



An
Bord
Pleanála

Inspector's Report

ABP-306629-20

Development	PROTECTED STRUCTURE: Construction of house & provision of additional patio space to rear of protected structure.
Location	Rear 35, Manor Street, Off O'Shea's Lane, Dublin 7
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	4467/19
Applicant(s)	Pat O'Ceallaigh
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party V. Refusal
Appellant(s)	Pat O'Ceallaigh
Observer(s)	Ms. Debra McKnight Paddy Gray and Family Manor Street/Stoneybatter Residential & Traders Assoc.
Date of Site Inspection	28 th May 2020
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The subject site is located to the rear of No.35 Manor Street, a protected structure consisting of a terraced two-bay, two-storey over raised basement house which was constructed c.1820 and fronts the main thoroughfare of the historic village of Stoneybatter approximately 1.5km from O' Connell Street and the city centre. The terraced house maintains the parapet height and fenestration arrangement of its neighbouring buildings, contributing positively to the horizontal aspect of the streetscape. The house is also listed on the NIAH (Ref: 50070081) as being of Architectural and Artistic interest and has been given a Regional rating.
- 1.2. The north western portion of the site (approx. half the site) is located directly to the rear of No.36 Manor Street, also a protected structure. The site is accessed off the eastern side of Manor Street via Shea's Lane, and then north off this laneway through a set of stone gate pillars which provide access to the rear of the residential properties located at Nos. 34-37 Manor Street. The site spans the rear of two of the dwellings on Manor Street, namely no. 35 and 36. The existing dwellings have two single storey extensions to the rear and small cordoned off garden areas. The garden of No.35 directly adjoins the subject site and is partially enclosed by a timber panel fence.
- 1.3. The subject site on which the dwelling is proposed is currently occupied by a storage container and appears to be used as an informal parking area for cars. A large garage/workshop structure is located directly to the rear of No. 37 Manor Street and forms the north western most boundary of the site. The site is at a higher ground level than Manor Street which runs parallel to it, the ground slopes upwards as one heads up Shea's Lane which runs initially perpendicular to the site and then veers to the northwest along the rear of the site. The three storey Shea's Court complex is located to the north east of the site off Shea's Lane. This development is comprised of a mix of duplex accommodation and apartments. Shea's Lane terminates at Manor Street Business Park to the north west of the site. Two further dwellings are located along Shea's Lane, constructed in what would have formed the original rear gardens of No. 32 and 33 Manor Street. Both dwellings face onto the lane and have a red brick finish with one parking space located directly adjacent on each site.

2.0 Proposed Development

2.1. The development is to comprise:

(a) a detached two storey, 4-bedroom dwelling house with rear garden and patio to the rear of No.35 Manor Street (a Protected Structure). A new 2 metre fence is proposed along the rear (southwest) and side (southeast and northwest) boundaries of the site; and

(b) Provision for additional patio space to the existing rear patio of No.35 Manor Street (a protected structure) in accordance with previously approved development Ref: 1062/07 (Board Ref: 29N.222665).

3.0 Planning Authority Decision

3.1.1. Decision

Permission was refused for the following reason:

The proposed development is considered to be contrary to Policy CHC2 of the Dublin City Development Plan 2016-2022, which is to discourage any development which does not relate sensitively to and complement the special character of a Protected Structure. The development proposes the amalgamation of two building plots which is also considered to be contrary to Section 16.10.16. The proposal would constitute a visually obtrusive form of development, is considered over scaled and as a result would represent an overdevelopment of the subject site and would set a precedent for development which would be incompatible with the established character of the subject site and the local area. The proposal would be contrary to the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The recommendation to refuse permission in the Area Planner's Report reflects the decision of the Planning Authority.

