



An
Bord
Pleanála

Inspector's Report

ABP-307569-20

Development	Demolition of a Bungalow and construction of two replacement residential units.
Location	Rear of 10/10A Lansdowne Terrace, Shelbourne Road and Lansdowne Lane, Dublin 4.
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2334/20
Applicant(s)	Bond Street The Collective Limited
Type of Application	Permission
Planning Authority Decision	Split Decision
Type of Appeal	First Party
Appellant(s)	Bond Street The Collective Ltd.
Observer(s)	Alfred Guinevan Siobhan Collins OLA Sisters Dublin Community Bronagh Hughes

Date of Site Inspection

30 September 2020

Inspector

Gillian Kane

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1.0 Site Location and Description

- 1.1.1. The subject site is located on the northern side of a narrow cul-de-sac to the east Lansdowne Road. The cul-de-sac terminates at the Aviva Stadium, providing access to a number of parking and delivery / set down areas. The cul-de-sac accommodates a number of mews developments, including to the immediate east of the subject site a terrace of two-storey mews.
- 1.1.2. The subject site comprises the rear of no. 10/ 10a Lansdowne Terrace, a two storey semi-detached dwelling with a two-storey extension to the side and a single storey extension to the rear. The site accommodates a single storey shed that was previously in use as habitable accommodation.

2.0 Proposed Development

- 2.1.1. On the 24th February 2020, planning permission was sought for the demolition of a single storey extension (30sq.m.) to the rear of no. 10 / 10a Lansdowne Terrace, the demolition of a single storey flat (21sq.m.) and the construction of two three-storey mews dwellings (141.8sq.m. and 143.5sq.m.) fronting on to Lansdowne Lane.
- 2.1.2. The application was accompanied by the following:
 - Planning Report
 - Design Report
 - Report on the Architectural / Historic Significance of 10/10a Lansdowne Terrace
- 2.1.3. Details provided in the application form include:
 - Total Site Area: 237sq.m.
 - Proposed development floor area: 285.3sq.m.
 - Proposed demolition area: 51sq.m.
 - Proposed plot ratio: 1.2, proposed site coverage: 0.68

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 15th June 2020, the Planning Authority issued a notification of their intention to issue a SPLIT decision.
- 3.1.2. Permission is GRANTED for the demolition of the single storey rear extension, the making good of the rear (north elevation) thereafter including the insertion of a new

doorway and window and the demolition of the flat roofed garden dwelling, subject to 7 no. standard conditions.

3.1.3. Permission is REFUSED for the removal of part of the existing wall addressing Lansdowne Lane, the construction of 2 no. three-bed, three-storey semi-detached dwellings for the following reasons:

- 1 The proposed development would constitute significant over development of the rear garden of no. 10 Lansdowne Terrace which would deprive the main residence of adequate open space to serve its needs and would overshadow and would be visually overbearing for adjacent sites. The proposed development would seriously injure the amenities of property in the vicinity, would be contrary to the development plan zoning objective for the area 'to protect and / or improve the amenities of residential conservation areas' and in turn would be contrary to the proper planning and sustainable development of the area.
- 2 Having regard to the scale bulk and height of the proposal and the inadequate separation distances proposed, the proposed development would constitute a visually obtrusive and dominant form of development in this residential conservation area, contrary to Policy CHC4 of the Dublin City Development Plan 2016-2022. The proposed development would seriously injure the amenities of property in the vicinity, would be contrary to the Z2 zoning objective for the area and would be contrary to the proper planning and sustainable development of the area.
- 3 The proposal for two three-storey houses on a mews laneway would be contrary to section 16.10.16(c) of the Dublin City Development Plan 2016-2022 which seeks to confine mews houses to two-storeys. The proposal would seriously injure the amenities of property in the vicinity, would be contrary to the development plan zoning objective for the area 'to protect and / or improve the amenities of residential conservation areas' and in turn would be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

