



An
Bord
Pleanála

Inspector's Report ABP-305339-19

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| Development | Demolition of mews house and construction of a house including modifications to entrance gates |
| Location | 11B, Clyde Lane, Dublin 4, D04 H6P4 |
| Planning Authority | Dublin City Council South |
| Planning Authority Reg. Ref. | 3302/19 |
| Applicant(s) | Bedwyn Ltd |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third Party |
| Appellant(s) | Barry & Yvonne Boland |
| Observer(s) | Hugh and Mary Mooney |
| Date of Site Inspection | 29/01/2020 |
| Inspector | Gillian Kane |

1.0 Site Location and Description

- 1.1.1. The subject site is located on the northern side of Clyde Lane, a mews lane to the rear of Clyde Road, in the south Dublin suburb of Ballsbridge.
- 1.1.2. Currently on site is a two-storey end-of-terrace dwelling with off-street car parking to the front and a rear garden.
- 1.1.3. The building line of mews development on Clyde Lane varies from set-back at the western end to lane-edge at the eastern end. The design / architectural pattern is a mix is contemporary and 1980's.

2.0 Proposed Development

- 2.1.1. On the 19th June, planning permission was sought for the demolition of an existing two-storey mews (117sq.m.) and the construction of a two-storey replacement mews of 145sq.m., on a site is 218sq.m.
- 2.1.2. Proposed plot ratio is 0.66 and proposed site coverage is 34%. The application was accompanied by a cover letter and design statement.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 13th August 2019 the Planning Authority issued a notification of their intention to GRANT permission subject to 11 no. conditions. Condition no. 3 requires minor revisions to the cill levels of first-floor rear elevation windows.

3.2. Planning Authority Reports

- 3.2.1. **Drainage Division:** No objection subject to standard conditions.
- 3.2.2. **Road Planning Division:** No objection subject to conditions.
- 3.2.3. **Planning Report:** Proposed demolition is acceptable. Significant adverse impacts on visual and residential amenity are not anticipated. The proposed breaking of the building line by 3.3m at first floor level would be overbearing, would cause shading impacts on no. 10 Clyde Road and should be pulled back. Necessary revisions can be addressed by way of conditions. Materials & Finishes should be requested by way of condition. Removal of front boundary wall not appropriate. Proposed full height windows at first floor rear are excessive and would create overlooking. Cill

levels should be raised to match windows on no. 11a Clyde Lane. Recommendation to grant permission.

3.3. **Third Party Observations**

- 3.3.1. Objections to the proposed development raise issues similar to that raised in the third-party appeal, namely breaking the building line and the impact and precedent that would create.

4.0 **Planning History**

- 4.1.1. None on file.

5.0 **Policy Context**

5.1. **Dublin City Development Plan 2016-2022**

- 5.1.1. The subject site is located in an area zoned Z2 with an objective *'to protect and/or improve the amenities of residential conservation areas'*. The site is located at the rear of No 11 Palmerston Park, which is listed as a Protected Structure (House) in Volume 3 of the plan.
- 5.1.2. Standards for Residential Accommodation (houses) are set out in Section 16.10.2, and Mews Dwellings at 16.10.16.
- 5.1.3. **16.10.16 (Mews Standards)**
- a) Dublin City Council will actively encourage schemes which provide a unified approach to the development of residential mews lanes and where consensus between all property owners has been agreed. This unified approach framework is the preferred alternative to individual development proposals.
- b) Stone/brick coach houses on mews laneways are of national importance. Dublin City Council recognises the increasing rarity of stone/brick coach houses and the need to retain and conserve all of the surviving examples, particularly in relation to their form, profile and building line as well as any original features remaining. Proposals to demolish such buildings will generally not be accepted.
- c) Development will generally be confined to two-storey buildings. In certain circumstances, three-storey mews developments incorporating apartments will be acceptable, where the proposed mews building is subordinate in height and scale to

the main building, where there is sufficient depth between the main building and the proposed mews building to ensure privacy, where an acceptable level of open space is provided and where the laneway is suitable for the resulting traffic conditions and where the apartment units are of sufficient size to provide for a high quality residential environment. This is in line with national policy to promote increased residential densities in proximity to the city centre.

d) Mews buildings may be permitted in the form of terraces, but flat blocks are not generally considered suitable in mews laneway locations.

