



An
Bord
Pleanála

Inspector's Report ABP-302645-18

Development	Construction of extensions to existing dwelling: at first floor level of 7 sq.m and at second floor level a living room of 15 sq.m, along with a private terrace.
Location	The Mews, 26A, Mount Eden Road, Donnybrook, Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3061/18
Applicant(s)	Christine Connolly
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Declan Black & Sinéad Durcan
Observer(s)	None
Date of Site Inspection	24 th November 2018
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site located on Woods Way in Donnybrook approximately 3km south of Dublin city centre. Woods Way is an “L” shaped mews laneway accessed off Mount Eden Road to the south and Belmont Avenue to the east. There is a mix of uses and architectural styles on the laneway.
- 1.2. The site occupies a corner location at the turn in the mews lane. A 2-storey flat roof dwelling is situated within the appeal site set back from the corner. There is a car parking space to the west of the dwelling and to the south is a cobbled open space associated with an adjacent commercial building with shared access.
- 1.3. The stated floor area of the dwelling is 87 sq.m. and the site area is given as 69 sq.m. There is no garden associated with the dwelling on site.

2.0 Proposed Development

- 2.1. Planning permission is sought for a 7 sq.m. 1st floor extension and a 15 sq.m. 2nd floor extension to No. 26a. The 1st floor extension will accommodate a bedroom extension and the new 2nd floor will comprise of a living room/ study/ bedroom. An outdoor terrace is also proposed at 2nd floor level.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council issued notification of decision to grant permission subject to six conditions of a standard nature.

3.2. Planning Authority Reports

- 3.2.1. The recommendation to grant permission in the final Planner’s Report reflects the decision of the Planning Authority.
- 3.2.2. The following are the main points raised under the assessment of the application:

- Proposal would provide 109 sq.m. of floorspace; however, the proposed 18 sq.m. roof terrace would be below Development Plan standards for a 3-bed house.
- 3-storey dwelling would be a divergence from the established pattern and is not normally permitted on a mews laneway.
- Laneway is of mixed character and there is sufficient separation with adjacent residential uses to consider additional height on site.
- Any overshadowing of existing gardens to the east and west will be minimal and area to the north is occupied by a loading bay.
- Corner element closest to the laneway would comprise of opaque glazing with intermittent cement panels to prevent overlooking and to provide a lightweight structure at this level.
- Rooftop terrace would be screened on all sides and would not result in any overlooking.
- Planning history included change of use to residential with no amenity in terms of open space.

3.2.3. The applicant was requested to clarify the planning history of the building and to determine if planning permission granted under Reg. Ref: 1698/98 was implemented, or if the existing residential use is long-standing and established.

3.2.4. In response, the applicant submitted a letter from the previous site owner which states that building works necessary for the conversion to residential use were undertaken and that a previous enforcement investigation failed to substantiate the allegation that the permitted residential use was not implemented during the statutory period. The response was considered satisfactory by the Planning Authority.

3.3. **Third Party Observations**

3.3.1. Two observations were received from the appellant and the resident of No. 2 Mount Eden Road, which is located north-west of the appeal site.

4.0 Planning History

Dublin City Council Reg. Ref: 3521/16

- 4.1. Permission refused for retention of a balcony and access door on the western side of the structure, and/or the construction of a new 3-storey extension to the west enclosing this balcony, and comprising a car port on ground floor, an enlarged bedroom with south facing balcony and en suite bathroom on 1st floor and a living room on the 2nd floor with access stair and roof garden above the present roof. Also replacing, moving and enlarging the present windows, increasing the insulation externally and other works to bring the energy performance up towards passive house standards, re-plastering the exterior in white or colour over insulation.
- 4.2. The first reason for refusal cited the proposed insufficient and inappropriate private open space for a residential property on a restricted site. Under the second reason, it was considered that the proposed 2nd floor extension constitutes a visually incongruous form of development that would set a precedent in the area for other unsuitable developments of this type, which would seriously impact on the area given that the site is located just outside the Belmont Avenue/Mount Eden Road and Environs Architectural Conservation Area.

Dublin City Council Reg. Ref: 1689/98 (PL29S.108278)

- 4.3. Permission granted for conversion of a small 2 storey office building for residential use, with the ground floor of the larger building occupying the same site, to be used for office/ software manufacturing. Works to the smaller building will include replacing the existing windows and the provision of an entrance porch.

