



An  
Bord  
Pleanála

## Inspector's Report ABP-302874-18

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<b>Development</b>	Demolition of garage and construction of 2 no. 2 storey, with habitable roof accommodation, split level mews dwelling with roof lights
<b>Location</b>	Rear of Protected Structure, 42, Mountpleasant Square accessed off Walker's Cottages, Dublin 6
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	3684/18
<b>Applicant(s)</b>	Steeplevale Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Catherine O'Flaherty.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	13/12/18.
<b>Inspector</b>	Sarah Lynch

## **1.0 Site Location and Description**

- 1.1. The site is located to the rear of no. 42 Mountpleasant Square which is a Protected Structure (ref: 5586) and forms part of what was the original garden associated with this property. The appeal site has direct access from Walkers Cottages to the south.
- 1.2. The lands currently accommodate a single storey garage accessed via a roller shutter gateway which abuts a two-storey residential terrace to the east and is currently used as a parking area and garage. The site is bounded by a c.2 metre red brick wall to the south and a 1.2 metre wall with railings to the east and west.
- 1.3. Walkers Cottages comprise a narrow lane bounded by predominantly two-storey dwellings. The pattern of development within the immediate vicinity is compact with a diverse range of building design which have been extended and altered in a variety of styles.
- 1.4. The appeal site, similar to many of the dwellings within the immediate vicinity along Mountpleasant Square, originally consisted of large rear gardens with rear access onto to Walkers Cottage. The rear plots within all of these gardens, with the exception of the appeal site, have been developed for residential purposes.

## **2.0 Proposed Development**

- 2.1. Planning permission is being sought for the following development:  
  
Demolition of garage and construction of 2 no. 2 storey, with habitable roof accommodation, split level mews dwelling with roof lights and 2 no. off street carparking spaces.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission granted with standard conditions.

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

### 3.2.1. Planning Reports

- The planners report is consistent with the planning authority decision.

### 3.2.2. Other Technical Reports

- Drainage – No objections subject to revised plans in relation to outfall manholes and SUDS features.
- Roads Streets & Traffic Department – No objections subject to conditions
- Conservation Officer – No objections subject to conditions.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

A number of observations were received from residents of Walker's Cottages the issues raised can be summarised as follows:

- Overdevelopment of the site
- Exacerbate parking congestion in the vicinity
- Loss of privacy
- Road safety due to lack of footpath

## 4.0 Planning History

The following is of relevance:

**5694/07** Permission was **granted** for the development of 2 no. 2-storey mews buildings. (This permission was not implemented).

**1547/01** Permission was **granted** for the construction of a 2-storey mews house. (This permission was not implemented).

## 5.0 Policy Context

### 5.1. Development Plan

Dublin City Development Plan

Land use zoning objective Z2 – To protect and/or improve the amenities of residential conservation areas.

- QH8 – Promote development of vacant sites
- QH22 – New houses to be in keeping with character of existing.
- Section 11.1.5.1 Protected Structures
- Section 11.1.5.4 – Architectural Conservation Areas and Conservation Areas.
- Section 11.1.5.5 – Conservation Area – Policy Rationale
- Section 16.6 – Site Coverage
- Section 16.10.8 Backland Development.
- Section 16.10.10 Infill Housing
- Section 16.10.16 Mews Dwellings

National Planning Framework Project Ireland 2040

- Section 2.2 - Compact Growth
- NSO 1 – Compact growth

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2018.

- Appendix 1 – Required minimum floor areas and standards

Quality Housing for Sustainable Communities 2007

- Section 5 – Dwelling design

### 5.2. Natural Heritage Designations

None

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The third-party grounds of appeal have been submitted by no. 3 Walker's Cottages and the issues raised can be summarised as follows:

- Provision of a study will lead to unjustified intensification of the unit.
- Additional car parking in an already overcrowded lane.
- Increasing risk of danger to pedestrians
- In the absence of boundary gates, the site will overlook the appellants' property and vice versa.

### 6.2. Applicant Response

- The principle of Mews development at this site has been historically accepted and is in accordance with the compact growth policy of the NPF.
- Design and layout is reflective of existing development and subdivision of adjacent plots.
- No overlooking or overshadowing to neighbouring properties is expected.
- Site coverage is in accordance with DCC requirements
- There are no objections to the development from the DCC Transport division in relation to car parking and boundary treatments, quantum is in accordance with DCC standards.
- Development is in accordance with the key tenants of the draft Urban Development and Building Height Guidelines for Planning Authorities.
- Study room was permitted within the previous scheme in 2007.
- It is not intended to use the dwellings as three-bedroom units.
- Boundary treatment conditions are acceptable if required.

## 7.0 Assessment

The proposed development is located within an area subject to the Z2 zoning objective which seeks to protect and/or improve the amenities of residential conservation areas. The principle of residential development is accepted within this zoning objective. I consider the relevant issues pertaining to the proposed development are as follows:

- Overdevelopment of the site
- Overlooking
- Carparking and Access
- Appropriate Assessment
- Other matters

### **Overdevelopment**

- 7.1. Concerns have been raised by the appellant in relation to the capacity of the site to accommodate 2 no. dwellings. The appeal site has an overall area of 0.023 hectares it is proposed to develop a semi-detached pair of mews dwellings with an overall combined area of 192.5sqm. The development will result in a site coverage of 40%. Dublin City Development Plan 2016-2022 permits site coverage of up to 45% in areas subject to a Z2 zoning objective. However, it is stated within Section 16.6 of the plan that whilst site coverage is a useful indicator of overdevelopment within a site, additional criterion must be assessed in tandem with this particular indicator.
- 7.2. Other such criterion outlined within this Section of the plan include: the pattern of development within the vicinity, accessibility to public transport and impacts on sunlight and daylight to both proposed and existing development. I consider that the provision of adequate open space and the provision of adequately sized rooms and circulation areas within the property are additional criterion that require assessment with regard to this development.
- 7.3. I have assessed the proposed development in the context of the foregoing criterion as follows:
- As aforementioned site coverage within the appeal site is 40% which is below the Development Plan standard of 45%. It is of note that site coverage

on plots within the immediate vicinity of the site is relatively high with several dwellings in particular no's 3 and 4 Walker's Cottages, significantly in excess of 45%.

