



Development

Construction of a 2 bed, 81 sq. metres apartment over a 1 bed, 64 sq. m. apartment in the rear garden of no. 60 Leinster Road, a Protected Structure. The two storey development includes a screened first floor terrace, a rooflight and 2 no. car parking and cycle spaces with access to Grosvenor Lane. Works also include the retention and repair works to historic stone boundary walls and all associated works.

Location

Lane to the rear of, 60 Leinster Road, Rathmines, Dublin 6

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

4341/19

Applicant(s)

Ciaran and Krisia O' Neill

Type of Application

Permission

Planning Authority Decision

To Refuse Permission.

Type of Appeal

First Party

Appellant(s)

Ciaran and Krisia O' Neill

Observer(s)

No observers

Date of Site Inspection

14.03.2020

Inspector

Erika Casey

1.0 Site Location and Description

- 1.1 The subject site is located on the northern side of Leinster Road within an area designated as a Residential Conservation Area. The site currently accommodates a two storey over basement mid nineteenth century house. The dwelling is a protected structure. The proposed development is located within the rear garden of the existing house, with access from Grosvenor Lane.
- 1.2 Along the laneway, there is a mix of rear entrances to the rear of residential properties, mews developments built in rear gardens and 'lock up' garages. The lane which forms a *cul de sac* to the west end, is in use for vehicular and pedestrian access and for casual car parking. The rear boundary of the dwelling comprises an entrance gate and stone wall.

2.0 Proposed Development

- 2.1 The proposed development comprises:
- Construction of a 2 bed, 81 sq. metre apartment over a 1 bed, 64 sq. m. apartment in the rear garden of no. 60 Leinster Road, a Protected Structure. The two storey development includes a screened first floor terrace, a rooflight and 2 no. car parking and cycle spaces with access to Grosvenor Lane. Works also include the retention and repair works to historic stone boundary walls and all associated works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To Refuse Permission:

"It is considered that the site of the proposed development by reason of its configuration and its relationship with adjoining properties is unsuitable and restricted for the residential development in the form proposed. The proposed mews apartment development would create a visually obtrusive and dominant form when viewed from the main house and the adjacent property by reason of its scale and mass. The proposal would create an undesirable precedent for similar mews apartment development. In this regard, the proposed development would be contrary to the Z2

zoning objective for the site, would seriously injure the amenities of the property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Report

- Development is acceptable in principle.
- It is considered that current application has not addressed previous reason for refusal under application reference 3184/19.
- The proposed mews would be 2 storeys and 7.53m high. The development would be set back 14.8m at ground level and 18.4m at first floor levels from the main dwelling.
- The apartment development would comply with the Specific Planning Policy Requirements of the Apartment Guidelines.
- The development would retain part of the original boundary wall at ground floor level and corten steel panels at first floor level.
- Concern regarding the scale and depth of the mews dwelling. It is 19 metres long whereas, the main dwelling is 17.6 metres long. It would not be ancillary to the main house.
- It is considered that provision of 2 no. off street car parking spaces would set an undesirable precedent that would result in the proliferation of car usage on the laneway.
- It is considered that the scale and depth of the development abutting the shared boundary with no. 61 would be visually obtrusive when viewed from the adjoining property and would have a significant negative impact on the adjoining rear garden by way of an overbearing impact.
- Concern regarding terrace that would serve the first floor apartment to the rear, particularly from noise. Having regard to the scale of the terrace and proximity to adjoining properties, it is considered it would have a negative impact on the residential amenity of the main house and the adjoining properties.

- A more traditional mews development would be considered more appropriate on this site rather than an apartment development.
- It is considered that the development would not have a negative impact on the character of the protected structure.

3.2.2. Other Technical Reports

Drainage Division (04.12.2019): No objection subject to conditions.

Roads, Streets and Traffic Department, Road Planning Division (11.12.2019):

- Grosvenor Lane has been taken in charge. 1 parking space has been provided for each unit. The proposed vehicular entrance for each unit would be 2.6 metres in width. There is in curtilage provision for secure bicycle parking and refuse storage within the court/garage.
- No objection subject to conditions.

Conservation Section (18.11.2019)

- No review undertaken. No objections raised.

3.3. Prescribed Bodies

- No submissions received.

3.4. Third Party Observations

3.4.1 No observations received.

4.0 Planning History

4.1 There have been a number of previous applications on the site which can be summarised below:

Application Reference 3184/19

- 4.2 Permission refused by Dublin City Council in July 2019 for a development comprising the construction of a mews dwelling, including garage and vehicular access onto the rear laneway. The reason for refusal stated:

“It is considered that the site of the proposed development by reason of its configuration and its relationship with adjoining properties is unsuitable and restricted for the residential development in the form proposed. The proposed mews apartment development would create a visually obtrusive and dominant form when viewed from the main house and the adjacent property by reasons of its scale and mass. The proposal would create an undesirable precedent for similar mews apartment developments. In this regard, the proposed development would be contrary to the Z2 zoning objective for the site, would seriously injure the amenities of the property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.”

