



An  
Bord  
Pleanála

## Inspector's Report ABP-302433-18

### Development

The construction of two three-bedroom, two-storey with attic accommodation mews houses, including garages, balconies and associated site works.

### Location

The rear of No. 8 Montpelier Parade, Monkstown, Co. Dublin (a protected structure).

### Planning Authority

Dún Laoghaire Rathdown County Council

### Planning Authority Reg. Ref.

D18A/0558

### Applicant(s)

Austin Kenny and Joan Quealy

### Type of Application

Permission

### Planning Authority Decision

Refusal

### Type of Appeal

First Party v. Decision

### Appellant(s)

Austin Kenny and Joan Quealy

### Observer(s)

David & Olive Crowley

**Date of Site Inspection**

26<sup>th</sup> November, 2018

**Inspector**

Robert Speer

## 1.0 Site Location and Description

- 1.1. The proposed development site is located in an established residential area in the outer suburb of Monkstown, Co. Dublin, approximately 1.4km southeast of Blackrock Village, where it occupies a position to the south of Monkstown Road (the R119 Regional Road) along a minor laneway (Montpelier Lane) to the rear of Montpelier Parade. The existing properties along Montpelier Parade comprise an attractive paired terrace of substantial, three-storey-over-basement, Victorian houses joined by a bell-mouthed entrance which provides access to a private laneway that extends to the rear of the terrace. The site itself occupies a corner plot at the intersection of the main entrance laneway with the minor mews laneway that extends perpendicularly to either side of same along the rear of Montpelier Parade. A number of mews dwellings (and other outbuildings) of varying design, size and age have been developed along the northern side of the laneway within the rear garden areas of Montpelier Parade.
- 1.2. The subject site has a stated site area of 0.728 hectares, is rectangular in shape, and is presently occupied by No. 8 Montpelier Parade which encompasses a substantial, end-of-terrace, three-storey-over-basement, property with a large garden area to the rear of same. It is bounded by the public road to the north, by a high masonry wall alongside the private laneway to the west & south, and by an adjacent dwelling house to the immediate east.

## 2.0 Proposed Development

- 2.1. The proposed development involves the subdivision of the existing housing plot presently occupied by No. 8 Montpelier Parade to facilitate the construction of 2 No. mews-type dwellings within part of the rear garden area of same with separate independent vehicular accesses onto the adjacent laneway to the immediate south. The contemporary design of the each of the proposed dwelling houses is based on a principle rectangular plan and will utilise a three-storey construction to provide a stated floor area of c. 175m<sup>2</sup> and 150m<sup>2</sup> respectively for Houses Nos. 1 & 2. Notable features of the submitted design include an asymmetrical barrel-shaped roof construction, the provision of first floor balcony areas on the southern elevations, and the use of a variety of external finishes which will include stonework, render, a

translucent glass rainscreen to the side laneway, and a standing seam metal or polymeric roof. Provision has also been made for the inclusion of integrated on-site car parking spaces within each of the proposed dwelling houses which will be accessed from the adjacent laneway via an enlarged entrance arrangement. Water and sewerage services are ultimately available from the public mains network.

*N.B.* On 19<sup>th</sup> June, 2018, the Planning Authority issued a Certificate of Exemption pursuant to the provisions of Section 97 of the Planning and Development Act, 2000, as amended, with regard to the proposed development (PA Ref. No. V/088/18).

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. On 3<sup>rd</sup> August, 2018 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 2 No. reasons:

- Having regard to the nature of the site on a mews laneway and considering the excessive scale, bulk and height of the proposed two houses, 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 residential amenities and depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.
- It is considered that the proposed mews dwellings by virtue of their second-floor vaulted roof design, scale and height, would be inappropriate within this setting and would appear visually overbearing on the mews 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. 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. Planning Reports:

Details the site context and the applicable policy considerations, including the designation of No. 8 Montpelier Parade and adjacent properties as protected structures in addition to the site location within the Monkstown Architectural Conservation Area. It is further noted that the site is located in an area subject to a specific objective which states that 'mews development' is acceptable in principle. The report proceeds to state that whilst the overall principle of additional residential development at this location is acceptable, there are serious concerns with respect to the scale, height and bulk of the proposed 'mews' dwellings having regard to Section 8.2.3.4(x) of the Development Plan which only provides for the consideration of '*single units in one or two storeys of modest size*'. Further commentary is provided as regards the contemporary design and layout of the proposal and it is also suggested that a two-storey construction would be more appropriate at this location. It is then stated that there are concerns with regard to the design and visual dominance of the proposed dwellings given their overall height and the inclusion of a barrel-roof detail, particularly in light of the potential visual impact when viewed from the adjacent laneway and the site location in an Architectural Conservation Area proximate to protected structures.

#### 3.2.2. Other Technical Reports:

*Drainage Planning (Municipal Services Department):* Recommends that the applicants be requested to submit details of the proposed drainage network, including proposals whereby surface water runoff from the development is not discharged to the public sewer and is instead infiltrated or reused locally by way of a soakpit, rainwater harvesting tank, or permeable paving etc. In the event that infiltration on site is not feasible, an engineer's report confirming same should be submitted and details of an alternative SUDS measure proposed.

*Transportation Planning:* States that 2 No. off-street car parking spaces are required per three-bedroom dwelling house in accordance with Table 8.2.4 of the County

Development Plan before noting that the subject proposal provides for 1 No. off-street parking space for each of the mews dwellings. It is also stated that consideration should be given to the provision of adequate secure bicycle parking / storage space which would not necessitate access through a living area. The report subsequently recommends that the applicants should be required to submit a detailed site layout showing the individual traffic movements for cars entering and exiting the proposed garage areas.

*Conservation Officer:* Notes that the proposed development site is located within the curtilage of a protected structure (RPS Ref. No. 590) as well as the Monkstown Architectural Conservation Area and also references the permitted pattern of mews lane development in the immediate locality before indicating that there is no objection in principal to mews dwellings at this location given the site context. The report proceeds to state that the Conservation Officer is satisfied that the proposed development will not result in any detrimental impact on the character of the laneway nor will it visually detract from the setting and amenity of the protected structure. It is further submitted that the separation distance proposed is acceptable and has been established by previous permitted developments and that the contemporary design of the proposal will allow it to be clearly legible as a later addition which could possibly enhance the character of the laneway. The report subsequently concludes that the proposed development complies with the relevant policy provisions of the County Development Plan.