- 3.2.1. **Engineering Department:** Additional information required regarding drainage and flood risk.
- 3.2.2. **Transportation Planning:** No objection subject to conditions.
- 3.2.3. **Planning Report:** Notes that a concurrent planning application for a stand-alone two-storey dwelling to the side of no. 10 has been lodged with the Planning Authority. Proposed demolition of unauthorised bedsit and unauthorised dwelling in garden is welcomed. The scale, bulk and height of the proposed mews is a concern given the proximity to boundaries. The proposed three-storey dwellings do not align with mews policy which is generally two-storey. Proposed dwellings would be visually overbearing, would overshadow no. 8 Lansdowne Tce. and no. 1 Berkeley Mews. Adverse shading impacts will occur due to the design approach to maximise development on the site, with little / no setback from boundaries. Proposed three-storey development would sit within 3m of the back garden of no. 8 Lansdowne. No. 8 would be significantly impacted. Former garden of no. 10 has been developed into three 2-storey mews known as Berkeley Terrace. Proposed development within 5m of rear wall of no. 10 would deprive the main dwelling of sufficient open space. 7m design requirement in section 16.10.16 is not met. Comprehensive assessment of the totality of development proposed on the subject site not possible due to separate applications and lack of detail re. accommodation in the main house. The planning report notes that while the Transportation department have indicated that they have objection to the proposed development, the development will decrease on-street car parking by two spaces. Flood Risk Assessment required. Recommendation to issue a split decision – refuse permission for the two mews and grant permission for the demolition of the rear extension and the rear garden dwelling.

3.3. **Prescribed Bodies**

- 3.3.1. None on file

3.4. **Third Party Observations**

4.0 **Relevant Planning History**

- 4.1.1. **PL29S.5.88424:** Planning permission REFUSED for a dwelling to the rear of no. 10 Lansdowne Terrace

- 4.1.2. Planning Authority reg. ref. **2335/20**: Further information sought on a proposal for the demolition of the two-storey extension to the side of 10 Lansdowne Terrace and the construction of a two-storey two-bedroom dwelling (86.4sq.m.)
- 4.1.3. **Enf. E0970/19**: Use of shed to the rear as a habitable premises.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

- 5.1.1. In the plan, the site is zoned '**Z2 Residential Conservation Area**' which has the stated objective "to protect, or improve the amenities of residential conservation areas". Within Z2 zones 'Residential' is a permissible use.
- 5.1.2. **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 Z2 zones is 0.5 to 2.0,
 - Indicative site coverage for the Z2 zone is 45%
- 5.1.3. **16.10.16 (Mews Standards)**
- a) Dublin City Council will actively encourage schemes which provide a unified approach to the development of residential mews lanes and where consensus between all property owners has been agreed. This unified approach framework is the preferred alternative to individual development proposals.
- b) Stone/brick coach houses on mews laneways are of national importance. Dublin City Council recognises the increasing rarity of stone/brick coach houses and the need to retain and conserve all of the surviving examples, particularly in relation to their form, profile and building line as well as any original features remaining. Proposals to demolish such buildings will generally not be accepted.
- c) Development will generally be confined to two-storey buildings. In certain circumstances, three-storey mews developments incorporating apartments will be acceptable, where the proposed mews building is subordinate in height and scale to the main building, where there is sufficient depth between the main building and the proposed mews building to ensure privacy, where an acceptable level of open space is provided and where the laneway is suitable for the resulting traffic conditions and

where the apartment units are of sufficient size to provide for a high quality residential environment. This is in line with national policy to promote increased residential densities in proximity to the city centre.

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

e) New buildings should complement the character of both the mews lane and main building with regard to scale, massing, height, building depth, roof treatment and materials. The design of such proposals should represent an innovative architectural response to the site and should be informed by established building lines and plot width. Depending on the context of the location, mews buildings may be required to incorporate gable-ended pitched roofs.

f) The amalgamation or subdivision of plots on mews lanes will generally not be encouraged. The provision of rear access to the main frontage premises shall be sought where possible.

g) All parking provision in mews lanes will be in off-street garages, forecourts or courtyards. One off-street car space should be provided for each mews building, subject to conservation and access criteria.

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

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

j) Private open space shall be provided to the rear of the mews building and shall be landscaped so as to provide for a quality residential environment. The depth of this open space for the full width of the site will not generally be less than 7.5 m unless it is demonstrably impractical to achieve and shall not be obstructed by off-street parking. Where the 7.5 m standard is provided, the 10 sq.m of private open space per bedspace standard may be relaxed.

