



An
Bord
Pleanála

Inspector's Report ABP-302321-18

Development	Permission for the demolition of two existing garages and construction of a mews dwelling
Location	Rear of no.s 86 and 87 Georges Street Upper, Dun Laoghaire Co. Dublin
Planning Authority	Dun Laoghaire Rathdown
Planning Authority Reg. Ref.	D18A/0484
Applicant(s)	Louis Hoffman
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Louis Hoffman
Observer(s)	
Date of Site Inspection	8 December 2018
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site refers to the north-facing rear portions of the curtilages of no.s 86 and 87 Upper Georges Street in the centre of Dun Laoghaire, in South County Dublin. Adelaide Lane to the rear of the two-storey mid terraced Victorian buildings facing onto Georges Street provides vehicular access to the rear of the properties, between Melifont Avenue and Adelaide Street.
- 1.2. At the rear of no.s 86 and 87 Georges Street Upper there are garage structures opening onto the lane, as is the case for most of the properties facing the lane with the exception of the office building the rear of the properties at Nos 84/85.

2.0 Proposed Development

- 2.1. On the 24th May 2018 permission was sought to demolish two existing garages (58sq.m.) and construct a part two, part three storey mews dwelling of 159sq.m. with a garage, courtyard garden and the construction of a garage (16sq.m.) and sunroom (9.5sq.m.) to serve the original dwelling at no. 86 Georges Street Upper.
- 2.2. The application was accompanied by a Planning Cover letter, a sunlight / daylight analysis, letter of consent from owner and a Design Statement.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 18th July 2018 Dun Laoghaire Rathdown County Council issued a notice of their intention to REFUSE permission for the following reasons:
 - 1 Having regard to the nature of the site on a mews laneway and considering the excessive scale, bulk and height of the proposed development, it is considered that the proposed development is excessive in terms of scale, and would not be considered to be a modest mews infill house to a laneway and, therefore, does not comply with Section 8.2.3.4 (x) 'Mews Lane Development' of the Dún Laoghaire – Rathdown County Development Plan, 2016 – 2022 and if permitted would set an undesirable precedent for similarly scaled development along the laneway. The proposed development would, therefore, seriously injure the amenities and depreciate the value of property in the

vicinity and would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed mews dwelling to the rear of the sites by virtue of its second-floor vaulted zinc roof design, scale and height, would be inappropriate within this setting and would appear visually overbearing on the laneway and as viewed from the directly adjoining sites. It is also considered that the proposed development would impact negatively on the visual amenities of the area in the context of its location within Haigh Terrace to Park Road Architectural Conservation Area (ACA) and its proximity to the adjoining Protected Structures. The proposed development would, therefore, seriously injure the visual amenities and depreciate the value of property in the vicinity and be contrary to the proper planning and sustainable development of the area

3.2. **Planning Authority Reports**

3.2.1. **Drainage Planning:** No objection.

3.2.2. **Irish Water:** No objection.

3.2.3. **Transportation Planning:** Further information required regarding the individual movements for a vehicle using the space for no. 87 and garages A and B. Items for planner's discretion: compliance with cycle parking standards or financial contribution in lieu and 3m parking area.

3.2.4. **Conservation Officer:** No built heritage objection in principal but has concerns about height. Notes that same concern was raised for adjoining site. Recommends that any development be two-storey and proposed development be reduced accordingly.

3.2.5. **Planning Report:** Notwithstanding applicant's reference to a duplex, development is assessed as a Mews. Proposed development is appropriate use of the site. Reduced separation distance is acceptable given the town centre location and proposed measures to mitigate against overlooking. Proposed terrace is acceptable. Proposed development would not overshadow adjoining sites. Planning Authority has serious concerns regarding scale and bulk of proposed dwelling. It is considered excessive in scale and bulk and not in accordance with 8.2.3.4(x). Design is acceptable, but Planning Authority is concerned about negative visual impact of vaulted roof at

second floor level. Proposed mews is 1m higher than existing offices on adjoining sites. Proposal is not acceptable as it should generally match the ridgeline of adjoining buildings. Noting the requirement of the Conservation officer to reduce the height, the planner considers such a request would involve a re-design that cannot be facilitated by condition or further information. Proposed open space provision is acceptable. Request of the transportation department for further information noted. Recommendation to REFUSE permission.

