



An
Bord
Pleanála

Inspector's Report

ABP-309212-21

Development	Protected Structure, demolition of rear storage mews and construction of a single storey 2 bedroom house.
Location	6, Mount Street Crescent, Dublin 2, D02 XT04
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3596/20
Applicant(s)	John and Sarah Ludden.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	John and Sarah Ludden.
Observer(s)	None.
Date of Site Inspection	20/05/2021.
Inspector	Paul Caprani

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1.0 Site Location and Description

- 1.1. The appeal site is located to the rear of No.6 Mount Street Crescent. No.6 comprises of a 3 Storey over basement victorian house facing westwards onto Mount Street Crescent and St Stephen's Church (Pepper Cannister Church) approximately 1.5 km from the City Centre. Information on file indicated that the main building dates from c.1837. The main building was up until recently used for offices and is currently undergoing refurbishment. Stephen's Lane runs to the rear of the premises. It accommodates a row of former stable houses, many of which have been turned into mews dwellings fronting directly onto the lane. The appeal site is located mid-way along this row of Mews and accommodates a former stable/storage building with an undercroft area providing vehicular access to the rear of the main building. It is two-storey structure with a with a large timber door and a large metal door (providing vehicular access) on the front elevation and single doorway on the western elevation. There are a number of metal RSJ's incorporated into the external fabric and to support the undercroft. According to the local authority planner's report, much of the original stable structure has been incorporated the existing structure and this is apparent on the front elevation onto Stephen's Lane where part of the original stonework is apparent. The rear elevation of the building incorporates a pebbledash render finish. A shallow pitched roof covers the structure.
- 1.2. A similar sized mews structure with a vehicular archway providing access to a parking area associated with the main dwelling is located to the north of the appeal site. The structure to the immediate south has been converted to a residential mews dwelling.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of the existing storage structure on site and the incorporation of new two-storey, to bed mews development. The dwelling is to accommodate a kitchen (13sq.m), living room (12.4 sqm) and WC (2.7 sqm) at ground floor level. The undercroft is to be relocated along the north-western boundary of the site where parking is to be provided to the rear. It is proposed to provide two bedrooms at first floor level (14.2sqm and 10.8 sqm) and a bathroom. The larger bedroom is to be located above the undercroft area. The second bedroom

is to be located above the rear return. An area of private open space (20sq.m) is to be provided adjacent to the rear return. The ridge height is to match the existing ridge height of the building to the north with a slate tile finish. A plaster render finish is proposed on the external elevation with powder coated metal gates prohibiting access to the undercroft area. The gross floor area of the dwelling is 83 sq.metres.

3.0 **Planning Authority Decision**

3.1. **Decision**

Dublin City Council issued notification to refuse planning permission for a single reason which is set out in full below:

As 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. The demolition of the original coach house structure to the rear of No.6 Mount Street Crescent is in direct contravention of policy 16.10.16(b) of the Dublin City Development Plan 2016-2022, would set an undesirable precedent for similar type development in the Georgian City Core and is contrary to the proper planning and sustainable development of the area.

3.2. **Documentation Submitted with the Planning Application**

A **covering letter/planning report** was submitted with the application. It was prepared by Savills. It set out details of the proposal and the planning history with the site and the surrounding buildings. It is noted that pre-application consultations took place. Notwithstanding the fact that at the a pre-application consultation, it was originally proposed to retain the existing front elevation, it was subsequently decided to demolish the entire structure. The report also set out details of policy provision as it relates to the site as assesses the development in terms of transport and parking, environment and ecology, and flooding and drainage. It concludes that the development accords with the proper planning and sustainable development of the area.

Also submitted with the application was a **Conservation Assessment Report**. It provides an historical overview of the area and the site context. The existing building on site is described and it is noted that the building has experienced extensive alterations and fire damage. It is noted that both Dublin City Council and the Board in a previous decision, sanctioned the buildings demolition as part of an earlier mews development granted in 2009 (see planning history below).

A **Visual Structural Report** was also submitted. It did not involve a detailed structural survey. It examined two options Option 1 demolition, and Option 2 refurbishment. It concludes the former option would be less expensive. However, it is stated that it is feasible to retain the existing building and incorporate a new extension, however this is likely to be more expensive.

3.3. Planning Authority Reports

3.3.1. Technical Reports

A report from the **Engineering Department – Drainage Division**, states that there is no objection subject to standard condition.

A report from the **Roads Traffic and Transport Division** states that there is no objection to the proposed development subject to standard conditions including the maximum provision of 2 parking spaces.