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

l) The distance between the opposing windows of mews dwellings and of the main houses shall be generally a minimum of 22 m. This requirement may be relaxed due to site constraints. In such cases, innovative and high quality design will be required to ensure privacy and to provide an adequate setting, including amenity space, for both the main building and the mews dwelling.

5.1.4. **Section 16.38.9** There will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car-parking spaces.

5.1.5. **MT14:** To minimise loss of on-street car parking, whilst recognizing that some loss of spaces is required for, or in relation to, sustainable transport provision, access to new developments, or public realm improvements.

5.2. **Natural Heritage Designations**

5.2.1. The subject site is approx. 1.1km from the South Dublin Bay and River Tolka Estuary SPA (004024) and the South Dublin Bay SAC (000210).

5.3. **EIA Screening**

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

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. An agent for the applicant has submitted a first-party appeal against the split decision of the Planning Authority to refuse permission for the new dwellings and

grant permission for the demolition of the shed and single storey extension. The grounds of the appeal can be summarised as follows:

- The proposed development satisfies all requirements to protect existing and future levels of residential amenity. The proposal is fully compliant with development plan policy.

Reason no. 1

- The proposed development does not represent over development of the site.
- The private open space of the main dwelling is 76sq.m
- The proposed development does not result in the overshadowing of properties on either side.
- A shadow assessment should have been requested by way of further information. The appeal is accompanied by a Shadow Assessment which demonstrates that that adequate daylight and sunlight will be received at properties at 8 Lansdown Terrace and Berkeley Mews. A minimal increase in overshadowing of a small portion of property to the north is expected.
- The proposed development complies with site coverage and plot ratio standards.

Reason no. 2

- The primary impact on residential amenity will be at no. 8 Lansdowne Terrace. The impact on the residential amenity of the dwelling at no. 10 is considered acceptable.
- The design of the proposed dwellings adheres to and respects policy CHC4.
- The scale and height of the proposed dwellings are in keeping with the surrounding pattern of development.
- The proposed development will enhance and contribute positively to the character of the residential conservation area by removing a poor quality building and single storey extension and by constructing two contemporary architectural dwellings of exceptional design quality.

Reason no. 3

- The proposed dwellings are not proposed as mews dwellings but as semi-detached dwellings on a sub-divided site.
- The Local Authority has erred in characterising the proposed development as a mews development. The proposed development should be considered as 'backland' or 'infill' development. Mews development policies do not apply.
- The proposed development complies with the backland development policy section 16.10.8 as it does not impact on residential amenity, provides adequate open space, will not block access to or prohibit future development of any sites, makes good use of zoned land, integrates with existing development, enhances the streetscape and will not adversely affect private amenity space of no. 8 Lansdowne Terrace.
- The proposed development complies with the infill housing policy section 16.10.10 as the proposed development maintains the building line, parapet levels, proportions and height of the adjoining mews development at Lansdowne Lane, respects the materials used in adjoining dwellings and complies with room size requirements.
- The Board is requested to grant permission for the proposed development in its entirety.

6.1.2. The appeal is accompanied by the following:

Historic Building Report

- Subject site has limited conservation value. It does not contain a protected structure, does not lie in a conservation area or ACA.
- A Conservation Assessment was submitted at application stage. There is no report from the Conservation Officer on file and no report from the Department. Yet the reasons for refusals refer to two conservation references.
- Policy CHC4 does not apply to the subject site or the proposed development.
- The Planning Authority acknowledge that the character of the laneway has been altered. The proposed development integrates with the existing pattern of development and therefore will not be visually dominant.

- The subject site is not a mews site. It never contained a stable or carriage house serving the main house on Shelbourne Road. The established development form is contemporary with varying height, form and material.
- Notwithstanding the above, the DCC mews policy does allow for three-storey development, where it is subordinate to the main building.

Daylight, Sunlight & Shadow Assessment

- Neighbouring properties will not be affected by the proposed development.
- All windows pass the Skylight VSC test, the sunlight APSH & WPSH test and the shadow test.
- The majority of the amenity space of the existing dwelling will receive light on the 21st March. Rooms in the existing house facing the proposed mews all exceed the minimum ADF light distribution requirements for their use.
- The living room window on the northern elevation of the existing dwelling could be increased to improve lighting. The boundary wall height to the south could be reduced in height to allow more light to penetrate.

