



An
Bord
Pleanála

Inspector's Report

ABP-307293-20

Development	PROTECTED STRUCTURE: Construction of two semi-detached, mews houses, to the rear lands within the curtilage of the existing Protected Structure.
Location	16, Parnell Road, Dublin 12.
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2212/20
Applicant(s)	Padraic Ryan & Beth Maguire
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Padraic Ryan & Beth Maguire
Observer(s)	None
Date of Site Inspection	14/08/2020
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located towards the end of a cul-de-sac mews lane Hatters Lane, running parallel to Parnell Road in Harold's Cross. Access to Hatters Lane is off Greenmount Lane which runs south from Parnell Road and east to Harold's Cross Road.
- 1.1.2. Hatters Lane serves a development of 13 no. single storey cottages and the rear of no.s 9-23 Parnell Road. To the immediate south of the lane is a large warehouse, part of the Greenmount Industrial Estate.
- 1.1.3. No. 16 Parnell Road, which formerly included the subject site is a three storey dwelling in multi-occupancy. The front garden is in lawn and has no vehicular access.

2.0 Proposed Development

- 2.1. On the 6th February 2020, planning permission was sought for the construction of 2 no. two-storey mews houses on the grounds of the protected structure at 16 Parnell Road. The application was accompanied by a Traffic Report, Architectural Heritage Impact Assessment and a SuDs Proposal. Details provide in the application form include:
 - Total site area: 226.4sq,m
 - Proposed new build: 174.9sq.m.
 - Proposed plot ratio 0.7 and proposed site coverage 0.4

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 14th April 2020, the Planning Authority issued a notification of their intention to REFUSE permission for the following reason:

- 1 The proposed development does not comply with the Dublin City Development Plan 2016-2022, section 16.10.16 'Mews Dwellings', in terms of the width of the laneway and provision of in-curtilage car parking. The proposed laneway is of a substandard width, there is no provision of parking, and the proposed use would result in pedestrian and vehicular conflict and overspill parking. The proposed development would set an undesirable precedent and would endanger public

safety by reason of traffic hazard. The proposed development would endanger public safety by reason of traffic hazard. The proposed development would, therefore be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

- 3.2.1. **Drainage:** No objection subject to conditions.
- 3.2.2. **Archaeology:** Subject site is in the Zone of Archaeological Constraint for the recorded monument DU018-048 Mill Site and the Zone of Archaeological interest. A condition requiring archaeological monitoring should attach to any grant of permission.
- 3.2.3. **Transportation Division:** Refusal recommended on the grounds of width of the laneway, lack of parking and pedestrian & vehicular conflict.
- 3.2.4. **Planning Report:** Notwithstanding that the proposed dwellings have been set back from the laneway, the laneway is insufficiently wide. No car parking provided. Existing development at no. 16 is substandard and taken together with the proposed development would constitute over development of the site. Recommendation to refuse permission.

3.3. **Third Party Observations**

- 3.3.1. A number of objections to the proposed development raised the width of the laneway, existing traffic difficulties, backland development, the impact on Greenmount Square.

4.0 **Planning History**

- 4.1.1. Planning Authority reg. ref. **3547/06:** Planning permission refused for the construction of 2 no. two-storey townhouses on traffic grounds, namely the width of the laneway and inadequate private open space for the proposed units.

5.0 **Policy Context**

5.1. **Project Ireland 2040: National Planning Framework**

- 5.1.1. This national policy seeks to support the future growth and success of Dublin as Irelands leading global city of scale, by better managing Dublin's growth to ensure that more of it can be accommodated within and close to the city. Enabling

significant population and jobs growth in the Dublin metropolitan area, together with better management of the trend towards overspill into surrounding counties.

5.1.2. The NPF recognises that at a metropolitan scale, this will require focus on a number of large regeneration and redevelopment projects, particularly with regard to underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development.