The Planner's Report raised the following concerns:

- The development as proposed does not vary significantly enough to that which was refused under previous planning permission ref: 3966/18 in 2018.
- The description of the development does not include the third storey attic room which may be considered habitable space.
- The ridge height of the proposed dwelling at 8.35m is considered to be excessive when compared the existing protected structures that front onto Manor Street.
- Section 16.10.16 (f) in general discourages the amalgamation or sub-division of plots on mews. The proposal consists of the construction of a new mews house that straddles two building plots.
- The development is considered an inappropriate response at this particular site and is not supported from a conservation point of view.
- The Conservation Officer has requested that the applicant demonstrate an understanding of the original historic garden plots and justify their alteration. The Conservation Officer further notes that the current proposal would compromise the gardens / amenity to the rear of both Protected Structures at No. 35 and 36 Manor Street.
- A high quality proposal could be supported that would incorporate a mews dwelling to the rear of No. 35 and another mews dwelling to the rear of No. 36 that would respect for the historic building plot and would enhance the historic urban grain of the site.
- The proposed structure would be visually obtrusive and detrimental to the residential amenity of the area and set an unwanted precedent for such proposals.
- The proposed timber boundary treatment and concrete tiles are inappropriate within the curtilage of a protected structure.

The report from the planner noted that the proposal for residential development is permitted in Z3 – *‘to provide for and improve neighbourhood facilities’*. The site also complies with the density controls as set out within sections 16.4-16.6 of the Dublin City Development Plan 2016-2022.

The Planner noted that the non-provision of car parking is acceptable and in accordance with the Dublin City Development Plan in this area.

3.2.2. **Other Technical Reports**

Drainage Division – DCC – no objection subject to conditions.

Transportation Planning Division – DCC – No objection subject to conditions.

Archaeological Report – DCC – No Objection subject to conditions.

Conservation Division – DCC – Refusal recommended.

3.3. **Prescribed Bodies**

Transport Infrastructure Ireland (TII) – submitted observation stating that the proposed development falls within an area set out in a Section 49 Levy scheme for light rail. In the event of a grant of permission a contribution levy should be attached.

3.4. **Third Party Observations**

Five submissions were received from residents in the vicinity of the site. Issues raised relating to this proposed development include:

- Refusal reasons from previously proposed scheme not addressed in current proposal;
- Impact on protected structures on Manor Street - No methodology or conservation statement;
- Overlooking and overshadowing of adjoining properties;
- Inadequate provision of carparking, bicycle parking or bin storage;
- Boundary/party wall treatment not shown;
- No assessment of archaeological impacts;
- Inadequate description of development, does not account for 3rd storey (attic space);
- Drainage system is unclear;
- Negative impact on residential amenity;

- Contrary to Policy CHC4 of Dev Plan – to protect special interest and character of Dublin’s Conservation Areas and Z2 Zoning - Residential conservation area;
- Would set an undesirable precedent;
- Inadequate distance between opposing windows (22 metres);
- Contrary to Mews Dwellings Development Management Standards as set put in Development Plan.

4.0 Planning History

- PA. Ref. 3966/18 – 2018 - 2no. semi detached 3 storey dwellings to the rear No. 35 Manor Street. Refused – 3 reasons, 1. scale and overdevelopment of site, 2. lack of open space, 3. does not relate to special character of protected structure.
- P.A. Ref. 2692/15 – 2015 - Split decision - Retention permission for existing rear ground floor extension at No. 36 and modification to internal layout - Grant. Single storey extension to rear of existing extension - Refused.
- P.A. Ref. 2159/07 – 2007- Retention of basement level single storey extension to rear of existing apartment at No. 36 Manor Street. Grant.
- P.A. Ref. 1062/07 ABP Ref. 29N222665 – 2007 - Change of Use of No.35 Manor Street from B&B into two self contained units and small rear garden area. Grant. The ABP Ref. refers to appeal on one condition to remove the existing dormer windows to the rear of the structure and to reinstate original roof profile or install two no. velux windows in their place.

Adjoining site:

- P.A. Ref. 2416/18 – 2018 - Retention of two storey over garden flat roofed extension to the rear of No.34 Manor Street. Grant.

5.0 Policy Context

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

5.1.1. Zoning

The site is zoned in **Z3**, where it is an objective “*To protect and improve neighbourhood facilities*”.

5.1.2. Chapter 11 Built Heritage and Culture

The terrace of dwellings located between 33-37 Manor Street (which includes the current site) are listed as Protected Structures under the current Development Plan 2016-2022.

The subject site is a **protected structure** and therefore the following policy of the Development Plan and guidance are relevant.

Policy CHC1: To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

Policy CHC2: To ensure that the special interest of protected structures is protected. Development will conserve and enhance protected structures and their curtilage. Of particular relevance are subsections:

(b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances; and

d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure

Policy CHC5: To protect Protected Structures and preserve the character and the setting of Architectural Conservation Areas.