6.2. Planning Authority Response

6.2.1. None on file

6.3. Observations

6.3.1. Alfred Guinevan, 8 Lansdowne Terrace

- Requests the Board to refuse permission.
- The proposed modern dwellings are incongruent with the area and the zoning objective. The proposed 3-storey unbroken gable wall is less than 4m from no. 10 Lansdowne Terrace.
- The subject site is fully visible from Shelbourne Road and therefore special consideration should be given to the design.
- The current premises at no. 10 is an 11-bedroom property with up to 25 no. residents as noted by the DCC Environmental Health Officer in October 2019. The subject application is silent on this use. This requires 250sq.m. of private open space.

- The main dwelling has been the subject of litter and fire safety concerns. This has not been noted on the application form.
- The decision of An Bord Pleanála in 1991 (ref. 2416/91) to refuse permission for a dwelling on the same site was correct and still applies.
- The proposed development does not provide sufficient amenity space for the existing or proposed dwellings.
- The proposed development will negatively impact the privacy and amenity of no. 1 Berkeley Mews, no. 8 Lansdowne Terrace and the Convent directly opposite the site.
- Similar development to the edge of sites on Pembroke Lane have caused difficulties for the management of waste.
- The proposed development jeopardises access to the Aviva.
- The proposed development will remove up to 5 no. car spaces.
- The applicant was refused permission for a similar development at 122 Terenure Road in 2535/15.
- The proposed removal of green space will affect natural water drainage.
- The existing structure on the site is a shed, not an authorised dwelling.
- The subject site is not an infill or a backland site. It is an indivisible part of the Victorian site. The proposed development is a mews development. The applicant is happy to accept mews development private open space standards. The applicants Sunlight Expert categorises the proposed development as a mews.
- The existing dwelling is not a pre-63 bedsit. The Observer has lived next door since 1948. The Applicants conservation report acknowledges that it was occupied as a family home in 1965.
- The lands at no. 10 Lansdowne Terrace have been developed to capacity.

6.3.2. **Siobhan Collins, 8 Lansdowne Terrace**

- Subject site is part of the Victorian house, built in the 1880's. 4 generations of the Observers family have lived next door to the subject site. 6 no. of the 8 no. homes

on the Terrace are occupied as family dwellings. Over two-thirds of the site of no. 10 has already been developed.

- The application to treat the site as stand-alone, with no reference to the Victorian house and the concurrent application is misleading. The house and site are owned by the same person. The totality of the site must be considered as one application has a direct impact on the concurrent application.
- All that remains of the original Victorian garden is a 200sq.m. garden with a shed that was erected without planning permission. An enforcement order (EO970/19) prevents the shed from being used as accommodation. A Fire Prevention Order has been issued following use of the shed as a dwelling.
- The Applicants Conservation Report fails to mention the Z2 Residential Conservation Zoning and should be disregarded. The Victorian House is a part of Dublin's historical built heritage, the protection of which is a key objective of the development plan.
- No. 10 Lansdowne Terrace has a significant historical context, is within 20m of protected structures, is only 5 houses from James Joyce's home, is across from Trinity Botanic Gardens, is 1 mile from the RDS, is next door to no. 8 where Michael Collins stayed while on the run and is 1 mile from the Sandymount ACA.
- The proposed development will have a significant negative impact on the character and setting of the residential conservation area CHC2, CHC4, CHC5 and section 11.1.5.5.3 of the development plan.
- The proposed development which would be visible from Shelbourne Road would have a negative impact on the character of the wider area, contrary to Policy CHC4.
- The proposed development involves the destruction of what remains of the original Victorian granite wall. The Board held that the removal of a shorter section of wall (ABP-302226-18) was unacceptable. The Boards reason for refusal also referred to over development of the site, injury to the special character of the area and undesirable precedent.
- Contrary to the applicants submission, the subject site is not city centre.