### **3.3. Prescribed Bodies**

3.3.1. *Irish Water:* No objection, subject to conditions.

### **3.4. Third Party Observations**

3.4.1. A total of 3 No. submissions were received from interested parties in respect of the proposed development and the principle grounds of objection contained therein can be summarised as follows:

- Concerns with regard to the potential for interference with private property and access along the adjacent laneway, particularly during the construction works.
- Inadequate legal interest to avail of service connections etc. via the adjacent laneway which is retained in private ownership.

- Interference with private property, including the adjacent laneway and shared boundary walls etc., in the absence of appropriate consent.
- The submitted drawings do not comply with the requirements of Article 23 of the Planning and Development Regulations, 2001, as amended, on the basis that they do not include for a contiguous elevation of the proposal with adjacent properties.
- Detrimental impact on the residential amenity of neighbouring properties by reason of overlooking, overshadowing, and overbearing visual impact etc.
- The proposal constitutes unacceptable backland development.
- The overall design, height, massing, and bulk etc. of the proposed development fail to comply with the relevant policy provisions of the Development Plan.
- Non-compliance with the requirements of the County Development Plan as regards 'mews'-type construction.
- Inadequate provision for suitable bin / waste storage.
- The proposal is visually incongruous and out of character with the surrounding pattern of development.
- Traffic safety concerns along the adjacent laneway.
- Inadequate information has been provided to demonstrate the adequacy of the access arrangements to the proposed parking spaces.
- Interference with current parking practices along the laneway.

## 4.0 Planning History

### 4.1. On Site:

PA Ref. No. D98A/1019. Was granted on 28<sup>th</sup> January, 1999 permitting Mr. Kenny & Ms. Quealy permission for an extension to side of house at basement, ground, first and second floors, conservatory to rear, new access to basement flat, new side entrance gate, internal alterations, and associated works.

PA Ref. No. D01A/0476. Was granted on 9<sup>th</sup> August, 2001 permitting Mr. A. Kenny & Ms. J. Quealy permission for amendments to approved plans for extension (D98A/1019); amendments at ground floor level at rear, in a protected structure.

4.2. On Adjacent Sites:

PA Ref. No. D16A/0451. Was refused on 16<sup>th</sup> August, 2016 refusing Mary O'Keeffe permission for the demolition of existing single storey garage/store and construction of new 2 storey end of terrace mews house with attic level accommodation. Car parking provision will be a parking bay on private mews lane. A protected structure. All at site to the rear of 33 Montpelier Parade, Monkstown, Co. Dublin:

- The proposed development does not provide for any off-street car parking provision. This contravenes Section 8.2.3.4(x) of the 2016-2022 Dún Laoghaire–Rathdown County Development Plan, which requires at least one off-street parking space per dwelling within a mews lane development. The failure to provide at least one off-street car parking space would also set an undesirable precedent and would result in an over-proliferation of on-street parking resulting in congestion, obstruction of laneway users and traffic hazards and would adversely affect the use of the existing lane by traffic. The proposed on-street (laneway) car parking space would be unacceptable and would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise. It is therefore considered that the proposed development would have a seriously injurious impact on the amenities of the area and would be contrary to the proper planning and sustainable development of the area.
- Section 8.2.3.4(x) of the 2016-2022 Dún Laoghaire-Rathdown County Development Plan requires that mews developments be confined to single units in one or two storeys of modest size. It is considered that the proposed 154 square metre mews dwelling and in particular its roof, by virtue of its height, scale and bulk would be excessive and out of keeping with the existing pattern of mews housing at this location and would result in a visually overbearing impact on the lane and adjacent property and would adversely impact on the visual amenities within this Architectural Conservation Area (Monkstown). It is also considered that the proposed rear ground floor

element of the mews dwelling by virtue of its height and scale would have a visually overbearing impact on the amenities of the private rear garden of the adjacent mews dwelling. It is therefore considered that the proposed development would be seriously injurious to the visual and residential amenities of this area and would adversely impact on the amenities of the Monkstown Architectural Conservation Area. The proposed development would therefore be seriously injurious to amenities and contrary to the proper planning and sustainable development of the area.

PA Ref. No. D17A/0459 / ABP Ref. No. PL06D.249228. Was granted on appeal on 25<sup>th</sup> January, 2018 permitting Michael Collins permission to demolish the existing builders workshop and store and construct a three bedroom, two storey mews dwelling incorporating an integral car parking space and private open space to the rear and all associated works on site at 33A Montpelier Lane, rear of 33 Montpelier Parade, Monkstown, Co. Dublin.

4.3. On Sites in the Immediate Vicinity:

PA Ref. No. D05A/1111 / ABP Ref. No. PL06D.214957. Was granted on appeal on 19<sup>th</sup> April, 2006 permitting David Liston permission for alterations and extensions to existing single storey two-bedroom mews dwelling to include a first floor extension and habitable attic accommodation with recessed balconies at first floor level and roof level to front elevation, velux roof lights to roof structure, all to provide for a three-bedroom two-storey mews dwelling at 35 Montpelier Mews, Monkstown, Co. Dublin.

PA Ref. No. D14B/0255 (ABP Ref. No. PL06D.243946: Section 48 Appeal). Was granted on 5<sup>th</sup> September, 2014 permitting Pamela & David Regan permission for the proposed low energy retrofit, alterations and extension (with pedestrian access to rear from Montpelier Mews Lane). The development will consist of; the demolition of existing 2 storey side extension, entrance lobby and some internal walls; new roof to the existing single storey cottage, conversion of existing flat roof on main house to be pitched to match into existing main roof; construction of a new 2 storey extension to the side of the house with south facing balcony/solar shade; single storey entrance extension; alterations to existing fenestration; internal wall insulation to be applied to the existing party walls and external wall insulation will be used to the

extensions and existing dwelling; solar panels to front (south) main roof, rain water harvesting system and rooflights will feature. Partial demolition and reinstatement of rear courtyard wall is proposed during works to facilitate construction. All at Knocknagow House, Greenville Road, Blackrock, Co. Dublin.