Policy CHC9: To protect and preserve National Monuments.

(Note: part of the site is within the Zone of Archaeological Interest, the location of the proposed two dwellings is just outside of this zone, however sufficiency close in that it is my opinion it should be considered).

Section 11.1.5.3 Protected Structures – Policy Application

- The design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure. The traditional proportionate relationship in scale between buildings, returns, gardens and mews structures should be retained.
- A garden size appropriate to that of the structure should be retained. The total removal of historic boundary features or subdivision of rear gardens or original communal front gardens will generally not be permitted.

5.1.3. **Chapter 16 – Development Standards**

Section 16.5 – Plot Ratio - In the case of a group of buildings with a common curtilage, the floor areas will be aggregated. The site area includes only such land as lies within the curtilage of the related building.

The location of subject site falls under Z3 which has an indicative Plot ratio of 1.5-2.0. In this case the plot ratio is .93 which is considered acceptable given the nature of the site.

Section 16.6 Site Coverage – prevent overdevelopment of site.

Current site falls into Z3 zoning – therefore up to 60% of the site is the indicative site coverage for new development.

Section 16.10.2 Residential Quality Standards – Houses – sets out standards to be achieved in new build houses, including consideration of:

- Aspects, Natural Light and Ventilation
- Separation distance – 22m separation distance.

Section 16.10.10 Infill Housing. Provides guidance on what is expected in the case of infill house, in particular, attention should be had to the existing character of the street, established building line, proportion, heights, parapet levels and materials of the surrounding buildings.

Section 16.10.16 Mews Dwellings. Provides guidance in relation to design and standards. Of note in particular are subsections;

(a) unified approach to development of residential mews and consensus between property owners;

(c) development confined to two-storey buildings in general;

- (e) mews should complement the character the main building with regard to scale, massing, height, building depth, roof treatment and materials. Design should represent an innovative architectural response to the site;
- (f) amalgamation or subdivision of plots is generally not encouraged;
- (h) car parking and access main property;
- (i) minimum carriageway;
- (j) private open space at 10 square metres per bed space, to be located at the rear of the houses, landscaped with a depth across the width of the site of 7.5 metres, unless it is demonstrably impractical and unobstructed by parking; and
- (l) separation distance between opposite windows of 22 metres minimum unless where there are site constraints and high quality design ensuring privacy standards are achieved can be provided.

5.1.4. **Appendices**

Appendix 24: Protected Structures and Buildings in Conservation Areas.

5.2. **National Guidance**

- Architectural Heritage Guidelines for Planning Authorities, 2004 (republished 2011). Development guidelines for Protected Structures and Areas of Architectural Conservation. Relevant sections include:
 - Section 13.4 Features within the Curtilage of a Protected Structure or its Attendant Grounds.
 - Section 13.5 Development within the Curtilage of a Protected Structure.
- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).

5.3. **Natural Heritage Designations**

None relevant

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal, as raised in the submission from CMMA (architects), on behalf of the first party appellant and can be summarised as follows:

- Proposal differs from that previously refused and addresses concerns raised by third parties in letters of observation submitted at the time.
- Proposed no. of dwellings reduced from two to one.
- Development reduced in height from 3 storey (10.6m) to 2 storey (8.35m) which addresses concerns of overdevelopment and is compatible with the established layout and design.
- Current proposal will not injure the amenity of adjoining neighbours and is in keeping with the character of the area.
- The proposed design includes parapet walls and fenestration to be in keeping with the Protected Structure at No. 35 Manor Street.
- The 2no. dormer rooflights face the laneway to the north and do not impact on the residential amenity of the dwellings along Manor Street, attic space is proposed for storage, not a habitable room.
- The proposed elevations are subdivided into two bays to reflect the 2 no. plots and the front and rear elevations were amended to match the proportion of the windows of the main protected structure at no. 35 Manor Street.
- The proposed development includes an enlarged rear enclosed patio to the protected structure at no. 35 Manor street thereby enhancing the curtilage of the protected structure.
- The proposal meets the requirements listed in Section 16.10.16 of the City Development Plan, if there was an issue with amalgamation of building plots this should have been raised.
- Proposal exceeds recommended space guidelines for sustainable housing and adds to the mix of unit types in the area in line with objectives of

Development Plan – proximity of DIT campus and growing demand for rental accommodation.