- The proposed development has a detrimental impact on adjoining properties. The appeal document acknowledges the significant negative impact on no. 8. The proposed development would be visually overbearing, adversely impact the house and garden, visual impact from rear windows, shading impact, reduction in privacy and residential amenity, block daylight to habitable rooms, negatively impact property values and create further noise and nuisance.
- The proposed development will negatively impact no. 10. At 4m from the rear it does not comply with section 16.10.16. The proposed development will cause light deprivation and compromise the privacy of residents of the dwelling.
- The proposed development comprises over development of the site. DCC Fire Dept. have confirmed there are 23 no. residents in the dwelling. This requires 230sq.n. private open space. The proposed development and the concurrent development (2335/20) could result in 39 no. people on a site with no open space.
- The use of the existing house has been the subject of many complaints regarding noise and disturbance.
- No. 70B Shelbourne Road is a convent occupied by a religious order of nuns. The proposed development would negatively impact their quality of life through overbearing impact, privacy, overlooking, noise and nuisance and overshadowing.
- The proposed development is not infill or backland, it is a mews development. The houses on the lane are described as mews, the site was sold as having 'mews potential' and the applicants agents refer to the development as a mews.
- The Board is requested to refuse permission.
- The Observation is accompanied by a number of photographs.

6.3.3. **OLA Sisters Dublin Community, 70B Shelbourne Road**

- A small community of religious Sisters live in the convent at no. 70B, 4.5m across the laneway from the proposed development.
- The proposed development will seriously impact the peace and enjoyment of the convent and its residents.
- The proposed 3-storey dwellings will be overbearing, will overlook and block light to the Observers home.

- The proposed balconies are a noise and nuisance risk. They do not provide sufficient open space.
- The poor management of no. 10 Lansdowne Terrace has caused litter, overcrowding, noise and damage to property.
- The garden of no. 10 is too small and too close to other development to be suitable for further development.
- The proposed development is in contravention of the Z2 zoning.
- The proposed development will look into the Convents Chapel, a sacred place of worship and contemplation.
- The proposed development will injure the visual amenity of the wider area.
- The laneway is busy and sometimes dangerous for traffic. The proposed development will exacerbate this. Further traffic poses a serious risk. The loss of on-street car parking is unacceptable.
- The detrimental impacts on no. 8 Lansdowne Terrace, no. 1 Berkeley Mews and open space, natural drainage and parking must be considered.
- The Board is requested to refuse permission.

6.3.4. **Bronagh Hughes, 1 Berkeley Mews**

- Proposed development is on contravention of the Z2 Residential Conservation zoning as it will have a negative impact on the existing residential development in the area.
- The proposed development is in contravention of Policy CHC4 as it does not seek to protect or enhance the existing character of the area.
- The proposed development represents over development.
- The laneway is correctly assessed as a mews. The proposed development which would cause serious disruption to the existing residents is not suitable on a mews laneway.
- The proposed three storey dwellings are out of character. The bulk, scale and height is not consistent with the surrounding area and raises concerns of privacy and overlooking.

- The appellants characterisation of the shed to the rear of no. 10 as a bungalow is inaccurate. The shed is unauthorised and use as a dwelling is unauthorised and subject of enforcement proceedings.
- The proposed development will not be replacing an existing dwelling, it is an attempt to maximise land without due consideration of proper planning.
- The Observer rejects the attempt to characterise the proposed development as infill or backland.
- The appellants suggestion that private open space of 76sq.m. would be retained for the main dwelling, ignores the concurrent application for a dwelling to the side of no. 10. Notwithstanding this, 76sq.m. is inadequate for a house comprising 11 no. bedrooms. Development plan standards require 10sq.m. private open space per bedspace.
- The proposed development would detract from the visual amenity of the area. the proposed balconies would directly overlook the Observers home. Noise spill from the balconies has not been addressed.
- The above all point to over development of the site.
- The proposed development would result in the loss of on-street car parking in an area of high demand. The residents have sought to install metered parking in the area.
- Despite the Planning Authority noting it, no flood risk assessment has been submitted with the appeal. It is noted that an FRA has been requested for the concurrent application 2335/20.
- The Board is requested to refuse permission for the proposed development.