- The prevailing pattern of development within the immediate vicinity comprises of mews/terrace dwellings within the rear garden areas of the existing dwellings along Mountpleasant Square. All neighbouring properties, with the exception of the appeal site, have developed housing within rear gardens abutting Walker's Cottages and Mountpleasant Place.
- The general pattern of development within Walkers Cottages and surrounding lanes is compact, with car parking provided both on and off-street.
- Public transport is highly accessible from the appeal site. The appeal site is located c. 200 metres south west of the Ranelagh Road which has a high frequency bus service to the city centre and connections to alternative sustainable transport modes.
- The proposed layout, which reflects that of the existing terrace dwellings to the east, and north-south orientation of the development, separation distances and the overall height of the development will not negatively impact upon accessibility to adequate levels of both sunlight and daylight for either the proposed development or existing within the vicinity of the site.
- Rear private amenity space is provided for each dwelling with an overall area of 32 sqm with rear garden lengths of 7.5 metres. Given the inner suburban location of this site and the quality of the open space provided to serve these 2 bedroom units I considered the level of open space to be adequate.
- Internal room sizes are in accordance with Appendix I of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2018.

7.4. Having regard to the foregoing it is clear that the proposed development has been designed adequately and complies with the requirements of both the Dublin City Development Plan 2016-2022 and government guidance in relation to accommodation standards for residential development. As such whilst I acknowledge the restricted area of the site I consider the development as proposed within this

highly accessible inner suburban site to be an acceptable form of development for this site and do not consider the proposal to be overdevelopment.

### **Overlooking**

- 7.5. It is of note that concerns have been raised within the grounds of appeal in relation to the overlooking of properties along Walker's Cottages, in particular no. 3. The proposed development will be set back from this property by c. 12.7 metres. Separation distances to the east of the appeal site are consistent with this measurement and to the west separation distance significantly reduce to c.4.6 metres between first floor opposing windows. Given the existing pattern of development along Walker's Cottages and that all sites with the exception of the appeal site are developed, I do not consider that the proposed development would exacerbate the current situation with regard to overlooking to such an extent as to warrant a refusal.

### **Carparking and Access**

- 7.6. Concerns have been raised by the appellant in relation to car parking. It is stated by the appellant that the existing lane is already overcrowded with cars and there are concerns that the proposed development by reason of the additional cars and the open layout of the entrance would exacerbate this situation and create a danger to road users and pedestrians.
- 7.7. One off street parking space has been proposed per dwelling. Table 16.1 of the Dublin City Development Plan 2016-2022 permits a maximum of 1 space per 1-2 bed unit. The proposed development is in accordance with these requirements and the proposed parking arrangements have been endorsed by the DCC Transportation Division.
- 7.8. I had regard to the parking situation at the time of site inspection and noted that the dwellings to the south and west of Walker's Cottages avail of un-delineated on-street parking to the front of their properties. The existing terrace to the east of the appeal site have access to off-street parking at the front of their properties similar to that proposed. Double yellow lines are present along Mountpleasant Place in order to prevent on-street parking at this location and therefore reduce congestion along the lane. The applicant has proposed the maximum number of parking spaces permitted within Table 16.1 of the Dublin City Development Plan and as such is providing the



maximum number of spaces permitted under this Section of the plan. As mentioned above the site is highly accessible by public transport and I therefore consider the level of parking provided to be satisfactory.

- 7.9. With regard to concerns raised in relation to road safety I consider that the removal of the existing 1.8 brick wall and garage door would improve visibility for both pedestrians and future residents of the proposed development. I noted during my site inspection that the width of the road abutting the appeal site is c. 6.1 metres and whilst this is sufficient to enable adequate turning manoeuvres, it is considered that a gated entrance at the appeal site may hamper a vehicles ability to turn safely in the event that a car is parked outside of no. 3 Walker's Cottages. The proposed open access arrangement removes any potential visual obstructions and therefore improves visibility for both the driver and pedestrian at this location. Overall, I consider the proposed parking and open access arrangements to be acceptable.

#### **Appropriate Assessment**

- 7.10. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

#### **Other matters**

- 7.11. The appellant has raised a concern in relation to the potential future use of the proposed study as a third bedroom. In the event that permission is granted the applicants will be required by way of condition to comply with the plans and particulars submitted.

#### **Conclusion**

- 7.12. Having regard to the foregoing the proposed development adequately complies with the requirements of the Dublin City Development Plan 2016-2022 with regard to layout, design, density, carparking, access to daylight and sunlight and traffic safety. Furthermore, the proposed development by virtue of the existing site characteristics and the separation distance from no. 42 Mountpleasant Square, which is circa 26 metres north of the appeal site, will not negatively impact upon the integrity of this Protected Structure. As such the proposed development is considered to be

acceptable form of development that provides for an adequate quality of accommodation for future residents.

## 8.0 Recommendation

8.1. It is recommended that permission is granted.

## 9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. 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 application, 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 buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area

3. Water supply and drainage arrangements, including the disposal and attenuation 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. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

5. 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 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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Sarah Lynch  
Planning Inspector

21<sup>st</sup> January 2019