- Inconsistency in advice provided by Conservation Section and Planning Sections of Dublin City Council.
- Minimum open space requirements are now met.
- The development of the site in question would improve the appearance of the current site for no. 35 and 36 Manor Street as it is effectively a car park currently.

6.2. Planning Authority Response

- None

6.3. Observations

3 no. observations were received from:

- Ms. Debra McKnight
- Paddy Gray and Family
- Manor Street/Stoneybatter Residential & Traders Assoc.

The issues raised by observers can be summarised as follows:

- Refusal reasons from previously proposed scheme not addressed in current proposal;
- Proposal is unsympathetic to No. 35 and No. 36 which are protected structures;
- Proposal too large for site;
- Neither the rear of No.35 or No. 36 have adequate open space;
- Overlooking and overshadowing of adjoining properties;
- No explanation for two dormer windows on front elevation and attic space, is this space habitable? No floor plans submitted;
- No provision for car parking, concerns patio space maybe used for parking;
- No provision for bike or bin storage;
- Distance to neighbouring buildings/dwellings not shown;

- Boundary/party wall treatment not shown;
- Fireplace in living room but no chimney;
- Drainage system is unclear;
- No methodology or conservation statement;
- Negative impact on residential amenity;
- Inadequate description on site notice, site spans both the rear of no.35 and 36 Manor Street;
- Contrary to Policy CHC4 of Dev Plan – to protect special interest and character of Dublin’s Conservation Areas;
- Manor Street terrace is Zoned Z2, Residential conservation area;
- Would set an undesirable precedent;
- Inadequate distance between opposing windows (22 metres);
- Not in accordance with Development Plan policy regarding Mews developments. No consensus between property owners or unified approach framework;
- Laneway is narrow and does to meet minimum requirement for vehicular access to mew laneways;
- The proposed mews buildings is not sub-ordinate in height and scale to the main building;
- Contrary to Policy 16.10.19 (f) – amalgamation of plots.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of development
- Design
- Impact on Residential Amenity
- Archaeology

- Access and Carparking
- Appropriate Assessment

7.2. Principle of development

- 7.2.1. The site is zoned Z3, where it is an objective “to provide for and improve neighbourhood facilities”. Residential is a permissible use within this zoning category. As such the proposal is acceptable in principle, subject to the detailed considerations below.
- 7.2.2. I note that the submissions made on the appeal denote the area as Z2 Zone – residential conservation area, this is not the case.

7.3. Design

- 7.3.1. Section 16.10.16 of the Development Plan provides guidance for development of mews dwellings, I have assessed the proposed development against those standards which are relevant to the subject site.
- 7.3.2. The proposed development is described as a two-storey detached dwelling of gross floor area of 211sqm. I note section 16.10.16 (e) of the Development Plan requires new buildings to complement the character of both the mews lane and the main building and in particular it should be informed by the established building plot. Previous reasons for refusal on the site have referred to the overdevelopment of the site and over scaled nature of the structure. The current proposal at 10.6m in breadth is wider than the original protected structure at No.36 (prior to any modern extensions). In addition, the street frontage of the proposed mews building, by virtue of its combined facades stretches to 12m, double that of its related protected structures at No.35 and 36 Manor Street. It is understood that the applicant has sought to incorporate one dwelling instead of two onto the site yet still retain the look of two individual dwellings through the design of the facades. While I would welcome the design of the façade which incorporates parapet walls and vertical fenestrations to be in keeping with the protected structures to the south, I do have an issue with the scale and bulk of the entire building.