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
- Private open Space
- Residential Amenity
- Design, Scale and Height
- Traffic

7.2. Principle of the Proposed Development

- 7.2.1. The subject site is zoned Z2, Residential Conservation Area. Residential development is permitted in principle in such areas.
- 7.2.2. That the proposed development was assessed by the Planning Authority as a mews development is raised by the Appellant. They state that the Planning Authority erred in their consideration as the subject site is not to the rear, has no previous use as a stable or carriage way and contains no ‘typical characterisations of a mews laneway’.
- 7.2.3. As a starting point, the Board will note that the Applicants architect (Design Report) and Sunlight expert both refer to the proposed development as ‘mews’ in their documentation. In their pre-planning submission to the Planning Authority, the applicant refers to a development of two mews dwellings. Further, the adjoining development to the immediate east of the subject site, on grounds that formerly attached to no. 10, is named ‘Berkeley Mews’. The proposed dwellings, to the rear of a dwelling, on a lower-order traffic route fulfil the most commonly accepted understanding of what constitutes a mews. I do not consider that the proposed development can be categorised as ‘infill’ housing (to which section 16.10.10 of the development plan applies) as the subject site is not a vacant / under used plot between two buildings.
- 7.2.4. Ultimately however, it matters not. Such a distinction need not be made. A development can be backland, infill and mews development. The overriding assessment for both is a de novo assessment on the proper planning of a proposal on a specific site.
- 7.2.5. The garden shed on the subject site is not a habitable dwelling and has no permission for use as same. The proposed development is not considered a replacement dwelling. It is considered that the description of the proposed

development as the demolition of a bungalow in the public notices is misleading and inaccurate.

- 7.2.6. The Board will note that a concurrent planning application is live with Dublin City Council (2335/20) for permission to demolish the two-storey side extension of no. 10/10a Lansdowne and construct a two-bedroom two storey dwelling. DCC have requested further information, noting the lack of detail regarding the main dwelling, the need for a flood risk assessment, insufficient private open space, concern over internal accommodation in the proposed dwelling. The cumulative impact of the subject proposal, the concurrent proposal and the existing dwelling at no. 10/ 10a must be considered. At the date of writing this report, the requested FI has not been submitted to the Planning Authority.

7.3. **Private Open Space**

- 7.3.1. The Appellant states that 76sq.m. of private open space shall be retained as private open space for the main dwelling at no. 10/ 10a. The Board will note that the proposed development to the side of the dwelling (2335/20) would reduce that private open space to 58sq.m. Drawing no. PL04 of that application refers.
- 7.3.2. In their pre-planning submission for the subject application the applicant states that the main dwelling is in multi-occupancy use, with five bedrooms accommodating ten people. It is the submission of the Observers that the dwelling accommodates many more than ten. On the date of my site inspection, the property was undergoing some construction work and appeared to be empty.
- 7.3.3. Section 16.10.2 of the development plan requires a minimum 10sq.m. private open space per bedspace. The proposed development which would leave the main dwelling with 78sq.m. at a maximum and possibly as low as 58sq.m. falls significantly below the required minimum. Further, a depth of only 4m for the majority of the space, an east facing back garden and a blank gable of over 8m in height as the eastern boundary, would not provide much residential amenity. It is considered the space would be dark and would provide little recreational use. The applicants Sunlight report acknowledges that the orientation of the space is such that light can only penetrate at a limited angle.
- 7.3.4. The ground floor proposed private open space of the proposed dwellings is 3m in depth and north facing. It is considered that the 8.5m high rear elevation of the

dwellings will result in a dark and relatively unwelcome private space. I note the Shadow Analysis presented for the north facing mews at Berkeley Mews, which demonstrates that they receive no sunlight on March 21st. The proposed dwellings with the same orientation and a greater rear elevation height will also receive no sunlight on March 21st. The proposed balconies on the southern elevation will adequately compensate however.

- 7.3.5. Overall, it is considered that the cumulative impact of the subject development and other proposed, on the dwelling at no. 10/10a is significantly adverse.