5.1.3. Of relevance to the subject application are the following:

- **National Policy Objective 2a:** A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs
- **National Policy Objective 5:** Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.
- **National Policy Objective 6:** Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

5.2. **Architectural Heritage Protection – Guidelines for Planning Authorities**

5.2.1. This guidance, which is a material consideration in the determination of applications, sets out comprehensive guidance for development in conservation areas and affecting protected structures. It promotes the principle of minimum intervention (Para.7.7.1) and emphasises that additions and other interventions to protected structures should be sympathetic to the earlier structure and of quality in themselves and should not cause damage to the fabric of the structure, whether in the long or short term (7.2.2).

5.2.2. With regard to **curtilage**, section 13.3.1 of the guidelines state that features within the curtilage and attendant grounds of a protected structure can make a significant contribution to the character of that structure. The designed landscape associated with a protected structure was often an intrinsic part of the original design concept and, as such, inseparable from the building. Where proposals are made for alterations to a designed landscape, ancillary buildings, structures or features within

the curtilage or attendant grounds of a protected structure, a site inspection should be carried out by the planning authority in order properly to understand the potential effects of the proposed development. **Section 13.3.2** states that when assessing the contribution of structures or features within the curtilage or attendant grounds to the character of a protected structure, and when considering any proposals to alter such features, certain criteria must be considered.

5.3. Dublin City Development Plan 2016-2022

5.3.1. In the plan, the site is zoned '**Z1 Sustainable Residential Neighbourhood**' which has the stated objective "to protect, provide and improve residential amenities". Within Z1 zones 'Residential' is a permissible use.

5.3.2. No. 16 Parnell Road, to the immediate north of the subject site is a Protected Structure, no. 6357 on the RPS.

5.3.3. **Chapter 16** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design. **Table 16.1** provides the Maximum Car Parking Standards for Various Land-Uses and **Table 16.2** the Cycle Parking Standards. Applicable to the proposed development are the following:

- Indicative plot ratio for Z1 zones is 0.5 to 2.0,
- Indicative site coverage for the Z1 zone is 45%

5.3.4. The policies in relation to Protected Structures are set out in Section 11.1.5.1. Policies of note in the development plan include:

CHC1: It is the Policy of Dublin City Council 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.

CHC2: To ensure that the special interest of protected structures is protected Development will conserve and enhance Protected Structures and their curtilage and will: (a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest (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 (c) Be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and

materials (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 (e) Protect architectural items of interest from damage or theft while buildings are empty or during course of works (f) Have regard to ecological considerations for example, protection of species such as bats. Changes of use of protected structures, which will have no detrimental impact on the special interest and are compatible with their future long-term conservation, will be promoted.

5.3.5. **Appendix 24** of the development plan refers to Protected Structures and Conservation Areas.

5.3.6. Standards for Residential Accommodation (houses) are set out in Section 16.10.2, and Mews Dwellings at 16.10.16.

5.3.7. **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.

5.4. Natural Heritage Designations

5.4.1. The subject site is 4.8km from the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC.

5.5. EIA Screening

5.5.1. Having regard to nature and scale of the development, the built-up urban location and brownfield nature 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. An agent for the applicant has submitted a first party appeal against the decision of the Planning Authority to refuse permission. The appeal notes the following:

- The property was purchased in 2016. Prior to that, the subject site was in use as a parking area of 8 no. cars. It is assumed that Hatters Lane has served the main dwelling as a vehicular and pedestrian access since the buildings origin in 1810.
- The owners have prevented their tenants from using the site for car parking. Since it was closed, it has been subject to illegal dumping.
- It is submitted that the findings of the traffic survey have been overlooked.
- The subject proposal seeks to address the reasons the previous application was refused permission- adequate private open space and carrying out a traffic assessment.
- The proposed development complies with the following standards of the development plan: car parking, mews development, parking in the curtilage of a

protected structure, movement and transport policies, sustainable community and neighbourhoods. Also, the following national policies: DMURS and Sustainable residential development in urban areas.