PA Ref. No. D15A/0019 / ABP Ref. No. PL06D.244935. Was granted on appeal on 9<sup>th</sup> September, 2015 permitting David Crowley permission for a development consisting of demolition of existing detached flat roof single-storey garage to Montpelier Cottage and replacement with new detached single-storey pitched roof home office with bay window fenestration and rooflights to laneway including associated services, landscaping and drainage on Montpelier Laneway to the rear of Montpelier Parade, Monkstown Road, Monkstown, Co. Dublin.

*Lands to rear of No. 49 Montpelier Parade:*

PA Ref. No. D05A/1506 / ABP Ref. No. PL06D.216445. Was refused on appeal on 14<sup>th</sup> August, 2006 refusing Conor MacGillycuddy permission for the erection of a three number bedroom (two storey to front, three storey to rear) mews dwelling, incorporating integral car parking space and private open space to rear, and all associated site works, at site at rear of 49 Montpelier Parade, Monkstown, Co. Dublin (a Protected Structure).

- The site of the proposed development is located in an area zoned "Objective A" in the current Development Plan for the area, in which it is the policy of the planning authority to protect and/or improve residential amenity. Having regard to its height, siting, scale and design, it is considered that the proposed development would result in overlooking of part of the garden of the neighbouring property, Barra, and would be visually obtrusive and overbearing on the westerly outlook from that property. The proposed development would seriously injure the residential amenity of the adjoining property and would, therefore, be contrary to the proper planning and sustainable development of the area.

PA Ref. No. D06A/1520 / ABP Ref. No. PL06D.221474. Was refused on appeal on 26<sup>th</sup> July, 2007 refusing Conor MacGillycuddy permission for the construction of a new three number bedroom (two storey to front, three storey to rear) mews dwelling, incorporating integral car parking space and private open space to rear, and all

associated site works, at site at rear of 49 Montpelier Parade, Monkstown, County Dublin (a Protected Structure).

- The site of the proposed development is located in an area zoned “Objective A” in the current development plan for the area, in which it is the policy of the planning authority to protect and/or improve residential amenity. Having regard to its height, siting, scale and design, it is considered that the proposed development would be detrimental to the residential amenities of the neighbouring property, Barra, by reason of being visually obtrusive and overbearing on the westerly outlook from that property. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

PA Ref. No. D08A/0308 / ABP Ref. No. PL06D.230116. Was granted on appeal on 9<sup>th</sup> February, 2009 permitting Conor MacGillycuddy permission for the erection of a new three bedroom, two-storey mews dwelling incorporating integral car parking space, private open space to rear and all associated site works at site to rear of 49 Montpelier Parade, Monkstown, Co. Dublin (a protected structure).

*Montpelier Cottage, Montpelier Lane:*

PA Ref. No. D04B/0203. Was granted on 21<sup>st</sup> June, 2004 permitting D. Crowley permission for a kitchen/dining, utility, bathroom and hall to rear and side of ground floor, 3 new bedrooms, ensuite and bathroom to new first floor roof structure, all at Montpelier Cottage, Montpelier Lane, Blackrock, Dublin.

PA Ref. No. D05A/1510. Was refused on 24<sup>th</sup> January, 2006 refusing David Crowley outline permission for the demolition of existing dwelling and the construction of 3 no. 2 storey townhouses with car parking on existing private laneway and connection to existing private services in laneway at Montpelier Cottage, Montpelier Parade, Monkstown, Co. Dublin.

PA Ref. No. D07B/0784. Was granted on 25<sup>th</sup> October, 2007 permitting David Crowley permission for a single storey pitched roof extension to the east, south and west elevations including glazed roof section to the new east elevation. Works include internal minor modifications and demolition of existing single storey ensuite, utility room and entrance porch. All at Montpelier Cottage, Montpelier Parade, Monkstown, Co. Dublin.

PA Ref. No. D10B/0139. Was granted on 27<sup>th</sup> May, 2010 permitting David and Olive Crowley permission for the demolition of front, sides and rear flat and pitched roof single storey extensions (5 areas) to existing house and proposed replacement with single storey pitched roof extensions to the sides, rear and front of existing house including two single storey lean-to bay windows to front and replacement of two lean-to single storey extensions to the west side, the extension to the rear and side have three pitched roofs to follow existing roof lines with incorporated roof lights, works to include internal and external alterations and all associated site works. All at Montpellier Cottage, Montpellier Parade, Monkstown, Co. Dublin.

## 5.0 Policy Context

### 5.1. National and Regional Policy

- 5.1.1. The *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'* note that, in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided either by infill or by sub-division. In respect of infill residential development, potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.
- 5.1.2. The *'Architectural Heritage Protection, Guidelines for Planning Authorities, 2004'* provide detailed guidance in respect of the provisions and operation of Part IV of the Planning and Development Act, 2000, as amended, regarding architectural heritage, including protected structures and Architectural Conservation Areas. They detail the principles of conservation and advise on issues to be considered when assessing applications for development which may affect architectural conservation areas and protected structures.

## 5.2. Development Plan

### 5.2.1. Dún Laoghaire Rathdown County Development Plan, 2016-2022:

#### Land Use Zoning:

The proposed development site is located in an area zoned as 'A' with the stated land use zoning objective 'To protect and-or improve residential amenity'.

#### Other Relevant Sections / Policies:

##### *Chapter 2: Sustainable Communities Strategy:*

##### *Section 2.1: Residential Development:*

##### *Policy RES4: Existing Housing Stock and Densification:*

It is Council policy to improve and conserve the housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

##### *Policy RES6: Mews Lane Housing:*

It is Council policy to facilitate measured and proportionate mews lane housing development in suitable locations.

##### *Chapter 6: Built Heritage Strategy:*

##### *Section 6.1: Archaeological and Architectural Heritage:*

##### *Section 6.1.3: Architectural Heritage:*

##### *Policy AR1: Record of Protected Structures:*

It is Council policy to:

- i. Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS).

- ii. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- iii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011).
- iv. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.