7.4. Residential Amenity

- 7.4.1. I note the Shadow Analysis submitted with the appeal documentation. The report notes that the proposed development will result in sunlight to the garden of no. 8 Lansdowne Terrace falling from 77% of the garden area to 66.2%. This passes the BRE requirement of greater than 50% but is nonetheless a significant reduction. As the penetration of direct sunlight to a north facing property is limited, the availability of daylight to the rear elevation is valued
- 7.4.2. The building line of the proposed three-storey dwellings is approximately in line with the rear elevation of no. 8 Lansdowne. It is considered, that while the overshadowing technically complies with the guidelines, the impact on the private amenity space of no. 8 will be material. The proposed 8.8m high elevation at a distance of less than 3m from the boundary will create a perception of overlooking, of dominance and will impact the privacy of the space. I note that it is proposed to use opaque glazing in the three first floor windows on the northern elevation, nonetheless the windows are 1.9m in height.
- 7.4.3. Lansdowne Lane is approx. 8m wide. It is considered that the private amenity space of the Convent to the south of the subject site would be materially impacted by the proposed open space at first and second floor level. The proposed development would cause noise disturbance and overlooking of the amenity space of the adjoining site. The proximity of the subject and adjoining sites to the Aviva is such that noise disturbance must be expected. Overlooking of private space should not be expected or facilitated however.

- 7.4.4. On the subject site of approx. 237sq.m., the proposed site coverage is 68%. The indicative site coverage for Z2 zones is 45%. The appellants assertion that the proposed development does not represent over development is incorrect.
- 7.4.5. Section 14.8.2 of the development plan acknowledges that the overall quality of residential conservation areas is such that it requires special care in dealing with development proposals which affects both protected and non-protected structures. It is considered that the proposed development, which would negatively impact the residential amenity of the existing, the proposed and adjoining properties, would be contrary to the Z2 zoning objective for the area, which seeks to protect or improve the amenities of residential conservation areas.

7.5. **Design, Scale and Height**

- 7.5.1. The contemporary design of the proposed dwellings is an appropriate response to the subject site. There is no uniformity of design, height, building or finish on Lansdowne Lane, to which the subject site should respond. It is considered that the set-back upper levels, simple finishes and flat roof profile present a high-quality design that would integrate well with the pattern of development on the lane.
- 7.5.2. The three-storey height (8.5) of the proposed dwellings, whilst in excess of the heights of the adjoining buildings is minimised by the set back at upper levels at the southern elevation / streetscape. The proposed 3-storey elevation to the rear (north) however would appear visually dominant and overbearing when viewed from the rear of the dwellings to the north, particularly the private amenity space of no. 8 Lansdowne Terrace.

7.6. **Traffic**

- 7.6.1. The removal of 2 no. public car parking spaces, at a location where public parking is at a premium due to the wide range of commercial and other activities in the area, would be to the detriment of public parking.

7.7. **Appropriate Assessment**

- 7.7.1. 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. I recommend permission is REFUSED for the following reasons and considerations:

9.0 Reasons and Considerations

- 1 The subject site is located on lands zoned as Z2, Residential Conservation Areas where it is an objective “To protect and/or improve the amenities of residential conservation areas”. The proposed development would result in an inadequate quantity of and poor quality private amenity space for 10/10a Lansdowne Terrace, which requires a minimum of 100sq.m. private open space, as per development management standard section 16.10.2 of the Dublin City Development Plan 2016-2022. The proposed development is therefore considered to be contrary to the proper planning and sustainable development of the area.
- 2 The scale, height and proximity of the proposed three-storey dwellings and their proximity to the boundaries of the adjoining dwellings at 10/10a Lansdowne Terrace and no. 8 Lansdowne Terrace are such, that the proposed development would significantly injure the residential amenity of the private open space of the dwellings. The proposed development is therefore considered to be contrary to the proper planning and sustainable development of the area.
3. The proposed development which is to facilitate private vehicular entrances involves the loss of on-street parking facilities available to the wider community for daytime use in connection with short stay commercial and leisure needs and evening use by residents in an area in which residential permit parking is available. The proposed development would materially contravene Policy MT14 and Section 16.38.9 of the Dublin City Development Plan 2016-2022, according to which it is the policy of the planning authority to retain on-street parking as a resource for the city and would, therefore, be contrary to the proper planning and sustainable development of the area

Gillian Kane
Senior Planning Inspector

05 October 2020