



An
Bord
Pleanála

Inspector's Report

ABP-308198-20

Development	Demolition of garage and construction of a new two storey detached mews with 2 bedrooms, study and car parking.
Location	Rear of 94/92, Foxrock Avenue, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20A/0459
Applicant(s)	Billy and Marie Farrell
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Billy and Marie Farrell
Observer(s)	None
Date of Site Inspection	28 th January 2021
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The appeal site is located to the rear of Nos. 92 and 94 Foxrock Avenue, Dublin 18. Nos. 92 and 94 form part of a neighbourhood centre at this location where there is a variety of commercial premises.
- 1.2. The site is accessed by a laneway to the side and rear which is gated. The site itself has a stated area of 0.138 hectares and is roughly rectangular in shape. A shed is currently located on the site. It is bounded to the north by the laneway and Deansgrange Cemetery on the opposite side of the laneway, to the south by a hard surfaced area, to the east by the laneway and to the west by a shed.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of the existing garage and the construction of a two storey two bedroom detached dwelling.
 - Revised drawings were submitted in the appeal response to An Bord Pleanála which provide for revised floor plans and revised car parking and private open space arrangements.
 - I note that no elevations of the revised proposals have been submitted to the Board.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission refused for two reasons as follows:

1. The proposal provides a sub-optimal private amenity space which would result in a substandard level of amenity for the future occupants. The proposal would therefore be contrary to Section 8.2.8.4 (Private Open Space- Quality) and Section 8.2.3.4 (x) (Mews Lane Development) of the Dun Laoghaire-Rathdown County Development Plan, 2016-2022. The proposed development would, therefore, seriously injure the amenities or depreciate the value of property in the vicinity, would

set a poor precedent for similar development in the area and would be contrary to the proper planning and sustainable development of the area.

2. By reason of its design and substandard size, the car parking provision for the proposed dwelling is considered to be contrary to Section 8.2.4.9 (Vehicular Entrances and Hardstanding Areas) of the Dun Laoghaire-Rathdown County Development Plan, 2016-2022 and would, therefore, seriously injure the amenities or depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The planner's report noted that whilst the principal use of the lane at present was for servicing the commercial premises to the front, there was no objection to residential development at this location subject to the provision of a carefully considered design.
- Concerns were expressed in relation to the quality and quantity of private open space and the substandard dimensions of the car parking space.

3.2.2. Other Technical Reports

Transportation Report: notes that size of car parking space is below the requirements set out in the Development Plan. Refusal recommended as no provision has been made to allow visibility between entering/exiting vehicles and other users of the lane.

Drainage: Further Information required.

3.3. **Prescribed Bodies**

3.3.1. **Irish Water:** No objection.

3.4. **Third Party Observations**

- One third party observation was submitted to the Planning Authority which expressed concerns in relation to drainage and traffic safety.

4.0 Planning History

D20A/0022

Permission granted for a change of use from office to a 2 bed apartment at first floor including a new bedroom within the attic space with new dormer. Private open space on roof at first floor to the rear.

D99/0058

Permission granted for a change of use from residential to office use at part of ground floor and first floor, and from residential to shop use at ground floor. A new garage to the rear to provide two off street car parking spaces.

5.0 Policy Context

5.1. Development Plan

Dun Laoghaire Rathdown County Development Plan 2016-2022

Site zoned as 'NC' with a stated objective 'To protect, provide for and/or improve mixed-use neighbourhood centre facilities.'

Section 8.2.3.4 (x) Mews Lane Development.

The site has an abuttal with lands which have a 'Record of Monuments and Place (For Areas of Archaeological Potential)' (023-041).

5.2. Natural Heritage Designations

5.2.1. None relevant.

5.3. EIA Screening

5.3.1. Having regard to the limited nature and scale of development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant

effects on the environment arising from the development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the first party appeal can be summarised as follows:

- Revised drawings have been submitted which change the layout of the private open space to the rear. The space proposed is 53.9 square metres and it will be surrounded by a 1.2m high block wall with access onto the lane.
- An alternative car parking space is proposed which is 3m x 4.8m in compliance with Development Plan standards.

6.2. Planning Authority Response

- In this regard, the Board is referred to the previous planner's report. It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. Observations

- None.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal. Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Impact on Residential Amenity

- Traffic Safety
- Other Matters
- Appropriate Assessment

7.2. Impact on Residential Amenity

- 7.2.1. The main concern raised in relation to the impact on residential amenity by the Planning Authority related to the sub-optimal private open space provision.
- 7.2.2. I note that the open space proposed in the original drawings was an elevated space accessed by steps adjacent to the laneway. The planner's report considered that the quantum of private open space appeared to fall significantly short of Development Plan standards and that the space would be exposed to views from the laneway and would not function as secluded open space.
- 7.2.3. Revised plans submitted with the appeal provide for an area of private open space level with the laneway and then a number of steps to a narrow area around the house. I consider that the narrow elevated area adjacent to the house is inadequate in terms of quality and cannot be included in the calculations for quality private open space. The area adjacent to the laneway is approximately 5 metres in width and 5.9 metres in length. I note that the appeal calculates the private open space provision as 53.9 square metres including the elevated area adjacent to the house. I have calculated the area of private open space directly adjacent to the laneway as c. 29.5 square metres.
- 7.2.4. This is a constrained site in my view, and the constrained nature of the site is demonstrated in the inadequate private open space provision. In my view, this would lead to a poor quality of amenity for the intended occupants. I note that the Development Plan requirement for new two bedroom dwellings is 48 square metres. Section 8.2.8.4 of the Development Plan requires that narrow strips of open space to the side of buildings shall not be included in the calculations and as pointed out above, I have concerns in related to elevated narrow strip adjacent to the proposed dwelling.