3.3. Observations

- 3.3.1. Three objections to the proposed development raised the issues of overdevelopment of the site, overlooking & visual impact, inappropriate use of precedence, insufficient private open space, sunlight analysis does not demonstrate no impact, access, design, and nature of development (apartment or mews?)

4.0 Planning History

- 4.1.1. **PL06D.129275** (D01B/0531): Planning permission for a two-storey dwelling to the rear of 86 Upper George's Street granted by the Board subject to 5 no. conditions.
- 4.1.2. Adjoining Site at the rear of no. 88 Georges Street Upper: **ABP-302318-18**: Appeal against the decision of the Planning Authority to refuse permission for the construction of a three-storey mews dwelling.

5.0 Policy Context

5.1. Dun Laoghaire Rathdown County Development Plan 2016-2022

- 5.1.1. The subject site is within an area subject to the zoning objective "*MTC*": *To protect provide for and/or improve major town centre facilities*" in which Residential use is a permissible use. Nos. 86 and 87 Upper Georges Street (RPS refs. 896 and 891) are included on the record of protected structures and is within the Haigh Terrace to Park Road Architectural Conservation Area.
- 5.1.2. **Section 8.2.3.4(x)** of the development plan refers to Mews lanes stating that mews development will generally be acceptable where the lane has already been development to the extent that the proposal would be infill, where it is adequately serviced and surfaced from the site to the public road, with a suitable underlying base to cater for the expected traffic volumes, where there is a legally acceptable

agreement between owners or interested parties who intend to bring the laneway to standards and conditions - particularly in terms of services, road surfacing and public lighting - suitable to be taken-in-charge by the Council, where the Council is likely to be able to provide services and where owners can be levied to allow the Council to service the sites and finally where the lane has been identified in the development plan as being suitable for mews development.

- 5.1.3. Where a proposal accords with the above, 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 48sq.m. is required.
- 5.1.4. Minimum lane width requirements vary. For those with up to 6 no. dwellings such as the subject site the lane must be 3.7m and 3.1m at pinch points.
- 5.1.5. **RES6** states that it is Council policy to facilitate measured and proportionate mews lane housing development in suitable locations. The development plan states that Policy RES6 will be strictly limited to specific locations where it can be demonstrated that proposals respect and do not injure the existing built form, scale, character, finishes and heritage of the area, subject to both the provisions of legislative heritage protection and the protection of the built and natural heritage prescribed in this Development Plan. Many of the existing mews lanes (historic stable lanes) in Dun Laoghaire-Rathdown are capable of providing interesting and attractive residential environments. Their development could make a useful, if limited, contribution to the overall housing stock, help prevent the emergence of obsolete backland areas, and assist densification of established areas in accordance with the principles of sustainable development. The design and finish of mews lane developments should reflect the characteristic features of the surrounding area taking into account local materials.
- 5.1.6. **Section 6.1.4** of the plan refers to ACA's, stating that it is Council policy to:

- Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA).
- Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.
- Seek a high quality, sensitive design for any new development(s) that are complimentary and/ or sympathetic to their context and scale, whilst simultaneously encouraging contemporary design.
- Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed.
- Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

5.1.7. The Haigh Terrace to Park Road **ACA Character Appraisal** notes that the repetition of a number of house types has a formal uniform effect which is a defining ingredient of the ACA. In referring to Upper Georges Street states that “Three houses in the central portion (Nos. 85, 86 and 87) are the same type and continue the established scheme of repetition and scale”. **Section 7** of the Character Appraisal outlines the Council’s policy objectives. Of relevance to the proposed development are:

- The Council will ensure that development within the ACA will be managed in order to protect, safeguard and enhance the special character and environmental quality of the area.
- The Council will seek to preserve, protect and enhance the architectural heritage of the Architectural Conservation Area for future generations.
- The Council will seek to ensure that any development including modifications and/or alterations or extensions affecting structures within the ACA, are designed and sited appropriately and are not detrimental to the character of the structure or its setting and context within the ACA.
- The Council will encourage where appropriate the use of non-reflective glazing to exposed elevations containing a low solid to void ratio (i.e. large extent of glazing relative to masonry).

- In considering all proposals for building/structures, the Council will seek to encourage an imaginative, high quality, passive design for new buildings, which should provide an opportunity to enhance the ACA generally. In this regard appropriately scaled new build should have respect for the site/building context, without imitating earlier styles.
- Throughout the ACA generally, the Council will encourage a sensitive design approach for any development proposals in order to maintain the overall integrity of the urban grain, whilst also encouraging where appropriate, contemporary designs that are complementary and/or sympathetic to their context and scale. Particular regard will be had to roofscape treatment to avoid large unbroken flat roof spans.