*Policy AR2: Protected Structures Applications and Documentation:*

It is Council policy to require all planning applications relating to Protected Structures to contain the appropriate level of documentation in accordance with Article 23 (2) Planning Regulations and Chapter 6 and Appendix B of the Architectural Heritage Protection Guidelines for Planning Authorities, or any variation thereof.

*Policy AR5: Buildings of Heritage Interest:*

It is Council policy to:

- i. Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features.
- ii. Identify buildings of vernacular significance with a view to assessing them for inclusion in the Record of Protected Structures.

*Policy AR8: Nineteenth and Twentieth Century Buildings, Estates and Features:*

It is Council policy to:

- i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised.
- ii. Encourage the retention of features that contribute to the character of exemplar nineteenth and twentieth century buildings and estates such as roofscapes, boundary treatments and other features considered worthy of retention.

*Section 6.1.4: Architectural Conservation Areas (ACA):*

*Policy AR12: Architectural Conservation Areas:*

It is Council policy to:

- i. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA).
- ii. 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.
- iii. 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.
- iv. Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed.
- v. 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.

*Policy AR13: Demolition within an ACA:*

It is Council policy to prohibit the demolition of a structure(s) that positively contributes to the character of the ACA.

*N.B.* The proposed development site is located within the ‘*Monkstown Architectural Conservation Area*’.

*Chapter 8: Principles of Development:*

*Section 8.2: Development Management:*

*Section 8.2.3: Residential Development:*

*Section 8.2.3.1: Quality Residential Design*

*Section 8.2.3.2: Quantitative Standards*

*Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas:*

*(v) Corner/Side Garden Sites:*

Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site to provide an additional dwelling in existing built up areas. In these cases the Planning Authority will have regard to the following parameters (Refer also to Section 8.2.3.4(vii)):

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Accommodation standards for occupiers.
- Development Plan standards for existing and proposed dwellings.
- Building lines followed where appropriate.
- Car parking for existing and proposed dwellings.
- Side/gable and rear access/maintenance space.
- Private open space for existing and proposed dwellings.

- Level of visual harmony, including external finishes and colours.
- Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas in order to avoid a pastiche development.
- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable. Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained where possible.
- Use of first floor/apex windows on gables close to boundaries overlooking roads and open spaces for visual amenity and passive surveillance.

It is also recognised that these sites may offer the potential for the development of elderly persons accommodation of more than one unit. This would allow the elderly to remain in their community in secure and safe accommodation. At the discretion of the Planning Authority there may be some relaxation in private open space and car parking standards for this type of proposal.

*(vii) Infill:*

New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

This shall particularly apply to those areas that exemplify Victorian era to early-mid 20<sup>th</sup> Century suburban 'Garden City' planned settings and estates that do not otherwise benefit from Architectural Conservation Area status or similar. (Refer also to Section 8.2.3.4 (v) corner/side garden sites for development parameters, Policy AR5, Section 6.1.3.5 and Policy AR8, Section 6.1.3.8).

*(x) Mews Lane Development:*

The principle of mews development will generally be acceptable when located on a lane that:

- Is already developed to such an extent that further development would have to be regarded as infill.
- Is already adequately serviced and surfaced from the site to the public road, with a suitable underlying base to cater for the expected traffic volumes.
- Has 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. The onus will be on the applicant(s) to demonstrate that they have a consensus of owners or interested parties.
- 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.
- Has been identified as being suitable for such development on the County Development Plan Maps or within a Local Area Plan.

The principle of mews development on a particular laneway will NOT generally be accepted where:

- The length of all or most of the adjoining rear gardens on the side of the lane concerned is less than 25m or
- Where, particularly in a commercial area, the lane is likely to be required by the frontage buildings for access or the area adjoining the lane is required for expansion.

Where the Planning Authority accepts the principle of residential development on a particular laneway, the following standards will generally apply:

- Development will be confined to single units in one or two storeys of modest size and the separation distance between the rear façade of the existing main structure (onto the front road) and the rear mews structure should normally be a minimum of 20 metres and not less than 15 metres, or not less than 22 metres where first floor windows of habitable rooms directly face each other.
- Setting back of dwellings and boundary walls may be required dependant on existing building lines, lane width, character and parking/access.

- Dwellings and boundary walls may be required to reflect the scale, height, materials and finish of existing walls and buildings, particularly where old coach houses and two storey structures are involved.
- All parking provision in mews laneways should be in off-street garages, integral garages (car ports), forecourts or courtyards, and conditions to 'de-exempt' garage conversions will normally be attached. At least one off-street parking space per dwelling will generally be required. Where two spaces can be reasonably accommodated these should be provided. Part set-backs of frontage for on-street parallel parking may be considered depending on lane width and structure types.
- Each dwelling shall generally have a private open space area of not less than circa 48 sq.m. exclusive of car parking area. A financial contribution in lieu of public open space provision may be required.
- Where dwellings are permitted on both sides of a lane, habitable room windows must be set out to minimise direct overlooking of each other where less than 9 metres apart.
- Vehicular entrance widths shall be a minimum but sufficient to provide for proper vehicular turning movements allowing for laneway width and for pedestrian visibility.

Minimum lane width requirements are:

- Up to 6 dwellings: Adequate vehicular access of a lane width of circa 3.7 metres must be provided to the proposed dwellings - 3.1m at pinch points – to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles.
- Up to 20 dwellings: Width of 4.8 metres subject to a maximum length of 300 metres. Short lengths of narrow width may be acceptable where there will be no frontage access to those lengths.

All mews laneways will be considered to be shared surfaces and footpaths need not necessarily be provided. If external street/security lighting is warranted, only a minimal level and wall-mounted type(s) may need to be provided. Opportunities

should be undertaken to improve permeability and connectivity to and from the development as part of the Development Management process.

Reduced standards from the above may be acceptable, particularly in cases of conversion of existing two storey structures in sound condition and of particular architectural and/or townscape value.

Applications should clearly state the requirements and method statement for bin storage and collection, car parking, access and similar details.

*N.B.* The proposed development site is located in an area with the Specific Local Objective: *'Mews Development Acceptable in Principle'*.

Section 8.2.3.5: *Residential Development – General Requirements*

Section 8.2.11: *Archaeological and Architectural Heritage:*

Section 8.2.11.3: *Architectural Conservation Areas*

### **5.3. Natural Heritage Designations**

5.3.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 500m north of the site.
- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 500m north of the site.