6.1.2. The grounds of the appeal can be summarised as follows:

- The subject development which is within the curtilage of a protected structure with restricted access to the front and rear, falls within the criteria of Policy CHC1 and should have been assessed on its own merits and not only the general terms.
- Section 16.10 of the development plan sets out the conditions under which car parking will be acceptable.
- The setback at ground level was designed to create relief off the laneway, provide a safe entry and a place to store / manage bikes and refuse.
- On the off-chance that vehicular access could be provided through the Greenmount Industrial Estate, this recess would allow the development to adapt to allow parking provision.
- To prevent unlicensed parking, the recess could be omitted and the ground floor level extended to the building line. The application is willing to comply with any parking conditions the Board attach.
- It is submitted that the subject development was assessed under the Mews Development policies but not subsection (g).
- The proposed development complies with DMURS. Regarding development in historic contexts, DMURS recognises that additional design considerations must be taken into account. The policy encourages compact dense developments where served by good quality public transport.
- The proposed development complies with the Traffic Management Guidelines (2003) as it balances conflicting priorities and with Smarter Travel as it will encourage walking and cycling.
- A traffic survey was undertaken for the proposed development. It is submitted that the information within was not assessed by the Planning Authority.
- The traffic report demonstrated that that the subject site has significantly higher rates of sustainable transport. The conclusions of the report are as follows:

- The proposed infill development is in a well-established urban area
- It will generate a negligible number of trips
- Existing traffic flows in Greenmount Square are negligible. The Square operates in a safe manner for pedestrians and vehicles. The restricted road space results in low speeds.
- This traffic calming effects may be a factor in the zero collision record in the area and the high volume of pedestrians and cyclists.
- Greenmount Square acts as a Homezone with shared surfaces.
- The proposed development would operate in a safe and efficient manner with minimal impact on other road users.
- The first aim of development plan policy on sustainability is to prioritise walking, cycling and public transport, and minimise the need to use cars. This is supported by the development plan, Sustainable Residential Development in Urban Areas 2009, and DMURS.
- The statistics shown in the traffic report closely represent areas further east of the canal, which fall under the parking zones 1 and 2 of Map J. Relaxations are permitted in these areas where a site is sufficiently well located. It is submitted that it is likely the subject area will be located within the primary zone in the next development plan.
- An impact assessment of the special interest of the protected structure was submitted with the application. The conclusion of the assessment is that the proposed development will not have an adverse impact on the protected structure.
- It is submitted that the proposed development is an “integrated design alternative” in line with the aims of DMURS and ‘Smarter Travel’.
- The Board is requested to grant permission.

6.2. Planning Authority Response

None on file.

6.3. **Observations**

6.3.1. None on file.

6.4. **Further Responses**

6.4.1. None on file.

7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and 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
- Traffic

7.2. **Principle of the Proposed Development**

7.2.1. The subject site is zoned Z1, Sustainable Residential Neighbourhood. Residential development is permitted in principle in such areas. Subject to compliance with all other planning considerations, the proposed development is acceptable in principle.

7.2.2. The Housing Strategy of the City development plan states that 3,650 units will be accommodated in Z1 and Z2 residential zones. The Core Strategy of the development plan states that the policies and objectives of the plan “promote intensification and consolidation of Dublin City, all of which lies within the metropolitan area”. One of the ways listed as achieving this is infill and brownfield development.

7.2.3. The appellant submits that the Planning Authority erred in assessing the subject site solely as a mews development. Given that the publicly advertised description of the development is “mews development”, it is considered that such a criticism is unfounded. Notwithstanding this, the subject site could also be classified as a “backland site”. Section 16.10.8 of the development plan defines backland development as “development of land that lies to the rear of an existing property or building line”. Section 16.10.8 states that the City Council will allow for the provision of comprehensive backland development where the opportunity exists, while noting

that the development of individual backland sites can conflict with the established pattern and character of development in an area. The section notes that backland development can cause a significant loss of amenity to existing properties including loss of privacy, overlooking, noise disturbance and loss of mature vegetation or landscape screening. As such applications for backland development will be considered on their own merits.