5.1.8. Dun Laoghaire is also subject of an **Urban Framework Plan** provided for in section 1.3.5.1 and Appendix 12 of the development plan. A strategic policy objective of the framework plan is to develop and expand the residential population to create demand for local services and facilities.

6.0 Natural Heritage Designations

5.2.1 The subject site is 1.4km from South Dublin Bay and River Tolka Estuary SPA and 2.8km from the Rockabill to Dalkey Island SAC and the Dalkey Islands SPA

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. An agent for the applicant has lodged a first party appeal against the decision of the Planning Authority to refuse permission. The submission provides details on the appeal site and context and planning policy. The appellants wish to consider the following planning history and precedent which they state demonstrate that permission should be granted: 20A Adelaide Street PL06D.245791, 6 Park Lane, reg.ref D17A/0906, 7 Park Road, D11B/0066 and 2 Anglesea Lane reg.ref. D06A/0057 refer. It is only the Council's interpretation of the vaulted roof as a visual additional storey and what constitutes a modest size that constitutes an issue. It is noted that the proposed development is designed to tie in with the proposed development on the adjoining site: rear 88 Georges Street (ABP-302318-18)

7.1.2. The grounds of the appeal can be summarised as follows:

Reason no. 1:

- There is no guidance in the development plan as to what constitutes modest. It is submitted that the aim of the policy 8.2.3.4(x) is to prevent multi-unit apartment buildings leading to a loss of urban grain. It is submitted that the typology of mews should serve as a control mechanism rather than a floor area.
- Clear that modest does not mean small but rather not extravagant or large and proportionate to its setting. The Planning Authority deemed the proposal excessive, but it should be viewed as well-mannered design that it is proportionate.
- Board is invited to view both dwellings as two-storey with roof. The parapet gently steps up towards Adelaide Street providing articulation responding to the rhythm of Georges Street. Parapet level of 6.3m and roof height of 8.7m is lower than the permitted 9.3m at Park Lane. Board is invited to decide that the Planning Authority misinterpreted the proposal as three-storey.
- Architectural quality is of the highest order and would improve the laneway and with the adjoining site be an asset to the urban area. This is a desirable precedent.
- The claim that the proposed development would devalue property is not based on evidence. It is submitted that a residential mews development would increase value in the area.
- Considerable precedent for high-quality mews developments in the area. The Planning Authority incorrectly cited a refusal of permission at 89 Georges Street failing to mention the permission at Park Lane: grey finish curved roof with heights of 8.7 and 9.3m and at 2 Anglesea Lane: parapet height of 6.541m and ridge height of 8.654m. Images submitted of Glenageary Road Lower, Wellington Lane, Waterloo Lane. It is submitted that the use of a vaulted roof minimises the apparent volume at roof level.

Reason no. 2:

- Reason is repetitive. Vaulted zinc roof is an imaginative, high-quality design response to the laneway.
- The mews at no.s 86,87 and 88 will inevitably be re-developed to two-storey.

- It is submitted that the Planning Authority did not analyse the ACA policy. (*The Board will note the appeal refers to an observation by An Taisce. An Taisce made an observation on the adjoining site proposal, not the subject site.*) It is submitted that the ACA is proactive in respect of modern interventions and new build, encouraging a sensitive design approach. It is stated that Government guidelines support a discretionary approach rather than using the ACA as a blanket form of protection. It is submitted that the laneway is of lesser merit than the main street. Photos submitted.
- It is submitted that the proposed development complies with the requirements of section 3.7.3, 3.8.1 and 3.10.1 of the Architectural Heritage Protection Guidelines.
- The Planning Authority's refusal ignores the policies on intensification and densification of the Major Town Centre zoning in the Urban Framework Plan.
- The design of the fenestrational profile of the proposed dwelling ensures the privacy and residential amenity of adjoining properties. These details include:
 - Projecting bay window at first floor looking down the lane rather than at rear gardens. Deep cill to prevent standing at the window.
 - Obscure glazing to 1.7m at first floor living room, first floor landing and WC windows.
 - Attic windows obscurely glazed and limited opening.
 - Bedrooms have alternative windows with clear glazing and rooflight.
 - Bathroom has obscure glazing and a rooflight.
 - Rear doors open on to a balcony and terrace.
 - Living spaces are dual aspect with 2.4m windows and doors.
- The Board's decision under PL06D.245791 highlighted the avoidance of direct views and the importance of privacy. The subject proposal complies with section 8.2.31 of the development plan in protecting privacy and amenity.
- The Sunlight and Daylight Impact Analysis demonstrated that the rear garden at no. 1 will continue to receive adequate daylight and sunlight.
- The subject and adjoining proposal improve the laneway. Laneway will be increased from 3.285m wide to 4m by setting back the proposed development to the building line established by the adjoining office development. This will improve