*N.B.* This list is not intended to be exhaustive as there are a number of other Natura 2000 sites in excess of the aforementioned distances yet within a 15km radius of the application site.

## **6.0 The Appeal**

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

- The proposed development site is located in a well-established residential area and there are already a number of three-floor mews dwellings along this

laneway to the east whilst a further two-storey dwelling has recently been permitted under ABP Ref. No. PL06D.249228.

- The proposed dwellings are no higher than existing mews properties located on nearby sites.
- The floor area of each of the proposed houses is considerably less than 200m<sup>2</sup> and is distributed over three storeys. Furthermore, the suggestion by the Planning Authority that the proposed dwellings are higher than any of the other mews in the area is incorrect in that the mono-pitched roof of the mews house three plots further east has a higher roof height. In addition, it should be noted that the intervening house has a rolled top roof presentation of a height similar to that proposed as shown in the contiguous elevational drawings.
- From a built heritage perspective, it has been accepted that the proposed development will not have a detrimental impact on nearby protected structures or the laneway's surroundings.
- The proposal is generally consistent with the standards set out in Sections 8.2.3.4(x) and 8.2.8.4 of the Development Plan.
- Each of the proposed dwellings will be provided with a car port measuring 5.5m x 2.9m with an additional integral 4m wide entrance mouth beside a setback front door. It has previously been demonstrated that there is sufficient manoeuvring space within the laneway to access integral car parking spaces of the same dimensions.
- The Planning Authority's determination of the subject proposal hinges upon its interpretation of what is meant by 'modest size' in relation to acceptable mews development as described in Section 8.2.3.4(x) of the County Development Plan and, more specifically, its rigid application of a provision which states that mews dwellings are to be of one / two storey construction of a modest height.
- The '*Urban Developments and Building Heights, Consultation Draft Guidelines for Planning Authorities, 2018*' confirm that the National Planning Framework is seeking to secure compact urban growth, focusing on reusing

previously developed brownfield land, building up infill sites, and reusing or redeveloping existing sites and buildings, in well serviced urban locations, particularly those served by good public transport and supporting services:

*‘A key objective of the NPF is therefore to see that greatly increased levels of residential development in our urban centres and significant increases in the building heights and overall density of development is not only facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels . . . our planning process must actively address how this objective is achieved’.*

It is advocated in the National Planning Framework commentaries from Government Ministers and in the aforementioned draft guidelines that there should be no blanket numerical limitation on building height. Therefore, it is submitted that the Planning Authority erred in assessing the subject proposal by reference to the restrictions included in the Development Plan given that it should have conducted a site-specific analysis pursuant to current guidance. The subject application was accompanied by such an assessment compiled by the applicant’s architect which determined that the proposed development was appropriate to the site location.

- There is no suggestion that the proposed development will have a detrimental impact on the residential amenity of neighbouring properties by reason of overlooking, overshadowing or an overbearing appearance.
- The applicant’s wider family has acquired ownership of the adjacent property which was approved for development under ABP Ref. No. PL06D.249228 and a similar design to the subject proposal is now envisaged for that site which will have the effect of introducing a consistency of design within the new mews-type development proposed along the laneway.
- The proposed development is comparable to similar mews-type schemes developed throughout Dún Laoghaire and in Dublin City. It is generally considered that vaulted roofs without pitches are acceptable in terms of their scale, bulk and massing for construction in mews locations. Examples of such dwellings can be found at Bloomfield Avenue, Blackrock and at Lesson Street Upper whilst a similar development was recently approved on appeal in a

backland setting and close to protected structures in Dartry under ABP Ref. No. 300856.

- In its determination of ABP Ref. No. 300856, the Board undertook a site-specific evaluation of the proposed development of 3 No. three-storey, barrel-vaulted houses in a context where a similar 'mews' definition was included in the Dublin City Development Plan. It was considered that the scale, form and height of that proposal did not adversely affect the character or setting of the adjacent protected structures.
- The proposed dwellings are of a similar height and form as the existing mews properties already constructed along the same side of the laneway. They are subservient to the main houses and have been designed to be of a two-storey scale with a further bedroom in the curved roof space.
- The period properties at the entrance to the mews lane from Montpelier Parade were purposely designed to be taller than the remainder of the terrace. Therefore, the proposed houses will mark the rear of the entrance laneway and thus should not be lower than the other houses in the mews lane.
- The site-specific analysis submitted with the application was carried out by a Grade 1 Conservation Architect and was accepted by the Local Authority Conservation Officer. In accordance with Specific Planning Policy Requirement No. 3 of the *'Urban Developments and Building Heights, Consultation Draft Guidelines for Planning Authorities, 2018'*, where such analysis have been incorporated into a development proposal and there is agreement with the Planning Authority, having regard to the wider strategic policy objectives set out in the National Planning Framework and the Guidelines, the Planning Authority (or the Board) may approve said development even where specific objectives of the development plan or local area plan may indicate otherwise.
- The proposed mews dwellings are well designed and satisfy all layout standards.

- The Registry of Deeds shows a right of way along the laneway passing to the side and front of the subject site. The boundary walls alongside the laneway were constructed with that property and are retained in the same ownership.
- Concerns with regard to legal matters / property rights etc. are not within the remit of the Board and in this regard reference is made to Section 34(13) of the Planning and Development Act, 2000, as amended.

*N.B.* The grounds of appeal have also been accompanied by a supplementary report prepared by the applicants' architect which provides for a more in-depth commentary / analysis of the overall design of the proposal and the specific concerns raised by the Planning Authority.

## 6.2. **Planning Authority's Response**

- States that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

## 6.3. **Observations**

### 6.3.1. David & Olive Crowley:

- The Planner's Report includes a detailed assessment of the site context, the planning policy framework, the planning history of the area, and the concerns of third parties, which culminated in a decision to refuse permission on the basis that the proposed development was of an excessive scale and an inappropriate design for the subject site. Accordingly, the Board is requested to uphold the reasons for refusal.
- The contents of first party appeal do not adequately address the concerns of the Planning Authority or third parties as regards the scale, massing and design of the proposed development.
- The overall design and layout of the proposed development does not comply with the requirements of Section 8.2.3.4(x) of the Development Plan and will unduly impinge on the residential amenity of neighbouring properties by

reason of overlooking, overshadowing, and an overbearing / visually dominant / out of character appearance.