- 7.3.3. It is worth noting that this proposal is not the first of its sort to the rear of the line of protected structures from No.32 to No. 37 Manor Street. Two dwellings were previously constructed facing on to Shea's Lane to the rear of No.31 and 32 Manor Street. These dwellings are orientated with their front facades facing east onto Shea's Lane, with access from same and have a narrow width of 7m, with off street parking adjacent to each dwelling. The current proposal though in a different orientation when compared with the existing dwellings, appears bulkier and covers a larger site area. Section 16.10.16 of the Development Plan states that a unified approach to the development of residential mew lanes should be encouraged and that consensus between all property owners should be agreed. The current site provides the opportunity to deliver a residential development that will be the first along this section of access laneway off Shea's Lane. The plots adjoining the site at No.s 34 and 37 (where a small commercial workshop is currently located) may in time come forward for development and therefore there needs to be consensus on the approach to development in the area as per the Development Plan.
- 7.3.4. As the site is located within the curtilage of a protected structure there is added importance to the design of any proposed dwelling(s) in this area. I do not believe that the proposed dwelling currently complements the character of the main building with regard to scale, massing or building depth and would be contrary to Section 11.1.5.3 of the City Development Plan (building height is addressed further in Section 7.4 below). The structure as currently proposed as a single detached dwelling is bulky and is not subordinate to the main building, a narrower breadth of structure would be more appropriate and would also address other issues discussed further below e.g. overlooking, overshadowing etc.
- 7.3.5. In addition, I note as per Section 16.10.16 (f) of the Development Plan that the amalgamation or subdivision of plots is generally not encouraged, I also have concerns that the amalgamation of these plots (namely No.35 and 36) for use by one dwelling would erode the original building plot arrangements, that can be seen in their current layout to date back to 1847 (source: Ordnance Survey Ireland). As the site is located within the curtilage of two protected structures it is important that the character of these buildings is protected and this includes the boundary treatment and the rear gardens, there is an opportunity here to enhance the existing plots and

in accordance with subsection (j) of Section 16.10.16 to ensure a depth across the full width of the site of 7.5 metres. Currently part of the proposed rear garden, identified as a patio area has a depth of 4metre, which falls short of this standard.

- 7.3.6. In addition, I note the materials proposed for use including the reference to 'concrete tiles' as a roof finish on the proposed elevation drawings. This type of roof finish would not be considered acceptable within the curtilage of a protected structure, any new buildings should complement the character of the main building with regard to roof treatment and materials, a traditional slate finish would be more appropriate.
- 7.3.7. In conclusion, I would concur with the Planner's report that the design as currently proposed would be contrary to Policy CHC2 of the Development Plan by reasons of its excessive bulk and lack of relation to the protected structures at No.s 35 and 36, as well as their curtilage and rear garden layout. Development within the curtilage of a protected structure should demonstrate a positive response to context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings. The proposal is considered an inappropriate response at this particular site.

7.4. **Impact on Residential Amenity**

- 7.4.1. Overshadowing: To set the context for the Board, the rear section of the site at no. 35 Manor Street is at a higher elevation than the street level of Manor Street. The site layout plan shows that the level of the site is in fact approx. 2.3m higher (+102.54) than that of the street level on Manor Street (+100.19). The proposed ridge height of the dwelling is approximate 400mm higher than that of No.s 35 and 36 Manor Street. The chimney stacks of no.35 and 36 do however exceed the ridge height by approx. 1m.
- 7.4.2. No shadow analysis has been submitted as part of the application and due to the higher elevation of the site (in comparison to those structures along Manor Street) and the bulk of the current proposed structure I would have concerns in relation to overshadowing. Following a site visit and an examination of the orientation of the proposed dwelling, adjacent rear gardens and structures along Manor Street, it is

considered that due to the scale and mass of the dwelling overshadowing of the adjacent gardens would occur in the mornings and evenings. It is noted that the dwelling has a reduced height when compared with previous proposals however the width of the dwelling at 10.6m would still allow for overshadowing of significant portion of the adjacent gardens.

- 7.4.3. Overlooking: The current proposal does not allow for the minimum separation distance of 22 metres between the main houses of no. 35 and 36 and the mews dwelling. The current design provides for 4 no. windows at first floor level to the rear of the dwelling, one of these is an ensuite bathroom window which could be conditioned to comprise of obscured glazing, however, the remaining windows all allow for overlooking of the rear of the properties along Manor Street and do not meet the current minimum separation distance as outlined under Section 16.10.16(I).
- 7.4.4. Two small triangular dormer windows are proposed on the front roof slope allowing light into the attic space. This room is approx. 2m in height and no internal stairway is currently shown on the plans which would provide access to the room, I am therefore satisfied that this is not a habitable room. The guidance in section 16.10.16 (c) restricts the height of mews dwelling to two storeys, unless in certain circumstances a three storey incorporates an apartment which can comply with the relevant standards. The proposed dormers do not correspond with any of the surrounding designs nor that of the protected structure associated with the site. In addition the current room height of 2m does not meet the standards of a habitable room, I would therefore recommend the removal of the dormer windows. I consider the removal of the dormer windows and a reduction in the pitch of the roof by 0.2m (to ensure the building is subordinate in height to the main protected structure) would ensure compliance with the Development Plan requirement.
- 7.4.5. Open Space: Subsection (k) of 16.10.16 of the Development Plan states that 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 the mews development. In this case the applicant has not demonstrated that sufficient open space has been provided for No.35. It is noted that a past planning permission on

