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Bord  
Pleanála

## Inspector's Report ABP-305846-19

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<b>Development</b>	Demolition of existing Mews Dwelling and construction of a part one to three storey building containing four apartments, ancillary development and site works above and below ground.
<b>Location</b>	No 14 Lad Lane, Dublin 2.
<b>Planning Authority</b>	Dublin City Council.
<b>P. A. Reg. Ref.</b>	3807/19.
<b>Applicant</b>	Roebuck General Trading and Advisory Ltd.
<b>Type of Application</b>	Permission
<b>Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party X Refusal
<b>Appellant</b>	Roebuck General Trading and Advisory Ltd.
<b>Date of Site Inspection</b>	5 <sup>th</sup> February, 2020
<b>Inspector</b>	Jane Dennehy

## **1.0 Site Location and Description**

The site which has a stated area of 245 square metres is that of a relatively recently constructed mews dwelling (2004) with a front curtilage and gated entrance onto Lad Lane. Formerly it would have been that of the comprising the former original coach house and stable yard overlooking the lane and located within the historic curtilage of No 14 Fitzwilliam Square East a terraced four storey over basement Georgian townhouse with a two storey over basement level return at the rear. Adjoining and surrounding properties along Lad Lane some of which are historic and others modern replacements which generally share front and rear buildings lines, are two storey and in residential or commercial use.

## **2.0 Proposed Development**

- 2.1. The application logged with the planning authority indicates proposal for demolition of the two storey house (240 square metres) on the site and for construction of part one to three storey building containing four apartments comprising two one bed units, one two bed unit and one three bed unit incorporating balconies and terraces and internal courtyards, a cycle store bin store, green roofs and landscaping and boundary treatment along with ancillary works above and below ground.
- 2.2. Included with the application is an architectural design statement, flood risk assessment an architectural heritage statement, an appropriate assessment screening report and a written submission.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 4.0 By order dated, 10<sup>th</sup> October, 2019, the planning authority decided to refuse permission on the basis of four reasons which, in brief, relate to adverse impact on the character and amenities of the streetscape on Lad Lane and undesirable precedent; adverse impact on the integrity and character of on No 14 Fitzwilliam Square, the Georgian townhouse, a protected structure; substandard attainable residential quality standards and amenity for future occupants having regard to

internal accommodation layouts, overlooking and outlook and sunlight and daylight access and, overdevelopment.

#### 4.1. **Planning Authority Reports**

- 4.1.1. The planning officer who provided a comprehensive assessment in his report in which he recommended refusal of permission in that the proposed development is overdevelopment and contrary to the 'Z8' zoning objective, concluded that the restricted site was suitable for a well-designed smaller scheme with a smaller number of units.
- 4.1.2. The application was referred to the conservation officer, but a report was not made available.
- 4.1.3. The reports of the Transportation Division and of the Drainage Division indicate no objection subject to conditions of a standard nature.

### 5.0 **Planning History**

- 5.1. Permission for the existing two storey mews house, the demolition of which is proposed in the current application, was granted under P. A. Reg. Ref.5212/03

### 6.0 **Policy Context**

#### 6.1. **Development Plan**

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site is within an area subject to the zoning objective Z8: "Georgian Conservation Areas" *to protect the existing architectural and civic design character and to allow for limited expansion consistent with the conservation objective*".

No 14 Fitzwilliam Square East a terraced Georgian House which is included on the record of protected structures.

Policy objective providing for protection and enhancement of protected structures is set out in CHC 2 and under CHC 4 for conservation areas

Fitzwilliam Square including the frontage onto Lad Lane is within a statutory Architectural Conservation Area (ACA)

The site location also comes within the area of the South Dublin Georgian Core in respect of which Dublin City Council published, "*The Future of the South Georgian Core*" in 2013.