the situation at no. 88 where cars currently have to reverse in. The arrangement at no. 87 will remain unchanged.

- Swept path diagrams submitted showing cars entering and existing. Proposed curved wall on eastern side of gate can be provided on the other side to further ease movements. Garages A and B can be increased to 5.5m if required.
- The town centre location is suitable for the promotion of cycling, walking and public transport. Electric charging points are proposed.
- The Board is requested to grant permission as per their decision under PL06D.245791.

7.2. **Planning Authority Response**

- 7.2.1. The grounds of the appeal do not justify a change in the attitude to the proposed development.

8.0 **Assessment**

- 8.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Visual Impact
- Environmental Impact Assessment
- Appropriate Assessment

8.2. **Principle of Development**

- 8.2.1. The subject site is located in an area zoned to protect provide for and/or improve major town centre facilities. Noting the development plan policy to densify existing built-up areas (RES3) and to facilitate mews development (policy RES4), the principle of providing a mews dwelling is acceptable, subject to other planning considerations.
- 8.2.2. I note and I concur with the Planning Authority's assessment that the proposed development will not overshadow or overlook the adjoining properties.

8.2.3. Policy RES6 which relates specifically to mews lane housing states that such development will be strictly limited to specific locations where it can be demonstrated that there is no injury to the existing built form, scale, character, finishes and heritage of the area. This is discussed in greater details below.

8.3. **Visual Impact**

8.3.1. Both of the Planning Authority's reasons for refusal refer to the scale bulk and height of the proposed mews. The Planning Authority do not specifically refer to the barrel-vaulted roof but rather the scale of same and the impact it would have on the adjoining mews properties. I note the Conservation officers report and her concerns regarding height. Further, I note the detailed analysis of the appellant with regard to other barrel-vaulted development in the wider area. Prior decisions of the Planning Authority and / or the Board while useful for demonstrating favourable consideration of contemporary design, it is noted that each application must be assessed on its site-specific context.

8.3.2. Adelaide lane largely retains its primary function for vehicular access. I note that permission has been sought for residential development on a number of the mews sites on the lane. The appellant acknowledges that these sites will likely be developed to two-storey level. The overall height of the proposed development is approx. 1m higher than the adjoining office development. Notwithstanding the barrel-vaulted profile and the set back at second story, the proposed dwelling clearly reads as a three-storey development. It is considered that the proposed dwelling would be visually obtrusive when viewed from the rear of Georges Street and Adelaide Lane. It is considered that the scale of the proposed mews is such that it would challenge the profile of the protected structures on Georges Street. I accept the appellants submission that modest is not clearly defined in the development plan, however the plan is clear that any mews development cannot injure the built form and scale of the existing environment.

8.3.3. It is considered that the subject site can easily accommodate a two-storey mews, with or without the barrel-vaulted roof profile. Noting that the proposed ground floor comprises two garages (for the proposed and existing dwelling) and a sun-room, this level of accommodation could be omitted by way of condition should the Board wish

to grant permission. The Board will note however that should the ground floor be omitted, this would remove all on-site car parking provision.

8.4. Appropriate Assessment

- 8.4.1. 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.

8.5. Environmental Impact Assessment Screening

- 8.5.1. Having regard to nature of the development comprising extension to and alteration of an existing dwelling and the urban location of the site 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

9.0 Recommendation

- 9.1.1. It is recommended that permission be REFUSED for the following reason:
- 1 The proposed three storey mews development on a laneway that has not experienced large-scale mews development is considered to be excessive in scale and height, resulting in injury to the built form of the laneway and the protected structures on Georges Street Upper. It is considered that the proposed dwelling would be visually obtrusive both from Adelaide Lane and from the rear of the properties on Georges Street. The proposed development is considered to be contrary to section 8.2.3.4 (x) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

Gillian Kane
Senior Planning Inspector
10 December 2018