A report from the **Conservation Officer** expresses concern in respect of the demolition of the entire building as stone/brick coach houses are of national importance. There are sufficient quantities of the original fabric to warrant the repair and redevelopment of the original mews. On this basis a refusal is recommended.

3.3.2. Planners Report

The local authority planner's report sets out the details of the proposal, the relevant planning policy pertaining to the application and the relevant planning history. The interdepartmental reports are noted. The planners report considers that the layout and the design is generally considered to be acceptable and complies with the relevant standards for residential accommodation. However, the conclusions set out in the Conservation Officers Report are noted and it is primarily on the basis of this assessment that the planners report recommended refusal.

3.4. Prescribed Bodies

A Report from Irish Water states that there is no objection and that a connection to existing infrastructure can be facilitated.

A report from the TII states that should planning permission be forthcoming, a supplementary contribution scheme under the provisions of S.49 should be attached for the Cross City Luas Line.

3.5. Third Party Observations

An Observation from the Pembroke Road Association highlights the importance of retaining as much of the historic fabric of the structure as possible.

4.0 Planning History

No Appeal files are attached, the planners report makes reference to 3503/20 which relates to the refurbishment of the main building at No. 6 Mount Street Crescent. This application is currently with the Dublin City Council and is the subject of an additional information request.

The grounds of appeal also make reference to a 2008 DCC decision in relation to the buildings to the rear of 5 & 6 Mount Street Crescent. Dublin City Council granted planning permission for the demolition of these existing structures to the rear and the construction of 2 no. 4 bed two storey mews dwellings on the subject site. This decision was the subject of a third-party appeal and under Reg. Ref. PL29S 231604 An Bord Pleanála upheld the decision of DCC and granted planning permission for the proposal.

5.0 Policy Context

5.1. Development Plan

5.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016-2022. The site is zoned Z1 which seeks to “*protect, provide and improve residential amenities*”. Residential use is a permitted use under this zoning. The main building at No.6 Mount Street Crescent is governed by the zoning

objective Z8 *'To protect the existing architectural and civic design character and to allow for only limited expansion within the conversation objective.'* No. 6 is also a protected structure.

5.2. Chapter 5 of the development plan specifically relates to housing. Policy QH5 seeks to promote residential development addressing any shortfall in housing provision to active land management and a coordinated planned approach to developing appropriately zoned land at key locations including regeneration areas, vacant sites and underutilised sites.

5.3. Specific policies in relation to mews dwellings are contain in S. 16.10.16 are set out below.

- 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 is subordinate in height and scale to the main building and 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, where the laneway is suitable for traffic and where the apartment units are a sufficient size to provide 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 would represent an innovative architectural response to the site and should be informed by the established building lines and plot width.
- (f) The amalgamation or subdivision of plots on mews lanes will generally not be encouraged. All parking provision in mews lanes will be in off-street garages, forecourts or courtyards. One off street car parking space should be provided for each mews building subject to conservation and access criteria.
- (g) New mews development should not inhibit vehicular access to a car parking space at the rear for the benefit of the main frontage premises, where this space exists at present. The provision will not apply where the objective to eliminate existing unauthorised and excessive off street car parking is being sought.
- (h) Mews laneways must have a minimum carriageway of 4.8 metres in width and 5.5 metres where no verges or footprints are provided. All mews lanes will be considered to be shared surfaces and footpaths need not necessarily be provided.
- (i) In terms of private open space, such space shall be provided to the rear of a mews building and shall be landscaped so as to provide a quality residential environment. The depth of the open space for the full width of the site will not generally be less than 7.5 metres unless it is demonstrably impractical to achieve and shall not be obstructed by off-street parking. Where the 7.5 metres standard is provided, the 10 square metre of private open space per bedspace standard may be relaxed.
- (j) If the main house is in multiple occupancy, the amount of private space remaining after the subdivision of the garden for mews development shall meet both the private open space requirements for multiple dwellings and for mews developments.
- (k) The distance between opposing windows of mews dwellings and the main house shall generally be a minimum of 22 metres. 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.

Chapter 16 of the development plan sets out details of development standards. Standards are contained for minimum floor areas for dwellings, requirements for natural lighting and ventilation, private open space standards, safety and security and acoustic privacy. These standards will be referred to where relevant in my assessment below.

