



An  
Bord  
Pleanála

## Inspector's Report ABP 302754-18

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<b>Development</b>	Demolition of wall around site and construct part single storey part two storey detached three bedroom mews.
<b>Location</b>	16A Prices Place, Ranelagh, Co. Dublin
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3068/18
<b>Applicants</b>	Francis & Claire O'Keefe
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	3 <sup>rd</sup> Party v. grant
<b>Appellants</b>	1. Loretta Dunphy 2. Dr. Evelyn Mahon
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	24/11/18
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

The site which has a stated area of 283.5 sq.m. is roughly L-shaped with the narrow section of the site running along the rear of the two storey terraced dwellings that front onto Mountpleasant Terrace. The main, narrow section of the site is vacant with the north-eastern most corner comprising a portion of the rear garden of No.16 Mountpleasant Terrace. A low block wall delineates the boundary onto the lane. A timber fence delineates the northern boundary of the site which is set back from the boundaries of the dwellings that front onto Mountpleasant Terrace thereby allowing rear access to same. The wayleave is overgrown.

The site is bounded by a metal scrapyard to the east, outbuildings at the end of gardens serving Mountpleasant Terrace to the north and Garden View cul-de-sac to the west. Price's Lane which links Ranelagh Road and Mountpleasant Avenue Lower is characterised by a mix of commercial development, mews dwellings and vacant sites/properties. An arch delineates the entrance to the lane from Ranelagh Road. On-street paid parking is available along sections with double yellow lines elsewhere.

## 2.0 Proposed Development

The application was lodged with the planning authority on the 21/05/18 with further plans and details submitted 22/08/18 following a request for further information dated 16/07/18

The proposal entails

- Demolition of a low perimeter wall around the site

Construction of part single/part two storey detached 3 bedroom mews dwelling in the eastern most section of the site. The dwelling is to have a stated floor area of 227.5 sq.m. The narrow rectangular section of the site is to be used as a garden and parking.

The wayleave to the rear of the dwellings on Mountpleasant Terrace is to be retained.

Letters of consent from the respective landowners to the lodgement of the application accompany the application.

A Planning Design Report accompanies the application with a statement on how the proposal complies with the Development Plan requirements for Mews Dwelling submitted by way of further information. A shadow analysis was also submitted by way of further information.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Grant permission for the above described development subject to 7 conditions including:

Condition 3 (a): Preparation of construction management plan.

(c) gates to be inward opening only

#### 3.2. **Planning Authority Reports**

##### 3.2.1. Planning Reports

The **1<sup>st</sup> Planner's** report notes that the principle of providing a mews building is acceptable however due to the nature of the site the overall scale, height and depth of the proposal would be a concern taking into account the scale of the existing dwellings in the vicinity. A shadow analysis is required to better understand the overall impact of the scheme and, in particular, those located along Price's Lane. Whilst it is acknowledged that the environment and amenity currently enjoyed by the residents adjoining would be altered there is a need to have regard to the prevailing heights and the existing scale and depth of properties in the area. The issue of visibility at the access and car parking are noted. A request of further information is recommended. The **2<sup>nd</sup> report** following further information considers that an acceptable justification for the overall height, depth and scale has been given. The potential to reduce the height by 500mm presented by the applicant is considered unnecessary given the submission details which indicate that the overall height of the dwelling would not overshadow or have an overbearing impact on adjoining

residential properties. Having regard to the shadow analysis the proposal would not significantly alter the current circumstances of the rear gardens of Mountpleasant Terrace. The main impact, although limited, would be to the rear of No.16. It would not result in undue overshadowing. The Roads and Traffic Planning Division recommendation is noted. A grant of permission subject to conditions is recommended.

### 3.2.2. Other Technical Reports

**Drainage Division** has no objection subject to conditions.

The **1<sup>st</sup> report** from **Roads and Traffic Planning Division** recommends that the applicant be requested to demonstrate that the access and parking space is fully accessible. There are concerns regarding the visibility at the access particularly for reversing movements onto the laneway. Should permission be granted a construction management plan would be required. The **2<sup>nd</sup> report** following further information notes that having regard to the low traffic speeds on the adjoining road network the proposed access is considered acceptable. The swept path analysis demonstrates that the access and parking space are fully accessible. No objection subject to conditions.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

Objections to the proposal received by the Planning Authority are noted. The issues raised related to design, size and height of dwelling, impact on amenities of adjoining property, access and traffic.

A letter of support received by the Planning Authority is noted.

## 4.0 Planning History

I am not aware of any previous planning application on the site.

## 5.0 Policy Context

Dublin City Development Plan 2016 refers.

The site is within an area zoned Z1 the objective for which is to protect, provide and improve residential amenities.

Plot ratio and site coverage standards are set out in sections 16.5 and 16.6.

Indicative plot ratio of 0.5 – 2.0 and indicative site coverage of 45-60% are detailed for Z1 zones areas.