- The subject proposal constitutes unacceptable backland development.
- The scale, height and design of development proposed is not supported by the existing and permitted pattern of development, particularly given the presence of protected structures and the site location in an Architectural Conservation Area.
- Existing mews dwellings along the laneway should not be interpreted as setting a precedent given the differing site context, such as the corner location.
- The depth and massing of the proposed dwellings are significantly greater than any of the existing / permitted developments in the area and more closely reflect those proposals for mews development which were previously refused permission.
- The submitted drawings do not comply with the requirements of Article 23 of the Planning and Development Regulations, 2001, as amended, in that they fail to illustrate the proposed development relative to neighbouring properties.
- The proposed development cannot be accommodated due to the constraints in place along the laneway and as the applicants do not have the necessary legal interest to connect the proposal to the existing services located therein.
- The applicants do not have the consent of the relevant landowners (i.e. the observers) to undertake works on private property outside of the application site or to utilise the existing laneway for certain purposes, including service connections, and thus the application should have been invalidated.
- It is the observers' understanding that the proposed servicing arrangements would not normally satisfy the requirements of Irish Water and in this respect it is submitted that the inaccurate details shown on the submitted drawings may have influenced the decision of Irish Water not to object to the proposal.
- The applicants have failed to demonstrate sufficient legal interest to undertake the proposed development.

- Contrary to the applicants' assertion, it is the observers' understanding that the boundary walls alongside the laneway are in fact shared party walls and, therefore, the applicants do not have the legal right to undertake various aspects of the proposed development.
- There are concerns with regard to traffic safety along the laneway, with particular reference to the accessibility of the proposed development by larger vehicles (e.g. emergency vehicles and refuse collection lorries) given its corner location.
- Concerns remain as regards the adequacy of the access arrangements to the proposed parking spaces and the potential for interference with current parking practices along the laneway.

#### 6.4. Further Responses

None.

### 7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout / impact on built heritage considerations
- Impact on residential amenity
- Traffic implications
- Appropriate assessment
- Environmental impact assessment (screening)
- Other issues

These are assessed as follows:

## 7.2. **The Principle of the Proposed Development:**

- 7.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is zoned as 'A' with the stated land use zoning objective *'To protect and-or improve residential amenity'*. In addition to the foregoing, it should also be noted that the wider area is primarily residential in character and that whilst the prevailing pattern of development in the immediate vicinity of the application site is dominated by substantial period properties such as at Montpelier Parade, there are also several examples of more conventional housing construction in the locality, including a number of 'mews'-type dwellings alongside Montpelier Lane to the rear of Montpelier Parade. In this respect I would suggest that the proposed development site can be considered to comprise a potential infill site situated within an established residential area where public services are available and that the development of appropriately designed infill housing would typically be encouraged in such areas provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Indeed, the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'* acknowledge the potential for infill development within established residential areas provided that a balance is struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.
- 7.2.2. Further support is lent to the proposal by reference to Policy RES4: *'Existing Housing Stock and Densification'* of the Development Plan, which aims to increase housing densities within existing built-up areas having due regard to the amenities of established residential communities, wherein it is stated that the Planning Authority will actively promote and facilitate the development of mews buildings and other infill accommodation which is in harmony with existing buildings. Moreover, Policy RES6: *'Mews Lane Housing'* specifically seeks to facilitate the construction of measured and proportionate mews lane housing in suitable locations and in this regard I would advise the Board that the laneway along which the subject site is located (known locally as Montpelier Lane) is expressly identified in the County Development Plan as an area where *'mews development'* is deemed to be *'acceptable in principle'*. These policy provisions are further supplemented by the guidance set out in Section

8.2.3.4: *'Additional Accommodation in Existing Built-up Areas'* of the Plan which details the criteria to be used in the assessment of proposals which may involve the subdivision of an existing house curtilage (i.e. Corner/Side Garden Sites), infill development, or mews lane development.

7.2.3. Therefore, in light of the foregoing, with particular reference to the site context, and noting that permission has previously been granted for other 'mews'-type development further east along this laneway (with particular reference to PA Ref. No. D17A/0459 / ABP Ref. No. PL06D.249228 to the rear of No. 33 Montpelier Parade and PA Ref. No. D08A/0308 / ABP Ref. No. PL06D.230116 to the rear of No. 49 Montpelier Parade), I am satisfied that the wider principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the built heritage character of the area.

7.3. **Overall Design and Layout / Impact on Built Heritage Considerations:**

7.3.1. The proposed development involves the construction of 2 No. contemporarily designed, three-storey (two floors plus attic) dwellings and in this regard concerns have been raised in relation to the overall impact of the proposal on the character of the surrounding area, particularly in light of the site location within the Monkstown Architectural Conservation Area and its proximity to nearby properties which are considered to be of built heritage interest, including the existing dwelling house at No. 8 Montpelier Parade, which forms part of a larger terrace of protected structures, the curtilage of which encompasses the application site (RPS Ref. No. 590: Appendix 4: *'Record of Protected Structures / Record of Monuments and Places / Architectural Conservation Areas'* of the County Development Plan).