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.

h) New mews development should not inhibit vehicular access to car parking space at the rear for the benefit of the main frontage premises, where this space exists at present. This provision will not apply where the objective to eliminate existing unauthorised and excessive off-street car parking is being sought.

i) Potential mews laneways must have a minimum carriageway of 4.8 m in width (5.5 m where no verges or footpaths are provided). All mews lanes will be considered to be shared surfaces, and footpaths need not necessarily be provided.

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 7.5 m standard is provided, the 10 sq.m of private open space per bedspace standard may be relaxed.

k) If the main house is in multiple occupancy, the amount of private open space remaining after the subdivision of the garden for a mews development shall meet both the private open space requirements for multiple dwellings and for mews development.

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.

5.2. EIA Screening

5.2.1. Having regard to nature of the development comprising replacement of an existing dwelling and the urban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal against the decision of the Planning Authority to grant permission has been submitted by the owner / residents of the adjoining mews dwelling at no. 10 Clyde Lane. The grounds of the appeal can be summarised as follows:

- Intensification of use cannot occur at the expense of residential amenity, particularly in an ACA and within the curtilage of a protected structure.
- No.s 11, 11A, 12 and 12A Clyde lane form a terrace of 4 no. mews dwellings.
- The decision of the Board under PL29S.241859 was that intensification of existing residential space was excessive. This is comparable to the subject proposal.
- The Planning Authority required that no. 10 Clyde Lane respect the protected structures on Clyde Road, have no windows on the western, northern and eastern

sides, should respect the established building line and include private open space. The west facing terrace became a crucial design element for the internal layout of the house.

- The Planning Authority's report did not refer to the negative impact on residential amenity. This is a serious distortion of the facts of the case.
- The planner agreed with the appellant regarding the impact of the first-floor extension. The planners comment that it should have been conditioned out was not carried through to the recommendation.
- Appeal accompanied by DCC acknowledgment of objection, copy of planning report, copy of Inspectors report and Boards decision for PL29S.241859 and copy of Appellants objection to Planning Authority.

6.2. Applicant Response

6.2.1. The applicant responded to the third-party appeal with revised plans for the proposed mews. The response can be summarised as follows:

- Applicant does not agree with the allegation of intensification, overdevelopment or negative impact on residential amenity.
- The proposed replacement dwelling maintains the eaves height of the adjacent terrace with a set-in parapet where the building breaks the building line. This introduces variety.
- To the rear the proposal maintains the existing building line. The massing of the proposed dwelling is comparable in height and scale with the existing terrace.
- Clyde Lane is characterised by a variety of building types and a non-uniform building line. The subject site marks the point where the building line changes from street edge to set back. The proposed development sets an interim building line, marking the transition with a slender vertical element.
- The Boards decision on Arbutus Place is not comparable or relevant.
- Design negotiations made as part of previous applications should not be binding on future development.

- The appellants property enjoys views and light from its neighbour, placing unreasonable restrictions on no. 11B.
- The first-floor terrace of no. 10 is set-back 4.5m from the boundary with an open car-port adjoining the boundary wall.
- The proposed development can be re-designed to meet the appellants concerns by the stepping back of the building line to align with the three dwellings in the terrace. This much restricted plan would eliminate impact on the appellant. If the building line was conditioned to maintain the existing building line, the proposal would not work.
- The requirement to retain the existing opening within the stone wall is accepted.
- 4 no. revised drawings submitted.
- The Board is requested to grant permission.

6.3. Planning Authority Response

6.3.1. None on file.

6.4. Response of Third-Party to First Party Submission

6.4.1. The third-party appellant response to the submission of the applicant can be summarised as follows:

- The impacts remain notwithstanding the proposed re-design.
- The applicants claim that building-line is ground level only is rejected.
- The revised proposal appears to show a third storey. This would increase the overbearing and overshadowing.
- The appellants do not agree that the proposed re-design will have a minimal impact, is sympathetic to neighbouring properties or will meet the appellants concerns.
- The Board is requested to refuse the proposed development in its entirety or attach a condition removing at first-floor projection beyond the building line.