Section 16.10.16 sets out the development management requirements for mews dwellings. Of note:

- c) Development will generally be confined to two-storey buildings.
- e) New buildings should complement the character of both the mews lane and main building with regard to scale, massing, height, building depth, roof treatment and materials. The design of such proposals should represent an innovative architectural response to the site and should be informed by established building lines and plot width. Depending on the context of the location, mews buildings may be required to incorporate gable-ended pitched roofs.
- f) The amalgamation or subdivision of plots on mews lanes will generally not be encouraged. The provision of rear access to the main frontage premises shall be sought where possible.
- g) All parking provision in mews lanes will be in off-street garages, forecourts or courtyards. One off-street car space should be provided for each mews building, subject to conservation and access criteria.
- j) Private open space shall be provided to the rear of the mews building and shall be landscaped so as to provide for a quality residential environment. The depth of this open space for the full width of the site will not generally be less than 7.5 m unless it is demonstrably impractical to achieve and shall not be obstructed by off-street parking. Where the 7.5m standard is provided, the 10 sq.m of private open space per bedspace standard may be relaxed.
- l) The distance between the opposing windows of mews dwellings and of the main houses shall be generally a minimum of 22 m. This requirement may be relaxed due

to site constraints. In such cases, innovative and high quality design will be required to ensure privacy and to provide an adequate setting, including amenity space, for both the main building and the mews dwelling.

### 5.1. **Natural Heritage Designations**

None in the vicinity.

## 6.0 **The Appeal**

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

#### 6.1.1. **Dr. Evelyn Mahon**

The grounds of appeal can be summarised as follows:

- The principle of providing a mews building is acceptable.
- The proposal is contrary to section 16.10.16 of the Dublin City Development Plan in that the scale of the building is significantly greater than that of the parent building. The fact that the building would extend to the rear of a number of the dwellings on Mountpleasant Terrace is also considered to be contrary to this section.
- The window in the 2<sup>nd</sup> bedroom overlooks the gardens of dwellings on Mountpleasant Terrace.
- The massing and height of the proposed dwelling is greater than those in the immediate vicinity.
- The shadow analysis provided is in plan, only, and does not reflect the actual impact. It does, however, demonstrate a serious impact on the neighbouring properties which would impact on their character and enjoyment. A 3 dimensional analysis would have been better.
- The traffic analysis uses a 4 metre long vehicle. Modern cars are often significantly larger. In reality the proposal poses a hazard.
- As the arch into Price's Place cannot accommodate all large commercial vehicles they enter via Mountpleasant Terrace which adds to traffic.

### 6.1.2. Loretta Dunphy

The submission made on her behalf by Green Design Build, which is accompanied by supporting plans and details, can be summarised as follows:

- The description of the proposal as a mews is debatable as it runs to the rear of 8 dwellings and not 1 in the traditional sense.
- The design is inappropriate. The full-fill block design does not protect the privacy or access to light of adjoining rear gardens.
- The proposed building runs right to the boundary of the rear garden of No.16 Mountpleasant Terrace. This is unacceptable as the corner of the proposed building is within approx. 4500mm of the rear garden and patio area of No.14. which are not shown on the site layout plan. The building should be stepped back further.
- The height of the mews is 6900mm. With a 400mm step shown to the proposed garden level this results in an actual height of 7300mm. This would adversely impact on the private open space of No.14. The parapet design should be removed so that any potential overshadowing of the patio area of No.14 is reduced to a minimum.
- The floor to ceiling height could be less than 2700mm which would reduce the height by at least 1000mm. This would also reduce the extent of any potential shadow on No.14.
- The blank rear elevation is unattractive and should be redesigned.
- Windows will overlook the rear gardens which will impact on privacy.
- The proposal will give rise to overshadowing, have a direct impact on light levels available to the rear garden. Flora and fauna will be affected.
- Construction hours and noise in addition to vibration monitoring should be controlled by condition.
- The additional information should have been subject of readvertisement.
- The proposal would devalue No.14
- The parking arrangement is awkward and would be a hazard.

## 6.2. **Applicant Response**

None

## 6.3. **Planning Authority Response**

None

## 6.4. **Observations**

None

## 7.0 **Assessment**

I consider that the issues arising in the case can be assessed under the following headings:

1. Principle of Development
2. Design and Impact on Amenities of Adjoining Property
3. Other Issues

### 7.1. **Principle of Development**

The site is within an area zoned Z1 residential in the current Dublin City Development Plan, the objective for which is to protect, provide and improve residential amenities. As noted in the vicinity mews dwellings are a feature with varying architectural styles. The proposal for a mews dwelling is therefore acceptable in principle in such a zone however a balance has to be struck between meeting the applicants' requirements, the reasonable protection of amenities and privacy of adjoining dwellings and the protection of the established character of the area.

### 7.2. **Design and Impact on Amenities of Adjoining Property**

I note that the two appellants reside in Nos. 14 and 18 Mountpleasant Terrace which back onto the site to the north.



