicular access to the parking on site to serve No 88. As a result, the footprint of the proposed dwelling is confined to approximately half the width of the site adjacent to the boundary with No 86-87.in width.
- 7.3. The design solution in providing for a dwelling providing for the internal space of 150 square metres and the accommodation needs of the applicant is to provide for a second floor beneath a barrel-vaulted roof which maximises internal headroom at a lower ridge height than a pitched roof or other alternative.
- 7.4. There is no objection in principle to a barrel-vaulted roof and in this regard the examples of other infill development with barrel vaulted roofs referred to in the appeal are acknowledged and appreciated. However, while it is agreed that there is precedent for contemporary design and use of barrel-vaulted roofs for infill development, each proposal must be considered on its own individual merits having particular regard to the surrounding built environment.
- 7.5. The references in the appeal to the terms “normal” and “modest” in section 8.2.3.4 (x) of the CDP supporting the claim that flexibility in interpretation and application of the restrictions to allow for consideration of the subject proposal which is contrary to the limitation for mews dwellings to one or two storeys have also been noted. Even if it is to be accepted that there are exceptions that would allow for a flexible approach to be taken allowing for the restriction to one or two storeys to be set aside, the current proposal is unacceptable.
- 7.6. The height of the proposed mews dwelling which is in block form with a parapet line that is considerably in excess of the eaves height of No 88 Upper Georges Street which has a pitched roof and a return to the rear. Furthermore, height must be considered in conjunction with other elements of a profile in assessment of infill

development and its effect on the receiving environment, especially within a sensitive location.

- 7.7. The second-floor level is housed beneath the barrel-vaulted roof which is a feature of interest but is considerable in mass. The barrel vault element, in which windows are also fitted rises almost vertically to the top of the roof mass. This profile having regard to height results in a dwelling that is visually conspicuous in views from adjoining residential properties particularly, the rear garden and rear facing windows of No 1 Adelaide Street. The proposed mews would be visually obtrusive and excessive in proportion to the original Victorian house which is included on the record of protected structures due to the profile at second floor level. on the site This is exacerbated by the relatively limited separation distance between the footprints of the two structures. The site may have capacity to accommodate a lower height, two-storey dwelling similar in design characteristics, including a barrel-vaulted roof over the first floor without adverse impact on the existing dwelling and surrounding built environment having regard to the protected structures and ACA designation.
- 7.8. There is also some concern as to the quality of the private open space provision which comprises a small enclosed space at the rear adjacent to the carparking for the offices and balconies at first floor level. The private residential amenity potential is limited owing to the need for screening, the adjoining land-uses and limited access to sunlight.
- 7.9. It is agreed with the applicant that an ACA will have areas that are not of special interest will come within it and that complementary and sensitive contemporary design enhancing these locations to be encouraged. Irrespective of whether the surrounding built environment along back lanes within an ACA is of poor quality, it is also clear that it is necessary for it to be demonstrated that new development proposals will enhance and contribute to improvements to the ACA. Back lanes, are an integral element of an historic layout of eighteenth and nineteenth century street network, plot formation and land use and appropriate infill development also contributes to regeneration and expansion of the residential population which is an objective for the Dun Laoghaire town centre zoned lands and Urban Framework Plan provided for in section 1.3.5.1 and Appendix 1. of the CDP

7.10. The improvements to the circulation along the lane, ingress and egress from the site for existing vehicles accessing the parking at the rear of No 88 demonstrated in the auto track analysis by way of the proposed setbacks from the edge of the lane are acknowledged. However, it should also be borne in mind that the additional traffic movements elsewhere on the lane, which is not to be upgraded and improved as part of the proposed development (other than at the site location), that would be attributable to the proposed development and the concurrent proposal, if permitted is also a consideration.

7.11. Environmental Impact Assessment Screening.

7.11.1. Having regard to the minor nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.12. Appropriate Assessment Screening.

7.12.1. Having regard to the minor scale and nature of the proposed development and the location in a serviced urban area, no Appropriate Assessment issues arise. 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.

8.0 Recommendation

8.1. In view of the foregoing, it is recommended that the planning authority decision to refuse permission be upheld.

9.0 Reasons and Considerations

The site of the proposed mews dwelling is subdivided from the plot of the nineteenth century house on No 88 Georges Street Upper a protected structure and is within the Haigh Terrace to Park Road Architectural Conservation Area. It is considered that by reason of the incorporation of a second-floor level resulting the height and profile of the proposed dwelling in volume and mass rising to the top of the barrel-vaulted roof, the proposed development would be excessive in proportion and scale and

visually conspicuous. As a result, it would undermine the setting of the original house at No 88 Upper Georges Street, would be visually obtrusive in views from the public realm and in views from the adjoining residential property at No 1 Adelaide Street. Therefore, the proposed development would seriously injure the character and integrity of the protected structure at No 88 Upper Georges Street, the Haigh Terrace to Park Road Architectural Conservation Area and the protected structures within it, the residential amenities of adjoining properties and, would be contrary to the policies for mews development in section 8..2.3.4 (x) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 according to which mews development will be confined to single units in one or two storeys of modest size. The proposed development would be contra to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
3rd December, 2018.