7.3.2. In assessing the overall design and layout of the proposed development, it is of relevance in the first instance to review the determination by the Planning Authority that, in light of the site context, the scale, bulk and height of the proposal fails to accord with the requirements of Section 8.2.3.4 (x): *'Mews Lane Development'* of the Development Plan in that it does not involve the construction of 'modest' mews infill housing. In this regard I would advise the Board that where the Planning Authority accepts the principle of residential development on a particular laneway, it is stated that *'Development will be confined to single units in one or two storeys of modest*

size'. Regrettably, no clear definition is provided as to what constitutes a 'modest' dwelling in the context of mews-type development, although I would suggest that a reasonable interpretation of same would be that any such dwelling should certainly be subservient to any principal residence on site and should also be of a limited size and scale. However, in the subject instance, some more practical guidance is readily available on what constitutes an acceptable 'modest' mews-dwelling by reference to the existing and permitted pattern of similar development along this section of laneway. For example, a brief summation of comparable 'mews' development approved along Montepelier Lane is set out below:

- PA Ref. No. D17A/0459 / ABP Ref. No. PL06D.249228:  
Floor area: 115m<sup>2</sup> (two-storey construction)
- PA Ref. No. D05A/1111 / ABP Ref. No. PL06D.214957:  
Floor area: 141m<sup>2</sup> (two-storey plus attic construction)
- PA Ref. No. D08A/0308 / ABP Ref. No. PL06D.230116:  
Floor area: 117m<sup>2</sup> (two-storey construction)

7.3.3. The supplementary architect's report appended to the grounds of appeal states that the floor area of Proposed House Nos. 1 & 2 will be 175m<sup>2</sup> and 150m<sup>2</sup> respectively, although it is unclear if this includes for the integral garage areas. A crude measurement from the submitted drawings would suggest that the overall floor area of House No. 1 (as the larger of the two units) is c. 200m<sup>2</sup> (inclusive of the parking space). Therefore, even if an allowance of 25m<sup>2</sup> is made for the integral parking space, it is clear that this unit is noticeably larger in terms of its floor area than any of the other units recently permitted on appeal along this section of laneway.

7.3.4. In terms of building height, whilst noting the applicants' reference to the recently published '*Urban Development and Building Heights, Guidelines for Planning Authorities, 2018*', and although Section 8.2.3.4 (x) of the Plan requires mews-type development to be of one / two-storey construction, due to the three-storey (i.e. two-storey plus attic) nature of the nearby 'mews' redevelopment authorised by ABP Ref. No. PL06D.214957, I would not immediately preclude consideration being given to a suitably scaled, comparable development containing accommodation over three floors. However, it is at this point that I would raise concerns as regards the manner

in which the applicants have sought to achieve the level of accommodation proposed. Unlike other mews development along Montpelier Lane, the subject proposal has sought to utilise a barrel-shaped, vaulted roof design in order to achieve a habitable attic space with the 'gable' end of same positioned to face southwards. In my opinion, it is this roof construction (unlike the more conventional pitched roofs further east) which contributes to the overall bulk and massing of the proposal, particularly when viewed in context with the limited width of the adjacent laneway and the proximity of those properties to the south. Whilst the overall ridge height of the proposed units would not appear to be excessive when viewed in conjunction with adjacent development (please refer to the contiguous elevational drawing submitted with the application), it is the additional massing and the perception of a structure of an increased height arising from the barrel roof (notwithstanding the recessed positioning of same) when viewed from the laneway to the south which will result in the proposal having an unacceptably overbearing and visually dominant appearance in the immediate locality.

- 7.3.5. Therefore, on balance, whilst I would acknowledge that the applicants have employed various techniques (including a variety of external finishes and recessed floor levels) in an effort to break-up or reduce the scale and massing of the proposal, given the site context, with particular reference to the scale of development proposed relative to the width of the laneway to the south and the proximity of those properties opposite, it is my opinion that the overall design of the proposal, by reason of its excessive size, scale, bulk and massing, fails to satisfactorily accord with the type of 'mews' development envisaged in Section 8.2.3.4 (x) of the Development Plan and would have a detrimental impact on the amenity of the surrounding area due its overbearing and visually dominant appearance.
- 7.3.6. With regard to the impact of the proposal on built heritage considerations, including the character and setting of nearby protected structures and the Monkstown Architectural Conservation Area, it is clear that the contemporary design serves to distinguish the new construction from surrounding period properties in accordance with the '*Architectural Heritage Protection, Guidelines for Planning Authorities, 2004*' and is of a higher architectural standard than the more conventional mews-development which has occurred further east along the laneway. Accordingly, having reviewed the submitted proposal, and in light of the site context, including its location

along a minor laneway characterised by a variety of somewhat piecemeal development to the rear of Montpelier Parade, in addition to the limited visibility of the site from within a wider context, I am satisfied that the proposed development will not have an undue or unacceptably detrimental impact on the character or setting of nearby protected structures or the Monkstown Architectural Conservation Area.

7.4. **Impact on Residential Amenity:**

- 7.4.1. Given the infill nature of the application site within a built-up urban area, concerns have been raised as regards the potential detrimental impact of the proposed development on the residential amenity of neighbouring properties by reason of overlooking and overshadowing. In this respect, I would advise the Board at the outset that in light of the positioning, orientation and separation of the proposed dwellings relative to the existing housing along Montpelier Parade to the north, I am satisfied that the proposed development will not unduly impact on the residential amenity of those properties. However, I would have a number of reservations as regards the potential impact of the proposal on other properties in the immediate vicinity, with particular reference to those dwelling houses located directly opposite the site along the southern side of Montpelier Lane and thus I propose to focus this aspect of my assessment accordingly.
- 7.4.2. With regard to the potential for overlooking, in my opinion, concerns arise with regard to the proposal to include first floor balconies on the southern elevations of each of the proposed dwelling houses given the proximity of same to nearby housing. In relation to the property located directly opposite the site along the southern side of the laneway, it should be noted that there is a first-floor bedroom window located within the north-facing elevation of the two-storey element of that dwelling house and thus there will only be a separation distance of c. 15-16m between that elevation and the proposed balcony areas. In addition, I would suggest that the proposed balconies could also offer potentially intrusive views towards the ground floor accommodation within the aforementioned dwelling house and its rear garden / amenity space, although these may be limited somewhat by the intervening boundary wall. Furthermore, it is my opinion that the inclusion of the proposed balcony areas would serve to limit / undermine the development potential of that property to the south of the laneway (and potentially that of the observer to the west of same). Whilst I would concede that the redevelopment of a mews dwelling located further east pursuant to

PA Ref. No. D05A/1111 / ABP Ref. No. PL06D.214957 included for the provision of a recessed first floor balcony onto the laneway (*N.B.* A proposed attic level balcony / terrace was omitted by condition), I would suggest that the context of the subject site differs in that there is noticeably less separation between the proposed development and the housing opposite.

