



An
Bord
Pleanála

Inspector's Report ABP307775-20

Development	Partially demolish existing storage/garage and erect a two-storey house.
Location	Rear of Avondale House, 3 Northumberland Avenue, Dun Laoghaire, County Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D20A/0247
Applicant(s)	Sinead Gorby.
Type of Application	Permission.
Planning Authority Decision	Refuse permission
Type of Appeal	First Party v Refusal
Appellant(s)	Sinead Gorby.
Observer(s)	None.
Date of Site Inspection	10 th January 2021.
Inspector	Hugh Mannion

1.0 Site Location and Description

- 1.1. The application site is a rectangle with a stated area of 0.0374ha and comprises 3 Northumberland Avenue and its associated site stretching back to the mews lane between Northumberland Avenue and Mulgrave Street in Dun Laoghaire, County Dublin. Number 3 Northumberland Avenue is a three bay two storey over basement terraced house with a rear garden. There is an existing garage and store accessing the mews lane within the application site. The site has a pedestrian and vehicular access to the east from Mulgrave Street between numbers 56 and 55 Mulgrave Street. This mews lane has a noticeable variety of boundary treatments to the rear gardens of houses which face onto Northumberland Avenue and Mulgrave Street and I estimate that there are about 20 car parking spaces on several plots currently accessed over this lane.
- 1.2. The commercial core of Dun Laoghaire is immediately to the north of the application site concentrated on Georges Street.

2.0 Proposed Development

- 2.1. Partial demolition of existing storage/garage building and erection of a two-storey house at rear of Avondale House, 3 Northumberland Avenue, Dun Laoghaire, County Dublin.

3.0 Planning Authority Decision

3.1. Decision Refuse Permission

- The proposed development because of its bulk, scale, mass and height is not a modest infill house on a mews lane as envisaged in Section 8.2.3.4(x) of the County Development Plan and would seriously injure the residential and visual amenity of the area and depreciate the vale of property in the vicinity.

3.2. Planning Authority Reports

3.3. Planning Reports

The planners report recommended refusal as set out in the Manager's Order.

- 3.4. Other Technical Reports
- 3.5. **Drainage Planning Section** reported no objection.
- 3.6. **Transport Planning** reported no objection.

4.0 **Planning History**

- 4.1. Permission was previously refused on the site under reference D19A/0187 for a 3-storey mews house for overdevelopment and impacts on visual and residential amenity.

5.0 **Policy and Context**

5.1. **Development Plan**

- 5.2. The site is zoned A 'to protect and/or improve residential amenity in the Dun Laoghaire Rathdown County Development Plan 2016-2022.

5.3. **Policy Objective Res4**

- 5.4. It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

5.5. **Policy Objective Res6**

- 5.6. It is Council policy to facilitate measured and proportionate mews lane housing development in suitable locations.

- 5.7. Section 8.2.3.4 (x) sets out the criteria for the assessment of Mews Lane developments.

5.8. **Natural Heritage Designations**

- 5.9. Not relevant.

5.10. EIA Screening

Having regard to the modest scale of the proposed development in an appropriately zoned and serviced urban area it is considered that the proposed development will not give rise to likely significant effects on the environment and that submission of an EIAR and carrying out of an environmental impact assessment is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- Permission was granted in 2000 for a two-storey office building on this site.
- The proposed building is modest in scale and the attic should not give rise to refusal. The roof is a simple slate pitched roof consistent with its context.
- The proposed development would comprise an improvement to the visual amenity of the news lane.

6.2. Planning Authority Response

- The grounds of appeal do not justify a change of mind on the part of the planning authority.

6.3. Observations

- None

7.0 Assessment

7.1. Principle of Development/Planning Policy.

7.2. The Sustainable Residential Development in Urban Areas (DOEHLG 2009) establishes an overall goal of encouraging higher residential densities in existing built up areas where public services and transport infrastructure are available or may be more easily provided and to prevent suburbanisation of rural areas close to existing settlements and public transport. The Guidelines make the point (paragraph 5.9) that development in smaller infill sites in inner suburban areas have

the capacity to revitalise areas and make better use of social and physical infrastructure.