Dublin City Council Reg. Ref: WEB1175/15

- 4.4. Permission granted on the site to the north of the appeal site for partial demolition and change of use from light industrial/office to part two-storey, part single-storey dwelling with basement.

5.0 Policy Context

5.1. Dublin City Development Plan, 2016-2022

- 5.1.1. The appeal site is zoned “Z1” where the objective is “*to protect, provide and improve residential amenities.*”
- 5.1.2. Development standards for alterations and extensions (General) are set out in Section 16.2.2.3. Section 16.10.12 includes standards for extensions and alterations to dwellings and Appendix 17 contains guidelines for residential extensions.
- 5.1.3. Residential quality standards, including open space standards for dwellings are included in Section 16.10.2.
- 5.1.4. Section 16.10.16 sets out recommendations for mews dwellings.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third party appeal was lodged against the Council’s decision on behalf of the residents of No. 14 Mount Eden Road, the rear boundary of which is located west of the site. The grounds of appeal and main points raised in this submission are summarised as follows:
 - Precedent examples given by the applicant are generally 2-storey volumes with inhabited roof space or lower floor/ semi-basement – proposal is 3-storeys in a historic context of smaller scale subservient mews buildings.
 - Proposal will result in a 3-storey building with vertical emphasis, in contradiction to all surrounding properties (see Development Plan Section 16.10.16/c/a).
 - Design would result in a singular vertical element within the urban context of mews to a residential conservation area – massing will substantially alter the urban skyline and have an overbearing impact.
 - Proposal would be contrary to Development Plan Section 16.10.16 e & j – character of mews lane and private open space to rear of mews building.

- High levels of artificial light at 2nd floor level will radiate through the glass against the surrounding context of rooftops and a night sky – this will be intrusive on adjoining residential amenity.
- Glazed panels at 2nd floor level facing mews lane could be eliminated and replaced by fibre cement cladding panels as proposed on other elevations.
- Material treatment of 1.8m high screen bounding the proposed roof terrace could be revised or the screen could be set back from the face of the elevations to reduce visual impact at night time.
- Proposed development could undermine the development potential of appellants' property for a similar 2-storey mews development.
- Proposal will still not comply with Development Plan open space standards.

6.2. Applicant Response

6.2.1. The following comments were submitted on behalf of the applicant on the third party appeal:

- There will be no overshadowing impact on the appellants' property at any time of the day/ year.
- Distance between rear wall of appellants' dwelling and opposing wall of proposed extension is 30m.
- Maximum 8.2m height of extended dwelling will be significantly lower than warehouse structure and lower than the ridge level of appellants' property.
- Street lamp is in the light of sight of appeal site from appellants' property.
- Red lines on appellants' photographs exaggerate the volume or footprint of the proposal.
- There is no reason why the proposal would impact on the development potential of appellants' property.
- There are numerous examples of 3-storey mews houses in the vicinity and in the Dublin area in general.

- Applicant is more than willing to carry out alterations to mitigate against any excessive light emittance to include removal of opaque glazing from the west elevation and south-west corner, along with a slight variation to the terrace screening.

6.3. Planning Authority Response

6.3.1. No response.

6.4. Further response

6.4.1. The appellant's agent submitted a further response which is summarised as follows:

- Deciding authority should be concerned with the substantive issues, not the discussions.
- Appellant would prefer this development not to proceed.
- If it is to proceed, appellant would prefer fibre cement panelling rather than 100% opaque glazing on the third storey.

7.0 Assessment

7.1. I consider that the key issues in determining this appeal are as follows:

- Development principle;
- Visual impact;
- Impact on residential amenity;
- Appropriate Assessment.

7.2. Development Principle

7.2.1. The appeal site is zoned "Z1" where the objective is "*to protect, provide and improve residential amenities.*" The construction of an extension to a dwelling would therefore be acceptable in principle subject to an assessment of the impact of the proposal on residential amenity and compliance with other relevant Development Plan policies and objectives.