- 7.4.3. By way of further comment, I would also have some concerns that the first floor balcony area of House No. 1 may give rise to overlooking of the southernmost part of the rear garden area serving No. 7 Montpelier Parade located on the western side of the main entrance laneway.
- 7.4.4. In terms of the potential for overshadowing, given the positioning and relationship of the proposed development relative to neighbouring properties, I am generally satisfied that any impact arising from same will be within tolerable levels.

7.5. **Traffic Implications:**

- 7.5.1. Vehicular access to the rear of the proposed development site is obtained via a private laneway (known locally as Montpelier Lane) which extends southwards from the existing bell-mouthed entrance arrangement onto Montpelier Parade before subsequently continuing perpendicularly to the rear of those properties. In this respect it is of particular relevance to note that there are already two existing vehicular access points in place from the application site onto Montpelier Lane in the form of an entrance gateway and a separate shed / workshop structure (proposed for demolition) which includes a double-door that opens directly onto the laneway.
- 7.5.2. The proposed development provides for the inclusion of integral on-site car parking spaces within each of the proposed dwelling houses which will be accessed from the adjacent laneway via independent entrance arrangements. Each of these spaces will generally measure 5.505m x 2.925m, however, in order to provide for easier traffic turning movements to / from these spaces, the proposal also includes for enlarged entrance openings (4.05m in width) onto the laneway. In this regard, whilst I would acknowledge the concerns of the observer that the proposed vehicular access arrangements could potentially interfere with established parking practices alongside the laneway given the likely need for part of the carriageway to be maintained free from obstruction in order to ensure that there is adequate manoeuvring space available for vehicles visiting the site, particularly in that area opposite the new

entrance points, I note that a comparable parking arrangement was recently approved by the Board on the adjacent site to the immediate east in its determination of PA Ref. No. D17A/0459 / ABP Ref. No. PL06D.249228, subject to a condition which required the proposed garage to be redesigned to facilitate access and egress in the presence of a parked car on the opposite side of Montpelier Parade. In addition, integrated parking spaces also formed part of those developments approved elsewhere along this section of laneway under PA Ref. No. D05A/1111 / ABP Ref. No. PL06D.214957 & PA Ref. No. D08A/0308 / ABP Ref. No. PL06D.230116.

- 7.5.3. Therefore, in light of the existing and permitted pattern of development along the laneway in question, including the provision of integral car parking spaces, and given the established / historical presence of two existing vehicular access points to the rear of the application site in positions comparable to those detailed in the subject proposal, I am satisfied that the proposed development will not unduly impact on existing traffic movements or parking practices along the laneway.
- 7.5.4. With regard to the actual adequacy of the on-site parking arrangements, I would refer the Board to the requirements set out in Table 8.2.3: *'Residential Land Use - Car Parking Standards'* of the Development Plan wherein it is stated that parking should be provided at a rate of 2 No. spaces per 3-bed unit+. Given that each of the proposed dwelling houses will include for a minimum of 3 No. bedrooms (with the potential for additional bedroom space to be provided through the conversion of other rooms), the provision of 1 No. on-site car parking space for each unit would appear to be deficient, however, Section 8.2.3.4 (x): *'Mews Lane Development'* of the Development Plan indicates that the provision of a single off-street parking space will be considered acceptable in instances of mews-type development. Whilst the Development Plan also states that two parking spaces should be provided where this can be reasonably accommodated, I am inclined to suggest that the relaxed standard is permissible in this instance given the on-site constraints and the proximity of the development to nearby public transport services (including a 'Proposed Quality Bus-Bus Priority Route' along Stradbroke Road / Temple Hill and the Dart Station at Seapoint).
- 7.5.5. In relation to the wider traffic impact of the proposed development, having regard to the existing and permitted pattern of development in the vicinity, the limited scale of

the development proposed, the adequacy of the proposed off-street parking arrangements, the overall condition and width of the existing laneway, and the likely traffic volumes and speeds along Montpelier Lane, it is my opinion that the surrounding road network has sufficient capacity to accommodate the additional traffic consequent on the proposed development and that the subject proposal will not pose a risk to traffic / public safety.

7.5.6. Therefore, on balance, I am satisfied that the proposed car parking and associated access arrangements are acceptable and that the subject proposal will not endanger public safety by reason of traffic hazard.

7.6. **Appropriate Assessment:**

7.6.1. Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

7.7. **Environmental Impact Assessment (Screening):**

7.7.1. Having regard to the nature and scale of the proposed development, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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.

7.8. **Other Issues:**

7.8.1. With regard to the concerns expressed by an observer to the appeal that the proposed development will interfere with private property, including the adjacent laneway and shared boundary walls etc., in absence of the appropriate consent, and that the applicants do not have the necessary legal interest to avail of any service connections etc. via the adjacent laneway which is retained in private ownership, I note that the applicants have responded to same by asserting that the Registry of Deeds shows a right of way along the laneway passing to the front and side of the

proposed development site and that the boundary walls in question were constructed within the confines of their property.

- 7.8.2. In my opinion, it is not the function of the Board to adjudicate on property / boundary disputes and, therefore, any alleged encroachment or interference with private property (including any need for access over same in order to allow construction / maintenance of the proposed development) is essentially a civil matter for resolution between the parties concerned. In this respect I would refer the Board to Section 34(13) of the Planning and Development Act, 2000, as amended, which states that *'A person shall not be entitled solely by reason of a permission under this section to carry out any development'* and, therefore, any grant of permission for the subject proposal would not in itself confer any right over private property.

## 8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

## 9.0 Reasons and Considerations

1. Having regard to the site location, its positioning along a mews laneway, the established built form and character of the surrounding area, and the provisions of Section 8.2.3.4 (x): 'Mews Lane Development' of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022, it is considered that the proposed development, by reason of its design, scale, bulk and massing, would constitute an overbearing form of development when viewed from adjacent lands which would be detrimental to the residential and visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the site location and the proximity of neighbouring development along the southern side of the adjacent laneway, it is considered that the proposed development, by reason of its overall design and scale, including the provision of balcony areas at first floor level within the southern elevations of the proposed dwelling houses, would adversely affect the

development potential of neighbouring lands, which are zoned as 'Objective A' in the current Development Plan for the area. The proposed development would, therefore, seriously injure the residential amenities, and depreciate the value, of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

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Robert Speer  
Planning Inspector

16<sup>th</sup> January, 2019