6.5. Observations

- 6.5.1. 12B Clyde Lane: wishes to support third-party appeal. Projection of proposed first storey beyond the established building line will affect south/ southwest light and views of Herbert Park. Planner in DCC clearly agreed yet this was not carried through to the decision. The Board is requested to refuse permission.

7.0 Assessment

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

- Principle of development
- Impact on Residential Amenity
- Extent of permission

7.2. Principle of Development

- 7.2.1. The subject site is located in an area zoned for residential development on a laneway that has a number of mews developments. Subject to compliance with all other planning considerations, the proposed development is acceptable in principle.

7.3. Impact on Residential Amenity

- 7.3.1. The main issue the third-party appellant (adjoining neighbour of the subject site) has with the proposed development is the impact the first-floor projection will have on their home. As noted above, no. 11b is the first of four identical mews dwellings. They are set back approx. 10.5m from the front boundary wall. The adjoining dwelling at no. 10 is U-shaped, built up to the lane-edge. The centre of the building comprises a double height car-port and a first floor terrace.
- 7.3.2. The Planning Authority indicated in their planning report that the proposed first floor extension would have a negative impact on the private open space of the adjoining dwelling at no. 10. As noted by the Appellant and the Observer, this did not translate into a condition. In their response to the third-party appeal, the applicant has submitted a revised plan to the Board, showing the proposed first-floor projection

reduced in length by 1m. Drawing no. 779.1/ PA041 shows the extent of the proposed projection, reaching approx. one-third way across the central open space of the neighbour at no. 10. The applicant has submitted that the design negotiations undertaken by the appellant in achieving a permission at no. 10 are not binding on the adjoining sites.

7.3.3. The crux of this appeal is protecting the residential amenity of one existing dwelling, whilst allowing the re-configuration of another existing dwelling to create a more suitable home. Mews sites are by their nature restricted, and frequently constricted by the density of development in their immediate vicinity. Adapting mews sites to fully functional homes requires innovation in design and creative solutions to requirements such as parking and open space. That the appellant has chosen an internal courtyard to provide open space, should not unduly or onerously restrict the development opportunity of a neighbouring property. Conversely, proposed development must respond to the context in which it seeks to integrate.

7.3.4. The two dwellings in question are north-facing. The proposed reduction of the first-floor projection by 1.5m (as shown on drawing 779.1/PA041 submitted to the Board on the 7th October 2019) will allow sufficient west light to enter the appellants first-floor terrace. I am satisfied that the proposed revised design will protect the residential amenity of the existing and the proposed dwelling.

7.4. **Extent of permission**

7.4.1. The appellant has raised the issue of the extent of the proposed development as shown on the plans. He submits that it appears that a third storey is proposed when reading the front elevational drawing.

7.4.2. I draw the Boards attention to the roof plan (drawing no. 779.1/PA042) and the site section (drawing no. 779.1/PA062) which shows two pop-up taller elements to the front and back of the main flat roof. The pop-up sections have PV panels on a green roof. The 4.2m /1.5 storey height of the proposed first floor has an additional high-level window on the front elevation where the taller elements pops-up over the flat roof, as viewed from Clyde Lane.

8.0 Appropriate Assessment

- 8.1.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area and proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site

9.0 Recommendation

- 9.1. I recommend permission be GRANTED subject to the following reasons and considerations:

10.0 Reasons and Considerations

- 10.1.1. Having regard to the pattern of development in the vicinity and the nature, scale and design of the proposed mews house, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of neighbouring property, or of future occupants of the new house, would not unduly detract from the setting of neighbouring protected structures, would represent an appropriate form of mews development that would be compatible with its surroundings, and would be acceptable in terms of pedestrian and vehicular safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

11.0 Conditions

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| 1. | The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the Board on the 7 th October 2019, except as may otherwise be required in order to comply with the following conditions. Reason: In the interest of clarity. |
| 2. | Water supply and drainage arrangements, including the disposal of surface |

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| | <p>water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p> |
| 3. | <p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In the interest of clarity.</p> |
| 4. | <p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p> |
| 5. | <p>The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.</p> |
| 6. | <p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage</p> |

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| | <p>of the house without a prior grant of planning permission.</p> <p>Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process</p> |
| 7. | <p>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. 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 the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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.</p> |

Gillian Kane
Senior Planning Inspector

31 January 2020