5.4. Natural Heritage Designations

The site is not located within or adjacent to a designated Natura 2000 site. The nearest Natura 2000 sites are located over 2 km to the east. They are The South Dublin Bay and River Tolka SPA (Site Code: 004024) and the South Dublin Bay SAC (Site Code 000210).

5.5. EIA Screening

Having regard to the modest nature of the proposal in an urban area and on the basis of the information on the file, which I consider adequate in order to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The decision of Dublin City Council was the subject of first party appeal on behalf of the applicants, John and Sarah Ludden by Savills. The grounds of appeal are outlined below.

- Reference is made to the planning history associated with the site in the case of Reg Ref. 4004/08 and PL 29S.231604. Where both DCC and the Board concluded that the removal of the existing structures to the rear of no.'s 5 & 6 Mount Street Crescent would be acceptable. It is also argued that the

structure in question had undergone considerable and significant alterations and on this basis its demolition is considered reasonable.

- It is noted that the previous decisions referred to above were made under a previous development plan (2005-2011). This previous plan incorporated the same policies with regard to retaining existing stone/brick houses as the current plan. Therefore, there has been no change in respect of policies in the respective plans to justify a departure from the original decision where it was deemed appropriate to grant planning permission for the demolition of the buildings in question.
- A structural assessment carried out on behalf of the applicant concluded that there is in fact very little of the historical fabric left to conserve. The building has suffered from fire damage. The first floor and roof have been replaced and a vehicular entrance has been incorporated into the building.
- A separate structural assessment report by VCL Consultants submitted with the appeal has indicated the presence of outward bulging in the external walls and loss of mortar between the joints. Any attempts to retain and re-purpose the structure carries a considerable risk of collapse. The engineering and structural challenges associated with retaining the existing structure are set out and would prove to be most expensive.
- The current application before the Board incorporates a very sensitive design and constitutes a significant improvement over that what was previously approved on site. It also respects the scale of existing buildings on either side of the development.
- The proposal fully accords with local and national policy to utilise brownfield sites to create more compact development and avail of existing infrastructure and services.
- Finally it is suggested that a condition be attached requiring that the applicant utilise the existing masonry associated with the building in any redevelopment of the subject site.

6.2. Planning Authority Response

The planning authority referred the grounds of the first party appeal to the Conservation Officer; the response is set out below:

- This is an original coach house and is ultimately capable of being repaired and healed in a manner that would protect its original historic fabric and facilitate a high-quality residential use which would be welcomed by the Conservation Officer. The structural engineering report submitted with the application clearly showed that the repair of the historic coach house was possible.
- While it is cheaper to demolish such historic structures rather than consider their careful and sustainable reuse, there is financial assistance available should the applicant choose to restore and refurbish the coach house. Details of the financial assistance available is set out in the response.
- The refurbishment and reuse of the existing building is preferable to its demolition. With regards to the demolition, the justification of the removal of the historic building has not been adequately demonstrated. The structure is a rare survivor of this type of building and for this reason all efforts must be made to protect and repair it. Therefore, the retention of the existing building would be preferable from a conservation point of view then demolition and reconstruction.

6.3. Observations

- No Observations have been submitted in respect of the proposal.

7.0 Assessment

I have read the entire contents of the file visited the subject site and its surroundings have had particular regard to the planning authority's reason for refusal and the applicant's rebuttal of this reason and I consider that the Board can generally restrict its deliberations to the issue raised in the grounds of appeal. I am satisfied that local authority's planning report has adequately assessed all the amenity issues associated with the proposal, in terms of the proposal meeting appropriate

residential standards etc. On this basis I consider the following issues to be relevant to determine the current application an appeal.

- Previous planning decisions relating to the site.
- Lack of remaining historic fabric.
- Structural Considerations verse Conservation Considerations.

7.1. Previous Planning Decisions Relating to the Site

It is acknowledged that Dublin City Council granted planning permission for the demolition of the existing structure in order to make way for a pair of mews dwellings in 2008 and this decision was upheld by An Bord Pleanála in 2009. It is also acknowledged that policies in both the current City Development Plan and the operative plan under which the previous decision was made (Dublin City Development 2005-2011) both contained policies that recognised the importance of stone coach houses nationally.

While a precedent decision has been made in this regard, I personally would not agree with the previous decision. The current policy in the existing development plan highlights the importance of retaining and conserving stone coach houses as such buildings are becoming a rarity. These building are perhaps even more rare than when the pervious decision was made over a decade ago to demolish the in situ building. Any current application should be considered de novo and in accordance with the proper planning and sustainable development of the area. Irrespective of any previous decisions on site, the current policy as set out in the development plan indicates that the existing building which is the subject of the current appeal, is a structure which is very important in historical and architectural terms and it should be afforded high priority in conservation terms.