The site is somewhat unusual in its configuration in that it effectively runs to the rear of 8 no. dwellings that front onto Mountpleasant Avenue with a portion of the rear garden of No. 16 being acquired to allow for depth so as to facilitate the development potential of the plot. As such is it somewhat different from what would generally be considered to be mews development. However this does not, of itself, preclude its consideration for development in that idiom.

The proposed design solution entails the dwelling to be positioned in the deepest (eastern section) of the site with the two storey component to the rear of No.16 and abutting the block wall of the adjoining commercial yard stepping down to single storey to the rear of No.18. The two storey element at its highest point is 6.3 metres with the single storey being 4.2 metres. As shown in the elevation drawings submitted with the application the height of the two storey element is comparable with that of the dwellings on Mountpleasant Terrace to the north and is 1.2 metres higher than the two storey dwellings on the opposite side of Price's Place.

A house design in a modern idiom is proposed utilising internal courtyards to facilitate access to light both at ground and 1<sup>st</sup> floor level. Such a design solution arises due to the constraints imposed by the site's proximity to the rear gardens to the north and the potential for overlooking. Whilst windows are proposed serving bedrooms at 1<sup>st</sup> floor level the rear courtyard is to have a solid screen up to at least the height of the window which will preclude overlooking save with the exception of the smaller window in the 2<sup>nd</sup> bedroom. As is common in urban areas overlooking of rear garden spaces naturally arises. I consider that overlooking into the rear of No.18 from the said window would be at an angle, would be marginal and is acceptable. I note that the bedroom in question is to be served by a further window into the courtyard. Should the Board consider it appropriate the opening on the western elevation could either be fitted with opaque glazing or replaced with a high level window.

I would concur with the agent for the applicant in the further information response that the issue of sound travel via the courtyards is not material issue in such an urban environment.

A shadow analysis was submitted by way of further information. I submit that such an analysis is an aid to inform an assessment on the issue and that the absence of a

3 dimensional model as referred to by one of the appellants is not fatal to the application. As evidenced from same No.16 who is agreeing to the selling of part of the garden to facilitate the proposed development would experience the greatest increase in overshadowing. The increase in overshadowing that would be anticipated at No.18 would be limited to the morning period at certain times of the year. The impact on No.14 would not be discernible. On balance I submit that any additional overshadowing over that currently experienced would be marginal and would not detract materially from the residential amenities currently enjoyed.

The way leave to the rear of the properties on Mountpleasant Terrace is to be maintained with the height of the single storey dwelling being 3.78metres in height along same.

In view of the mix of architectural designs in terms of mews development along Price's Place and in the wider vicinity including the dwellings on the north side of Mountpleasant Terrace I consider that the proposed house design to be acceptable. I consider that the scale, massing and height of the dwelling and it's external finishes including brick and metal cladding to be reasonable with the innovative design response to the site constraints acceptable. The massing of the dwelling as viewed from the lane is broken up by the insertion of a courtyard which will divide the two storey from the single storey component. I do not consider that the reduction in height as proposed by the agent for the applicant in the further information response is necessary on the basis that the height is not at variance with that in the immediate vicinity and does not adversely impact on the amenities of adjoining property in terms of overshadowing. In my opinion the proposal would be a positive addition to the streetscape thereby addressing what is a currently a vacant plot that detracts from same.

Off street parking provision is provided. Whilst Price's Place is narrow with on street parking available along sections including that along the site frontage. The proposed access into the site located on the bend at the junction of the lane and Mountpleasant Terrace. Vehicles using the lane and terrace due so at low speeds. I consider that the proposed access arrangements are acceptable and would not give rise to a traffic hazard. Due to the constraints imposed by the arch at the lane's junction with Ranelagh Road to the south and the lane's restricted width in terms

access by construction vehicles the requirement to prepare and submit a construction management plan is entirely reasonable.

I also consider that whilst the garden space cannot attain the 7.5 metre width and location to the rear of the dwelling as required by section 16.10.16(j) of the City Development Plan the proposed provision, inclusive of the courtyards equates to 67 sq.m., is acceptable and provides for an acceptable level of amenity.

In conclusion, I consider that the proposed development complies with the requirements for mews development as set out in section 16.10.16 of the City Development Plan as are applicable and would not give rise to an adverse impact on the amenities of adjoining property.

### **7.3. Other Issues**

#### Environmental Impact Assessment

Having regard to the nature and scope of the proposed development within a built up, serviced area within Dublin City, 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.

#### Appropriate Assessment

Having regard to the nature and scope of the proposed development within a built up, serviced area within Dublin City 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.

## 8.0 Recommendation

I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

## 9.0 Reasons and Considerations

Having regard to the residential zoning objective for the area and the pattern of development in the vicinity including the development of mews dwellings of varying architectural design, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application, as amended by the further plans and particulars submitted on the 22<sup>nd</sup> day of August 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. 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.

3. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed mews dwelling shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of visual amenity

4. The vehicular entrance shall not have outward opening gates.

**Reason:** In the interest of traffic safety.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, traffic management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

6. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning

and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**November, 2018**