Standards for residential accommodation is set out in section 16.10 and for residential quality for apartments are set in section 16.10.1. The indicative plot ratio for development within areas zoned 'Z8' is 1.5 and the indicative site coverage is 50%. Policies for mews lane development and for infill development in 16.10.16

## 7.0 The Appeal

7.1. An appeal was received on behalf of the applicant from Thornton O'Connor on 6<sup>th</sup> November, 2019 and it includes a daylight analysis. The appeal submission also includes an alternative design option, ("Option 2") with a full set of drawings for consideration if the original proposal is not acceptable. The modifications in Option 2, it is stated, provide for reduction in massing and height, to address concerns about views from the main house, through omission of one floor level at the rear and some minor design and layout modifications. Option 2 provides for two, two bed and two one bed units and the gross floor area is reduced to 321 square metres from 364 square metres. The applicant is willing to accept a condition with a requirement for Option 2 to be implemented if permission is granted. The appeal submission is extensive in detail and the grounds of the appeal are outlined in brief below.

### 7.2. Grounds of Appeal

7.2.1. **Reason One** for the decision to refuse permission is on grounds that the proposed development is excessive and dominates or, is injurious to the character of the streetscape and the value of property in the area is not accepted.

- The proposed design, with the benefit of advice from a conservation architect, is an appropriate design response. Option 2 is a smaller appropriately designed scheme which accords with recommendations of the planning officer.

- There is no negative comment regarding the impact on the streetscape in the planning officer report. The submitted CGI (shown in Fig 5.1 in the appeal) provides a quality 'renewed interaction' in the streetscape with long term positive impact whereas the existing mews house has a poor relationship with the streetscape as shown in Fig 5.1 in the appeal). There are substantial developments at the rear of many properties, including No 13 Fitzwilliam Square which has windows overlooking the application site. Major developments and changes in the environs will take place in the short term which will alter the character of the lane. Third party properties would not be devalued, and no third-party submission were lodged. The single storey element would be screened by the wall.

7.2.2. **Reason Two** for the decision to refuse permission that the proposed development would seriously injure the special architectural and historic character and the integrity of protected structures or adversely impact on No 14 Fitzwilliam Street due to insufficient depth and loss of space between the house and the proposed mews having regard to section 11.1.5.1.(d) of the CDP is not accepted.

- The reasoning is similar to that provided for Reason One.
- A deep understanding of a site and its context and a quality design in urban renewal is not to be underestimated so that appropriate integration of new development with positive potential is achieved.
- There is a difference in ground level for the house and the proposed mews at which the ground level is 1.38m lower. The view from the main to the single storey element is therefore less than one floor level which reduces the visual impact as shown in figure 5.6 of the appeal.
- There would be no loss of 'garden space' as there has been no rear garden at the site and at adjoining plots. The outward vista from the rear reception room in the architectural heritage impact assessment shows that the rear garden which is a carpark. surrounded by large scale commercial development and an unsightly rear extension.

7.2.3. **Reason Three** for the decision to refuse permission having regard to limited outlook from habitable rooms and lack of access to daylight and sunlight and, precedent is not accepted.

- A daylight and sunlight analysis for Design Option 2 is submitted with the appeal. According to it the BRE standards for Average Daylight Factor (ADF) are exceeded for most of the rooms as shown in figure 5.8 in the appeal submission. A relatively minor design change can address the concerns of the planning officer as provided for in the modification to the courtyard design proposed in Option 2, It is to function solely as a lightwell which is inaccessible to all residents. A 30:70 glazing arrangement is provided so that there is no direct overlooking between apartments. The terrace for apartment 1 is increased so that private open space provision exceeds standards in the Apartment Guidelines 2018 as shown in Figure 5.9 in the appeal.

7.2.4. **Reason Four** for the decision to refuse permission having regard to the Z8 zoning objective and section 16.10.1 of the CDP on residential quality due to building over the garden, erosion of the rear building line, excessive bulk scale and massing with substandard residential amenity and precedent is not accepted.