- 7.2.5. The bulk of the open space is located to the side of the dwelling in the revised design with a laneway on both sides. I note that it is proposed to construct a 1.2 metre high wall for privacy.
- 7.2.6. I consider that the proposed development would provide for a poor quality of amenity for future occupants, and would be contrary to Section 8.2.3.4 of the current Dún Laoghaire-Rathdown County Development Plan in relation to additional accommodation in built-up areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.3. Traffic Safety

- 7.3.1. I note that two issues were raised by the Planning Authority in relation to traffic safety. The first issue related to the inadequacy of the car parking space on the site and the second issue related to visibility on the laneway between entering/exiting vehicles and other users of the laneway.
- 7.3.2. I note that a revised car parking space has been provided in the drawings submitted to An Bord Pleanála in lieu of the car port initially proposed. The dimensions outlined on the revised drawings submitted relate to an area 3 metres wide by 4.8 metres in depth which the appeal states is in compliance with the Development Plan.
- 7.3.3. I note that the requirement set out in Section 8.2.4.9 of the Development Plan is 5.5 metre depth by 3 metre width. I have examined the drawings submitted and I am satisfied that a car parking space in accordance with the Development Plan requirements can be provided at this location without overhanging the lane.
- 7.3.4. In terms of the second issue, the report by the Transport Section noted that no provision has been made to allow visibility between entering/exiting vehicles and other users of the laneway. Refusal was recommended by the Transport Section for one reason as follows: 'Due to endangerment of Public Safety due to obstruction and restricted visibility – i.e the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, as per Clause 4 of the Fourth Schedule (Reasons for the Refusal of Permission which Exclude Compensation) of the Planning and Development Act, 2000.'

- 7.3.5. The laneway serving the site serves both commercial and residential premises. No mews houses have been developed to date on the laneway, but I note that there is an existing apartment to the rear of No. 92, and permission was recently granted for a change of use from office to two bedroom apartment under PA Reg. Ref. D20A/0022. I note that the car parking layout submitted with the appeal provides for spaces for these two apartments. At the time of the site inspection, this area was used for parking a commercial vehicle and the gate to the laneway was open. I understand that it is generally locked when not in use.
- 7.3.6. I note that Section 8.2.3.4 (x) of the Development Plan states that 'where in a commercial area, the lane is likely to be required by the frontage buildings for access or the area adjoining the lane is required for expansion', the principle of mews development on a particular laneway will not generally be accepted.
- 7.3.7. I consider that the laneway is used on a haphazard basis at present by a number of commercial premises. There are no car parking spaces delineated for either commercial or residential properties. It would appear that individual commercial premises have access to the laneway and use the storage units accessed off the laneway.
- 7.3.8. Accordingly, having reviewed the available information, it is my opinion that the proposed use of laneway by both residential and commercial users at the location proposed would be likely to give rise to conflicting traffic movements in the absence of any provision for shared use and provision to allow adequate visibility between entering and exiting vehicles and pedestrians at the entrance of the laneway. I consider that the absence of appropriate consultation with any affected third parties, such as the occupants of adjacent properties, would likely give rise to difficulties.
- 7.3.9. I consider that there are difficulties with the intensification of the laneway and the use by both commercial and non-commercial users. In the absence of an appropriate and well thought out traffic safety plan with all users, I consider that the proposed development would endanger public safety by reason of traffic hazard.

7.4. Other Matters

- 7.4.1. I note that no elevations were submitted with the revised plans submitted to the Board. Should the Board be minded to grant permission, this matter would need to be addressed.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distance wo the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the proposed development as follows:

9.0 Reasons and Considerations

1. Having regard to the design and layout of the proposed development, it is considered that the proposed development would result in a substandard form of development for future residents by reason of the substandard quality and quantity of private open space provision. The proposed development would be contrary to Section 8.2.3.4 of the current Dún Laoghaire-Rathdown County Development Plan in relation to additional accommodation in built-up areas, would seriously injure residential amenity, and would set an undesirable precedent for similar such development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the site location along a minor laneway which is gated and is located in a commercial area and required by the frontage commercial buildings at

this location for access, it is considered that the proposed development would lead to conflict between road users and would endanger public safety by reason of traffic hazard. Furthermore, no provision has been made to provide for adequate visibility between entering/exiting vehicles and other users of the lane at the entrance to the lane. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Emer Doyle
Planning Inspector

19th March 2021