7.3. Visual Impact

- 7.3.1. Planning permission is sought for first and second floor extensions to an existing 2-storey flat roof dwelling with single storey return to the side. It is also proposed to provide a screened roof terrace beside the new second floor extension. This dwelling was originally in office use associated with the adjacent warehouse building. Permission was granted in 1999 for the change of use from office to residential use for the existing dwelling on site and adjoining car parking space only. The cobbled yard and shared entrance to the south of the dwelling are outside the site boundary.
- 7.3.2. The site is within a mews lane setting comprising a mix of building styles and uses. There is a contemporary style dwelling to the north of the site, the larger warehouse to the south and 2-storey dwellings to the south-east. The western side and southern end of the mews lane is within an Architectural Conservation Area. The boundary of the ACA also adjoins the appeal site to the east.
- 7.3.3. It is stated in Section 16.2.2.3 of the Development Plan that alterations and extensions should respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings. Moreover, alterations and extensions at roof level, including roof terraces are expected to respect the scale, elevational proportions and architectural form of the building. Section 16.10.16 states that a unified approach should be taken to development of residential mews lanes, with heights generally confined to two storeys.
- 7.3.4. The third party appellant makes the point that the proposal will essentially result in a 3-storey building with vertical emphasis in contradiction to surrounding properties. It is considered that the proposed massing will substantially alter the urban skyline and have an overbearing impact.
- 7.3.5. In my opinion, the dwelling on the appeal site is not a mews structure *per se* having regard to its corner location and the fact that it is not associated with the nearest dwelling on Belmont Avenue to the east. Furthermore, there is no rigid pattern of mews development along the laneway; there is a variety of uses, designs and building heights. In particular, the closest structures, i.e. the contemporary structure to the north and the warehouse to the south, are buildings of scale within this context.

- 7.3.6. In terms of height, the proposed 2nd floor extension, at 8.4m above ground level, will be approximately 2.4m below the height of the warehouse building and 2m above the building to the north. I note that the dwelling on site will be visible between the terraces either side of the laneway from Belmont Avenue; however, I would be satisfied that the structure will not be overly vertical in emphasis from this direction. The new structures at roof level will step up from the existing parapet, with the tallest structure located to the rear within this view.
- 7.3.7. I note that the new extensions and screening around the terrace will appear as three separate additions when viewed from the south on the laneway. I would be satisfied that this breakdown will not give the appearance of added bulk to the dwelling. The western elevation will have the projecting box structure at first floor level with vertical off-set window. This elevation will be softened by the presence of the tree on site. By contrast, the previously refused proposal had a largely blank western elevation rising to a height of 9.7m.
- 7.3.8. Overall, I would be satisfied that the proposed extensions are appropriate additions to the existing building and for the location of the site. The design, materials and finishes will give the structure more of a contemporary appearance and this architectural style is commonplace for replacements, extensions and alterations to dwellings on the mews lane and elsewhere within the architectural conservation area.

7.4. Impact on Residential Amenity

- 7.4.1. The proposal will increase the floor area of the dwelling from 87 sq.m. to 109 sq.m. This now exceeds with the target gross floor area for a 3-storey 3-bed dwellings within the Quality Housing Guidelines for Sustainable Communities.
- 7.4.2. The Development Plan states that a minimum standard of 10 sq.m. of private open space per bedspace will normally be applied, and within the inner city, this standard can be lowered to 5-8 sq.m. It should be noted that the footprint of the existing dwelling on site covers most of the site apart from a small area to the side used for car parking.
- 7.4.3. The proposed roof terrace with floor area of 18 sq.m. would be well below the minimum Development Plan standard for a dwelling of this size. However, I would

be satisfied that this represents an improvement over the current situation whereby the dwelling has little or no usable private open space. Overall, the proposed extensions and roof terrace will significantly improve the standard of residential amenity for residents of the dwelling.

- 7.4.4. The third party appellants are concerned that the proposal will generate high levels of artificial light at 2nd floor level radiating through the glass against the surrounding context of rooftops and a night sky. It is submitted that the glazed panels at 2nd floor level facing the mews lane could be eliminated and replaced by fibre cement cladding panels as proposed on other elevations.
- 7.4.5. The applicant has included a number of minor revisions to the 2nd floor extension to include 100% opaque glazing on western and southern elevations and the setting of the terrace screen at 45 degrees. I would be no objection to these amendments.
- 7.4.6. The applicant has submitted a shadow analysis with the proposed development which shows that there will be negligible impact on surrounding properties. I would also be satisfied that the proposed will not give rise to significant overlooking or overbearing impacts, and will not undermine the development potential of adjoining sites.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

8.0 **Recommendation**

- 8.1. It is considered that the proposed development should be granted for the reasons and considerations hereunder and subject to the conditions below.

9.0 **Conditions**

- 1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 3rd day of August 2018 and

by further plans and particulars received by An Bord Pleanála on the 26th day of October, 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed extensions shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity

Donal Donnelly
Planning Inspector

28th November 2018