Application Reference 3084/19

- 4.3 Permission granted by the City Council in July 2019 for a development comprising the refurbishment of a protected structure, reverting from two individual units to a single family dwelling. Works include basement: alteration to internal wall to create a living space plus widening the door of the rear garden and replacing non original timber doors with new; construction of an en suite in the return bedroom and forming of a new window in place of the existing non original door in this room; ground floor: conversion of an existing kitchen in the return to a study and adding a WC; first floor: construction of an en suite and walk in wardrobe to the master bedroom and, refurbishment and alteration of the existing bathroom to restore the legible proportion to the rear bedroom.

Application Reference 5951/01

- 4.4 Permission granted in March 2006 for the construction of a terrace mews dwelling including garage and vehicular access onto rear laneway.

Application Reference 2411/97

- 4.5 Permission granted in November 1997 for 2 no. off street parking spaces with cross over to pavement to front garden.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is the Dublin City development Plan 2016-2022.

The site is zoned *Objective Z2: To protect and/or improve the amenities of residential conservation areas.*

5.1.2 **Section 14.8.2** Residential Neighbourhoods (Conservation Areas – Zone Z2) states:

“The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.”

5.1.3 The existing dwelling is a protected structure. Chapter 11 contains policies and objectives regarding Built Heritage and Culture. **Policy CH2 (d)** states *“the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure”*.

5.1.3 **Section 16.10.2** sets out Residential Quality Standards for houses. **Section 16.10.16** of the plan sets out guidance regarding Mews Dwellings and states:

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 22m. 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. Natural Heritage Designations

5.2.1 There are no Natura 2000 sites in the vicinity of the site.

5.3 EIAR Screening

5.3.1 Having regard to nature of the development comprising a domestic extension 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

- The planner’s report does not consider the reduction in the depth of the building by 4 metres or the relocation of the 1st floor terrace from the boundary of no. 61.
- The design of the apartments exceeds the minimum areas stipulated in the apartment guidelines. The private open spaces are positioned on the south side of the development making them well lit and providing good amenity to the apartments. The development is not restricted and the spaces for the occupants are in no way compromised.

- Great care was taken in the design to develop a building that was subordinate and respectful of the main house, resulting in a two storey proposal that is significantly lower and significantly smaller in area than the historic house.
- Note precedent decision at 57 Leinster Road (application reference 4757/18) where permission was granted for a 3 storey dwelling with a floor area of 139 sq. metres. Also note the lapsed permission on the site comprised a 164 sq. metre 2 storey mews on the site.
- Also makes reference to similar development at 70 Grosvenor Lane (application reference 3997/17) which is significantly larger in terms of scale and mass and presents a flank wall to its neighbours of 20 metres over 2 storeys with no set back or relief.
- In the overall context, it is considered that the development is no in any way out of scale with other developments permitted along Grosvenor Lane and is respectful of the protected terrace of Leinster Road.
- States that the conservation officer raised no objections to the proposal and did not recommend a reduction on the mass of the building. The development is considered acceptable and appropriate from a conservation perspective.
- Due to concerns raised in the previous application pertaining to the site (application reference 3184/19), the terrace at 1st floor was reduced in scale from 14 sq. metres to 7 sq. metres and moved away from the boundary with no. 61. The terrace is surrounded by an opaque glass screen to ameliorate the concern with noise, rendering the terrace no more acoustically intrusive than an adjacent garden.
- The decision to propose carefully designed high end apartments rather than a single mews means that more garden space can be left to the original house than would be the case with a 3 bed mews house. It is also a more efficient use of land.
- The planner's report expressed a preference for a single mews type dwelling at this location. This appears to disregard other grants of permission for multi-unit development in the vicinity including application reference 3136/15 where 2 mews houses were granted to the rear of no. 10 Kenilworth Road. There is no

policy that prescribes only individual mews type houses. Section c) of 16.10.16 of the Development Plan allows for apartments on mews sites.

- Considers that limiting permission to only one house type restricts choice and opportunity for alternative tenures in the area. The development is a niche micro development. Units are accessible and would provide an ideal home for a person down sizing.

6.2. Planning Authority Response

- No response received.

6.3. Observations

- No observations.

7.0 Assessment

7.1 Introduction

7.1.1 The main issues are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Impact on Residential Amenity.
- Parking
- Appropriate Assessment.

7.2 Principle of Development

7.2.1 The proposed development comprises the construction of 2 no. apartments on a mews site located to the rear of an existing protected structure on Leinster Road, Rathmines. The site is accessed to the rear via Grosvenor Lane, which has been taken in charge. A number of other mews developments have been permitted in the vicinity, including on the adjoining site at number 59. A previous mews development on the site was refused permission in June 2019 (application reference 3184/19). The applicant has outlined that the current proposal addresses the previous reason

for refusal by reducing the depth of the development and reducing and relocating the private open space serving the apartment at first floor level.