- The reasoning which is rejected is an amalgamation of elements of the other reasons for refusal of permission and as regards qualitative standards:
- The development is 100 % dual aspect, as acknowledged in the planning officer report. with regard to suitability of outlook, the urban context and views towards the surrounding commercial development and existing house are reasonable The development is at a high-end core site location replacing a building of little merit, The zoning objective allows for limited expansion.

7.2.5. In the appeal reference is also made to national policy in which compact growth and increased density at appropriate locations is strongly encouraged. (National Planning Framework, February 2018) The site location is in an office node is appropriate and the provision of the proposed development accords with this policy and reduces urban sprawl, increases sustainability and housing supply. And is at a location proximate to services and not car dependant. Reference is also made to the

housing crisis and changes in household formation and tenure resulting in need for one and two bed units.

- 7.2.6. It is requested that the planning authority decision to refuse permission and that permission be granted, it being confirmed that a grant of permission which is acceptable to the applicant can be conditioned to provide for either Option 1 the original proposal or Option 2, the modified proposal included with the appeal as required.

### 7.3. **Planning Authority Response**

- 7.3.1. It is requested that the planning officer report be consulted for its consideration of the issues in the appeal and for justification of the decision to refuse permission in a statement from the planning authority dated, 20<sup>th</sup> November, 2019 on file.

## 8.0 **Assessment**

- 8.1. In the appeal, the applicant includes the original proposal lodged with the planning authority, (Option 1) the applicant's preferred option, and a modified proposal (Option 2) in which the planning authority's concerns over the original proposal are included for consideration should (Option 1), the original proposal be deemed unacceptable. There is no objection to the proposed demolition of the existing dwelling to facilitate appropriate and sustainable redevelopment of the site.
- 8.2. Having regard to the four reasons attached to the planning authority decision to refuse permission and the submissions made in connection with the application and the appeal by the applicant it is considered that the issues central to the determination of the decision are:
- Visual Impact and compatibility with the streetscape.
  - Impact on architectural integrity and character of the protected structures in the vicinity.
  - Attainable residential amenity– for future occupants.
  - Appropriate Assessment
  - Environmental Impact Assessment.

### **8.3. Visual Impact and compatibility with the streetscape.**

8.3.1. In the streetscape views along Lad Lane the predominant front building line is well setback behind the calp limestone walling along the frontage, and would correspond to the front yard area to stables and coach houses originally constructed at the rear of the Fitzwilliam Square townhouses, The historic uniform ridge and parapet heights have substantively survived although there are some more recent replacement developments which may breach this pattern. While some precedent is established the proposed development would amount a major departure with minimal reckonable linkage to the historic footprint, form and heights, The overall height, box form and parapet height, glazing detail for the proposed development, along with the removal of the remaining front curtilage walling at the Lad Lane frontage are of concern in this regard. Should the development be accepted, it would set precedent for similar undesirable development of small-scale apartment schemes along the northern side of Lad Lane and, more generally, along rear service lanes within the South Georgian core.

### **8.4. Impact on architectural integrity and character of the protected structures in the vicinity.**

8.4.1. The developments on the adjoining mews sites are confined to two storey heights and footprints generally corresponding to the historic buildings this allowing for retention of the separation distances initially established between the main town houses and the coach house/stable yard structures on Georgian townhouse plots. Neither Option 1 or Option 2 is acceptable having regard to these concerns although it is noted that the planning officer did concede towards a flexible approach, with regard to building forward of the historic building line and the roof profile in this instance.

8.4.2. The views of the planning authority on the original proposal are shared. Option 2, in which an apartment unit is reduced in size, along with some minor consequent reordering of the internal layout, achieves and increase setbacks from the rear façade and return of the townhouse at No 14 Fitzwilliam Square at the upper floor levels but the footprint is unchanged. However, it is acknowledged that the visual impact is less in Option 2 than in Option 1 by reason of the proposed omissions.