the site permitted the subdivision of No.35 from a B&B into two self-contained units (P.A. Ref. 1062/07 ABP Ref. 29N222665). The additional patio space proposed to the rear of No.35 as part of the current application would not appear to meet the open space requirements for the existing subdivided building. While it is noted that the subdivision forms part of a previous permitted application, the standards outlined in subsection (k) are applicable given that the current application can address these open space concerns, and this should be demonstrated.

- 7.4.6. In addition, it is not considered that the proposed boundary treatment including the proposed timber boundary fence (surrounding the rear open space) compliments the character of the protected structure or complies with Policy CHC2 of the Development Plan. It is noted that the current on site situation and layout to the rear of the dwellings is not ideal, however any future developments on site should seek to reinstate the original building plot layout and rear garden space in so far as possible, given the historical significance of the building.

7.5. **Archaeology**

- 7.5.1. It is noted that the proposed development site is partially within the Zone of Archaeological Interest in the Dublin City Development 2016-2022. An archaeological assessment of the subject site was submitted with the application. This provides a detailed historical and archaeological background synopsis of Manor Streets and its environs. The author suggests that as archaeological excavations in close proximity have recorded subsoil levels at a high level (700mm below present ground level) and a lack of archaeological activity, it is likely the subject site would mirror these findings. The report also states all groundworks associated with the proposed development will take place outside the Zone of Archaeological Constraint for the Recorded Monument DU018-020 (Dublin City) and no further assessment should be required.

- 7.5.2. While taking into account the information furnished in the submitted archaeological assessment, it is my opinion however that as the submitted subject site location map depicts the proposed development boundary partially within the Zone of Archaeological Interest, that a possible lack of archaeological activity within the

subject site needs to be confirmed and test trenching should be carried out in the event that the site is developed. This opinion is confirmed by the Dublin City Archaeologist in his report on the subject application and is consistent with the approach under Policy CHC9 of the Dublin City Development Plan.

7.6. Access and carparking

- 7.6.1. I note the response from the Roads and Traffic Division of Dublin City Council as referred to in the Planner's Report. Section 16.10.16 (i) sets out guidelines for potential mews developments which require that mews laneways must have a minimum carriageway width of 4.8m (5.5m where no verges or footpaths are provided). The existing laneway to the rear of Nos. 34 – 37 Manor Street is c. 4.2m wide. The applicant proposes to set back the proposed dwelling to provide a minimum laneway width of 5.5m. This is considered acceptable.
- 7.6.2. No car parking is proposed to be provided as part of the development and it is noted this issue has been raised by the observers on the appeal. Following consideration of the location of the proposed development within close proximity to the city centre, as well as the location of the subject site relative to quality public transport links, the non-provision of car parking for this single dwelling would be considered acceptable.

7.7. Appropriate Assessment

The nearest designated Natura 2000 site is the River Tolka Estuary SPA (site code: 004024) which is 3.7km away, to the north east. Having regard to the nature and scale of the proposed development within a serviced urban area and separation 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. I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. The proposed development, by reason of its height, scale, massing and bulk at this site within the curtilage of a protected structure, would constitute overdevelopment of the site and does not relate sensitively to and complement the special character of the Protected Structure. The proposed development is considered to be contrary to Policy CHC2, Section 11.1.5.3 and Section 16.10.16 of the Dublin City Development Plan 2016-2022, which seek to discourage any development which does not ensure the special interest of the Protected Structure is protected. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the pattern of development in the area and the scale of development proposed, it is considered that the proposed dwelling, by reason of its scale, bulk and proximity to site boundaries, would seriously injure the residential amenities of adjoining properties by reasons of overlooking and overshadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Máire Daly
Planning Inspector

22nd June 2020