7.2.2 The two apartments are generous in size at 62 sq. metres and 81 sq. metres respectively and are compliant with the relevant standards set out in the Apartment Guidelines. The scheme has a contemporary design and will make a positive contribution to the character and quality of Grosvenor Lane.

7.2.3 I note the commentary from the Planning Officer that it would be preferable that the site be developed for a more traditional mews dwelling. I refer the Board to Section 16.10.16 (c) of the City Development Plan. This states:

“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.”

7.2.4 The implication of this policy provision is that apartments are acceptable on mews sites subject to meeting other criteria. In this regard, I consider that the principle of an apartment scheme on the site is acceptable and must be considered on its own merits. I would concur with the submission of the appellant that apartments contribute to the appropriate densification of the area and provide an additional tenure choice. The delivery of consolidation and greater intensity of development is encouraged in national policy (NPF) and the Apartment Guidelines, 2018

7.2.5 One of the principle concerns raised by the Planning Authority is the overall scale and mass of the development and that it is not subordinate to the main dwelling. The overall height of the proposal is in my view modest, 2 storeys at c. 7.5 metres. The height is consistent with the adjacent mews house. The PA state that the depth of the development is 19 metres long compared to the main dwelling which is 17.6 metres. However, in my view, the overall scale and mass of the development must be considered. In this regard, I note the set back of the development from the main

house (14.8 metres at ground floor and 18.4 metres at first floor) and the overall floor area of the development at 125 sq. metres compared to the main house which is c. 281 sq. metres. I do not consider the scale of the development excessive or that it would have a detrimental impact on the character of the existing protected structure. It is notable that no objection to the development was raised by the Conservation Department and no concerns that the development is over scaled.

7.2.6 In conclusion, I consider that the development represents a contemporary and innovative design response to the site. I note that a number of other mews developments have been granted to the rear of properties along Leinster Road and in the context of these previous developments, I do not consider the development to be excessive in terms of its overall scale and mass. Having regard to the separation distances from the main dwelling, I consider that the character and integrity of the protected structure will not be undermined. The apartments provide for the appropriate densification of the site.

7.3 Impact on Residential Amenity

7.3.1 In terms of impact on residential amenity, concerns are raised regarding the extent of the extension as it abuts no. 61 in that it would be visually obtrusive and that the proposed terrace at first floor level would cause noise nuisance impacting on the amenities of the existing dwelling and the adjacent house.

7.3.2 In terms of the extent of the flank wall abutting no. 61, the proposed development extends for circa 15 metres. The rear garden of no. 61 is generous however, and I am satisfied that it will not adversely affect the amenities of the adjacent property.

7.3.3 The roof terrace is located at first floor level and is modest in scale at just 7 sq. metres. It is proposed to screen the terrace with a 1.8 metre high obscured glass balustrade. Given the limited extent of this amenity area coupled with the screening, I am satisfied that it would give rise to no more additional noise impacts than a conventional garden serving a mews dwelling on the site.

7.4 Car Parking

7.4.1 It is stated by the PA that the development would result in a proliferation of car parking and set an undesirable precedent. I note that 2 no. car parking spaces are provided off street within the curtilage of the site in accordance with the guidance set out in the Development Plan. No objection to the principle of parking has been

raised by the Roads, Streets and Traffic Department. The level of parking proposed in my view modest and necessary to serve the development. The elimination of the on-site parking could lead to increased parking along Grosvenor Lane which could potentially contribute to the obstruction and conflict with pedestrian and vehicular circulation along the lane.

7.5 Appropriate Assessment

7.3.1 Having regard to the nature and scale of the proposed development, an infill apartment scheme on a mews site within an established urban area, and the distance to the nearest 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.

8.0 Recommendation

8.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the current Dublin City Development Plan 2016-2022, the location of the site in an established residential area and its zoning for residential purposes, the pattern of development in the area and to the nature, form, scale and design 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 residential or visual amenities of the area, would not adversely affect the character of the Architectural Conservation Area or the integrity, features of special interest, architectural character and setting of No. 60 Leinster Road which is included on the record of protected structures and would be acceptable in terms of pedestrian and traffic safety. The proposed development would 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 development 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 attenuation and 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. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

5. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours 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 adjoining property in the vicinity.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

7. 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 and off-site disposal of construction/demolition waste.

Reason: In the interests of clarity, orderly development and amenity.

8. The proposed works to the existing historic fabric of the boundary walls shall be carried out under the direction of an architect with specialist expertise in historic building conservation and in accordance with the recommendations within:
Architectural Heritage Protection: Guidelines for Planning Authorities issued by The Department of the Environment, Heritage and Local Government and who, prior to the commencement of the development, shall be submit and agree in writing with the Planning Authority a conservation method statement appropriate for the works to the existing historic fabric of the boundary walls.

Reason: In the interest of clarity, and to ensure the protection of the historic fabric, character, integrity and special interest of features within the site curtilage.

9. 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.

Erika Casey

Senior Planning Inspector

16th March 2020