7.3. Traffic

- 7.3.1. The Planning Authority's single reason for refusal refers to the width of the existing laneway, the lack of parking and the impact that would have in terms of vehicular and pedestrian conflicts.
- 7.3.2. The appellants, in their appeal submit that the location of the subject site is such that no car parking is necessary. A Traffic Report is submitted with the appeal. The report states that the subject site is 25 walk / 10 cycle to Stephens Green and a 4minute walk to high quality public transport options and therefore no car parking has been proposed. The wider area is stated to have a 'restricted geometry' road network which ensures 'significantly low vehicle speeds'. According to the traffic report this creates a more pedestrian and cycle friendly environment. The 13 no. houses in Greenmount square have created a sort of 'homezone', shared surface for parking and pedestrian surface. A traffic count undertaken in November 2019 found that 5 no. pedestrians and no vehicles entered or exited Greenmount Square during the AM or PM peak. Over the 6-hour survey period, 17 no. pedestrians and 4 no. cyclists used Greenmount Square. The report analysed the CSO travel pattern data and states that the statistics show that the area of the subject site has a significantly higher rate of sustainable modes of travel to work, compared to the city average. No collisions were reported between 2005-2016 within 100m of the site. The report notes that as no car parking is provided, all trips to and from the proposed development will be pedestrian or bicycle. These trips would be negligible and therefore the impact of the proposed development would be minimal.
- 7.3.3. For clarity, the Board will note, the laneway serving the subject site and the 13no. houses is interchangeably referred to as Hatters Lane, Greenmount Lane and Greenmount Square by all parties and on various documentation.

- 7.3.4. The access to the subject site is approx. 3.4m wide. Section 16.10.16(i) of the development plan, in referring to mews development, requires a 'minimum carriageway of 4.8m in width'. The policy does not stipulate that this width is to facilitate vehicular access, however, it can be presumed that this was the intention. Particularly as paragraph (g) of the same section requires a minimum of one off-street car parking space per mews.
- 7.3.5. It appears that the 13no. properties on Greenmount Square have no difficulty accessing their homes – by vehicle, bicycle or on foot. I see no reason why a further two dwellings would not experience the same level of access. The width of the laneway is the same for those accessing Greenmount Square as would be for those accessing the subject site. As noted by the traffic survey, the level of traffic in the immediate area is low. An additional two dwellings would not significantly alter that pattern, and certainly not to the extent that it would cause a traffic hazard.
- 7.3.6. Regarding the absence of parking provision for the proposed mews. The subject site is well served, both in actual proximity to the city centre and by public transport. The subject site is located in Zone 3, approx. 600m outside the area 2 zone, as indicated on Map J of the DCC development plan. Section 16.38 of the development plan states that where a subject site falls on the boundary of two or more parking zones, the appropriate level of car parking must be assessed having regard to the location of the site and its accessibility to public transport facilities. A relaxation of parking standards is facilitated in Zone 1 but the development plan is silent on same for zone 2 and zone 3. A 600m distance can not be considered to 'fall on the boundary', however, I note that section 16.38 of the development plan provides for a parking provision below the maximum where it does not impact negatively on the amenities of surrounding properties or areas and there is no potential negative impact on traffic safety. The lack of parking provision for the two proposed dwellings is likely to result in two scenarios, namely, future residents accept the lack of parking and travel by alternative means or secondly, they use on-street public parking in the wider area. Neither of these scenarios result in a negative impact on the amenities or traffic safety of the area.
- 7.3.7. It is considered that the proposed development of two mews dwellings, with no car parking provision, will not negatively impact the safety and efficiency of the laneway,

of Greenmount Square or the adjoining Greenmount Lane. I am satisfied that no traffic hazard will arise.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, 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.

8.0 Recommendation

- 8.1.1. It is recommended that permission be GRANTED subject to conditions, for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to:

- (a) The provision of the Dublin City Council Development Plan 2016-2022,
- (b) The existing pattern of development at this location,
- (c) The design, scale and layout of the proposed development, and
- (d) The submissions on file,

It is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance Development Plan policy, would not detract from the visual amenities of the area, would be acceptable in the context of the amenities of adjoining properties and be satisfactory in the context of traffic safety and convenience. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

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 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. 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 property in the vicinity.

3. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

4. 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

- 5 Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

- 6 No additional development shall be erected above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment including the satellite dish shown on the roof plan unless authorized by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

7. The construction stage shall be managed in accordance with a construction management and construction traffic management plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include details of noise management measures, dust control measures, arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate

and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Gillian Kane
Senior Planning Inspector

28 August 2020