- 7.3. The zoning objective for the application site is for residential development in the current County Development Plan. The proposed development compiles with this objective.
- 7.4. The Development Plan (section 8.2.3.4 (x)) states that mews development on rear lanes will be generally acceptable where there is already such development along a lane, where the access lane is adequate, where the applicant has a legal right over the lane, and where piped services are available or can be provided and where the area is identified as suitable for development in a County Development Plan or in an LAP.
- 7.5. There are significant elements of commercial and at least one other mews dwelling accessed over this lane between the application site and the vehicular/pedestrian access to Mulgrave Street. The access lane is narrow where it approaches the exit to Mulgrave Street but vehicular speeds are necessarily low on mews lanes and it may be noted that the planning authority's Transport Planning section raised no objection to the proposed development on traffic/access grounds. The application site already uses the lane to access an existing garage and outbuilding and I conclude that the applicant has a right of way over the lane. The application states that the proposed development will be provided with new connections to the public water mains and public serve. Irish Water has not commented on the application but having regard to the pattern of development on the lane, including at least one mews house, I conclude that these services are available. Finally, the site is zoned for residential development in the County Development Plan. Having regard to the foregoing I conclude that the application meets the main criteria for mews development set out in the County Development Plan.
- 7.6. The Plan states that mews lane development will not be acceptable where the lane is required by adjoining commercial developments. Having regard to the pattern of development on the lane and the residential zoning objective applying to the site I am satisfied that this criterion does not apply in this case.

7.7. Refusal Reason.

7.8. The planning authority's main concern is that the bulk, scale, mass and height of the proposed development means that it is not a modest mews infill house as envisioned by section 8.2.3.4 (x) of the development plan. The development plan requires;

- that there be separation distance from the rear façade of the main house (that is 3 Northumberland Avenue) and the proposed mews of not less than 15m; the proposed development provides 16.4m separation distance.
- that parking spaces should be off road. The proposed development provided a single off-road space.
- that the new build should reflect the scale height, materials and finishes of existing development in the lane. This is a difficult ask in the present case because there is a mix of open areas accessing the rear of commercial and residential uses, rear boundary walls for houses fronting onto Northumberland Avenue and Mulgrave Street, a mews house, rear garages and outbuildings. Nevertheless, the proposed elevation treatment in terms of materials; slate, painted render, wood and stone will not be out of character with adjoining structures. The scale is at the higher end of what is acceptable but largely because these rear lots have, in large part, been given over to the less economically viable uses of over ground car parking there has not been significant mews house development on the lane yet.
- Private rear gardens should be about 48m². The proposed rear garden is about 45m² which meets the development plan standard and the remaining rear garden to the main house at 3 Northumberland Avenue is adequate to meet the recreational needs of residents of that house.

7.9. In summary, therefore, I consider that the proposed development meets the standards set out in the County Development Plan. I consider that the proposed development is at the limit of what can be reasonably accommodated on site but it will not unreasonable impact on the amenity of adjoining property or prejudice the development of adjoining property and achieves the objective of providing additional residential accommodation in an area well served by a nearby mix retail, community and employment related uses.

7.10. **Appropriate Assessment.**

7.11. Having regard to the location of the application site in a zoned and serviced area urban, the modest scale of the proposed development, and the foreseeable emissions therefrom I consider that the proposed development will not adversely impact on any European site.

8.0 **Recommendation**

8.1. I recommend a grant of planning permission.

9.0 **Reasons and Considerations**

9.1. The proposed development comprises the construction of a relatively modest mews house in an area zoned for residential development in the Dun Laoghaire Rathdown County Development Plan 2016 to 2022. Having regard to the zoning objective for the site and the criteria for assessment of planning applications for mews house developments set out in the current plan and subject to the conditions set out below it is considered that proposed development will not endanger public safety by reason of traffic hazard, seriously injure the residential amenity of adjoining property or the visual amenity of the area and would otherwise accord with the County Development Plan and the proper planning and sustainable development of the area.

10.0 **Conditions**

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Details for the management of waste, including the provision of facilities for the storage, separation and collection of the waste shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
5.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling, including window and door joinery, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	Reason: In the interest of visual amenity.
8.	<p>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.</p> <p>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.</p>

Hugh Mannion
Senior Planning Inspector.

12th January 2021.