8.4.3. The negative effect on the relationship involving lack of separation distance with the main Georgian townhouse building would still stand in that the built over site coverage is unchanged relative to 'Option 1'. The site coverage and new build proposed relates to and is an element of the proposed development facing onto Lad Lane rather than the main Georgian townhouse building. It is disproportionate and distorts the historic predominant and subordinate relationships between the two and it should be borne in mind that the issue as to erosion of the depth between the main building and established rear building lines for development facing onto Lad Lane, in replacement developments in the vicinity along Lad Lane has generally been retained.

8.4.4. It is also of note that the proposed development, either in Option 1 or 2 involves significant below ground works excavation to facilitate the proposed finished floor levels provided for in order to reduce the overall heights. While, the development proposed could be described lower ground level habitable accommodation regard should be had, prior to determination of a decision, to the policies introduced for the first time in the current CDP, in section 16.10.15 which discourages basement level development and significant underground development and excavation work, basements and, extensions to existing basement development, in and adjacent to residential properties in conservation areas and/or included on the record of protected structures.

**8.5. Attainable residential amenity– for future occupants.**

The findings in the daylight analysis for Design Option 2 submitted with the appeal which indicate average daylight factors to each habitable room as being compliance with minimum target values provided in BRE (BS 8206-2) are noted. The reconfiguration of the internal layout shown for Option 2, the reduced proposal is an enhancement although the amenity potential of the terrace facing onto Lad Lane accessed off the bedrooms is limited and the sunlight access on the north elevation for the main habitable accommodation at this level and the lower ground level (Apartment 2) may be questionable.

## 8.6. **Environmental Impact Assessment Screening.**

8.6.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 8.7. **Appropriate Assessment.**

8.7.1. Having regard to and to the nature of the proposed development and the inner urban site location, no Appropriate Assessment issues 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. In conclusion, there are reservations about the impact within the established streetscape on the north side of Lad Lane having regard to the form with the high parapet and flat roof, and removal of the remaining front boundary walling. There are reservations about to the relationship and lack of separation between the original historic townhouse the proposed development in the extent of site coverage which is the same in both design options '1' and '2' although the reductions in upper floor development in Option 2 are somewhat ameliorative in visual impact. Positive consideration of the current proposal would, result in precedent for significant alteration to the characteristics of streetscape on the northern side of Lad Lane and as to possible future relationships, in term of separation and site coverage between the Georgian townhouses on Fitzwilliam Square and development within the space on the original plots historically allocated to the stable yards and mews coach houses facing onto Lad Lane.

9.2. While it is acknowledged that small multiple unit apartment schemes along historic service lanes may help to deliver densification and intensification of development to and consolidation of the existing built up serviced areas in cities in the interests of sustainable development as prescribed for in national policy it is considered that the current proposal would give rise to implications, having regard to the historic plots of the townhouses and as to potential undesirable precedent for development that

adversely affects the integrity of protected structures and is incompatible with the Z8 zoning Objective (Georgian Conservation Areas) within the CDP.

- 9.3. In view of the foregoing, it is recommended that the planning authority decision be upheld, and that permission be refused on the basis of the draft reasons and considerations set out below.

## 10.0 Reasons and Considerations

Having regard to the Dublin City Development Plan, 2016-2022 according to which site location is at the rear of No 14 Fitzwilliam Square, a protected structure from the historic plot of which the site is subdivided, and, comes within an area subject to the zoning objective Z8: Georgian Conservation Areas. " *to protect the existing architectural and civic design character and to allow for limited expansion consistent with the conservation objective*" it is considered that the proposed development which entails extensive site coverage and expansion inwards with construction eroding the established rear building line is overdevelopment with insufficient separation distance from the Georgian townhouse, (No14 Fitzwilliam Square) and adversely affects its integrity and setting and, by reason of the massing, the high parapet line and box form and removal of remaining front boundary walling on Lad Lane frontage would be visually dominant, obtrusive and out of character with the established surrounding development and architectural character of the streetscape along the northern side of Lad Lane to the rear of Fitzwilliam Square and, would set undesirable precedent for similar development on Lad Lane and within the Georgian Conservation Area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

**Jane Dennehy**  
Senior Planning Inspector  
12<sup>th</sup> February, 2020.