Therefore, while there is a relevant precedent decision in respect of the proposal this does not in my opinion in any way, 'ties the Boards hands' in terms of decision making. The application should be determined de novo, in accordance with the provisions of the development and in accordance with the proper planning and development of the area.

7.2. Lack of Remaining Historic Fabric

There is no doubt that the existing building has experienced alterations and possibly fire damage. However, the building has not been the subject of any detailed or extensive architectural survey. The structural survey undertaken was visual only, and the Conservation Assessment Report likewise lacked specific detail. It appears from my site inspection that the external outer walls may incorporate considerable remnants of the original stonework which would in my view be worthy of preservation. In the absence of a more detailed analysis, I don't consider that the Board can conclude that there is little historic fabric to be retained. The VCL consultants report noted, that the rear wall is extensively covered in render/plaster and 'therefore difficult to see what the make-up of it is'. Furthermore, I note that originally during the pre-application consultations it was intended to retain part of the structure. This suggests that at least part of the historic fabric of the structure was worthy of preservation.

7.3. Structural Considerations v Conservation Considerations

Information submitted throughout the course of the application is somewhat inconsistent with regard to the structural integrity of the building. As previously stated, in the pre-application consultations it was proposed to retain part of the structure. The original structural report submitted with the application indicated that retention of the building was feasible but would be 'potentially more expensive than demolition' and would pose more challenges during construction. A subsequent report by VCL Consultants emphasised the potential challenges that are likely to occur if the building was to be retained and suggested that the only realistic course of action is to take down and reconstruct the building. The latter report does acknowledge that '*whilst it is technically possible to retain the remaining elements of the original fabric the cost, complexity and hazard associated with an attempt to retain the fabric cannot be justified on the basis that there is very little fabric remaining*'.

I fully acknowledge that cost will be probably more expensive in opting to retain the building and that this option poses considerably more challenges than demolition from a construction perspective. However, these issues must be balanced against

the fact that the existing structure incorporates the remnants of an original stone coach house which are extremely rare and therefore very important in architectural and conservation terms. This point is specifically referred to in Section 16.10.16(b) of the City Development Plan where it notes that '*Stone / brick houses on mews laneways are of national importance*'. Their national importance therefore must be weighed carefully against any proposals to demolish the building. I would further refer to Section 11.1.5.3 where it is stated that intervention to a protected structure (the subject site is located within the curtilage of a protected structure) should be to the minimum necessary and all new works will be expected to relate sensitively to the architectural detail, scale proportions and design of the original structure.

I would further refer to the Board to Section 7.9. of the Architectural Heritage Protection Guidelines for Planning Authorities. It emphasises the importance of repairing rather than replacing historic structures. While the applicant in this instance proposes to demolish and reuse some of the original material associated with the building, the guidelines state that '*it should be the aim of good conservation practice to preserve the authentic fabric which contributes to the special interest of the structure. Where a damaged or deteriorated feature could be reasonably be repaired, its replacement should not be permitted*'. The guidelines go on to state that, '*the unnecessary replacement of historic fabric, no matter how carefully the work is carried out, will have an adverse effect on the character of a building or monument, seriously diminish its authenticity and will significantly reduce its value as a source of historical information. Replacing original or earlier elements of a building with modern replicas only serves to falsify the historical evidence of the building*'.

On the basis of the above, I would agree with the views of the DCC Conservation Officer, that the building is of sufficient historical and architectural importance and that there is a sufficient element of the original fabric of the building left to warrant its preservation and repair rather than its destruction and reuse in any new build.

8.0 Recommendation

- 8.1. On the basis of the above, I recommend that the Board uphold the decision of Dublin City Council and refuse planning permission to the reason set out below.

9.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European sites, which is in excess of 2 km away (The South Dublin Bay and River Tolka SPA - Site Code: 004024 and the South Dublin Bay - SAC Site Code 000210) no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 Reasons and Considerations

The site accommodates a stone/brick coach house on a mews laneway, Section 16.10.16 (b) of the Dublin City Development Plan notes that 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. The proposed development which involves the demolition of the existing structure on site would be contrary to the above objective, would set an undesirable treatment for similar type development and would therefore be contrary to the proper planning and sustainable development of the area.

Paul Caprani
Senior Planning Inspector

May 22nd 2021