



An  
Bord  
Pleanála

## Inspector's Report ABP-309427-21

<b>Development</b>	2 No. storage bins located in access lane and all associated works.
<b>Location</b>	To the rear of protected structure, Montpelier Cottage, Montpelier Laneway, Monkstown, Co. Dublin.
<b>Planning Authority</b>	Dún Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D20A/0865
<b>Applicant(s)</b>	David Crowley
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	David Crowley
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	27 <sup>th</sup> April, 2021
<b>Inspector</b>	Robert Speer

## **1.0 Site Location and Description**

- 1.1. The proposed development site is located in an established residential area in the outer suburb of Monkstown, Co. Dublin, approximately 1.4km southeast of Blackrock Village, where it occupies a position to the south of Monkstown Road (the R119 Regional Road). It is situated within the Monkstown Architectural Conservation Area and to the rear of Montpelier Parade which comprises an attractive paired terrace of substantial, three-storey-over-basement, Victorian houses joined by a bell-mouthed entrance serving a private laneway known as Montpelier Lane. The laneway provides access to a number of private dwellings, including several mews-type properties and the appellant's residence (i.e. Montpelier Cottage) to the rear of the main terrace.
- 1.2. The site itself has a stated site area of 0.1637 hectares and extends to include the entirety of Montpelier Lane as well as the grounds of Montpelier Cottage, although the area to be occupied by the proposed bin stores will be limited to a small section of the existing laneway to the rear of Nos. 8 & 33 Montpelier Parade (both of which are protected structures).

## **2.0 Proposed Development**

- 2.1. The proposed development consists of the construction of 2 No. free-standing, enclosed & covered bin stores (with a combined floor area of 6.48m<sup>2</sup>) along Montpelier Lane to the rear of Nos. 8 & 33 Montpelier Parade.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. On 22<sup>nd</sup> January, 2021 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:
  - It is considered that the proposed development would endanger public safety by reason of a traffic hazard and would be contrary to proper planning and sustainable development because:

- a) The proposed development would obstruct vehicle manoeuvres on Montpelier Lane; and
- b) The position of the proposed development would result in sections of Montpelier Lane being reduced in width.

### 3.2. Planning Authority Reports

#### 3.2.1. *Planning Reports:*

Details the site context and the applicable policy considerations, including the designation of Nos. 8 & 33 Montpelier Parade and adjacent properties as protected structures in addition to the site location within the Monkstown Architectural Conservation Area. It is further noted that the site is subject to a specific objective which states that '*mews development*' is acceptable in principle. The report proceeds to acknowledge the assertion that the location for the proposed bin stores is already used for the storage of the applicant's bins etc. without hindrance to the manoeuvring of vehicles, however, it queries the need for the development (and the scale of the bin storage proposed as it will only serve the applicant's dwelling) whilst it is also considered to be unclear as to why the bin stores are to be sited on the far side of the laneway and separated from the applicant's house (i.e. Montpelier Cottage).

Further concerns are raised as regards the applicant's legal interest in the site given that the lands identified as Montpelier Lane would not appear to be registered with the Land Registry.

Although the proposed bin stores will not have any adverse impact on built heritage considerations, it is noted that they will obstruct access to the mews housing proposed / permitted under PA Ref. Nos. D19A/0595 (ABP Ref. No. ABP-306454-20), D20A/0306 (ABP Ref. No. ABP-307871-20) & D20A/0551 (ABP Ref. No. ABP-309256-21) on the adjacent lands at No. 33A Montpelier Lane and to the rear of No. 8 Montpelier Parade.

With respect to traffic, access and parking considerations, the report concurs with the commentary provided by the Transportation Planning Dept and recommends a refusal of permission accordingly.

### 3.2.2. *Other Technical Reports:*

*Municipal Services Dept., Drainage Planning:* No objection.

*Conservation Officer:* Notes that the storage bins are independent of the existing stone walls. No objection.

*Transportation Planning:* Recommends that the mews laneway be kept clear of obstruction to allow for vehicular manoeuvres and that permanent structures not be sited on the laneway given the potential for hazard and a reduction in carriageway width.

It is also stated that the bin stores will obstruct access to the mews dwellings and integrated garages proposed and / or permitted under PA Ref. No. D19A/0595 / ABP Ref. No. ABP-306454-20 and PA Ref. No. D20A/0306 / ABP Ref. No. ABP-307871-20 & PA Ref. No. D20A/0551 / ABP Ref. No. ABP-309256-21 on the adjacent lands at No. 33A Montpelier Lane (to the rear of No. 33 Montpelier Parade) and to the rear of No. 8 Montpelier Parade respectively.

With respect to the reference in the covering letter provided with the application as regards the siting of cycle parking and bin storage “at Montpelier Lane”, the report of the Transportation Planning Dept. prepared in relation to PA Ref. No. D20A/0551 stated the following:

*‘Also consideration of recessed access area at Montpelier Lane is recommended to allow for sheltered short stay cycle parking and bin storage on collection days’.*

The bin storage as proposed is not recessed as was recommended in the aforementioned report.

### 3.3. **Prescribed Bodies**

None.

### 3.4. **Third Party Observations**

- 3.4.1. A total of 2 No. submissions were received from interested third parties and the principal grounds of objection / areas of concern raised therein can be summarised as follows:

- The application fails to identify an existing right of way over the laneway and, therefore, should have been declared invalid.
- The proposed bin stores have been sited within an existing right of way.
- The proposed bin stores will obstruct future access to the mews housing proposed and / or permitted under PA Ref. No. D19A/0595 / ABP Ref. No. ABP-306454-20 & PA Ref. No. D20A/0551 / ABP Ref. No. ABP-309256-21.
- The proposal is fundamentally the same as the application refused permission under PA Ref. No. D20A/0506 on the grounds that the bin stores would reduce the width of laneway and obstruct the manoeuvring of vehicles.
- It is unclear if the applicant has sufficient legal interest to make the application.

## 4.0 Planning History

### 4.1. *On Site:*

4.1.1. PA Ref. No. D21A/0133 / ABP. Ref. No. ABP-310189-21. On 14<sup>th</sup> April, 2021 a notification of a decision to refuse permission was issued by the Planning Authority refusing David Crowley permission for the installation of 8 no. bicycle storage units, located in access lane and all associated site works:

- It is considered that the proposed development would endanger public safety by reason of a traffic hazard and would be contrary to proper planning and sustainable development because:
  - a) The proposed development would obstruct vehicle manoeuvres on Montpelier Lane; and
  - b) The position of the proposed development would result in sections of Montpelier Lane being reduced in width.
- It is considered that the proposed development, having regard to its design and nature and prominent position on Montpelier Lane, would together negatively impact on the character and appearance of Montpelier Lane which is flanked by a granite stone wall, would detract from the visual amenity and harmony of the area and the Monkstown Architectural Conservation Area, and

would be overly prominent as viewed from the surroundings. It is considered that the proposed development would materially detract from and would contravene Policy AR12 and Section 8.2.11.3 for 'Architectural Conservation Areas' of the Dun Laoghaire-Rathdown County Development Plan, 2016-2022. The proposed development would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

This decision is presently the subject of a first party appeal to the Board.

4.1.2. PA Ref. No. D20A/0506. Was refused on 10<sup>th</sup> September, 2020 refusing David Crawley permission for 2 No. storage bins located in access lane and all associated site works.

- It is considered that the proposed development would endanger public safety by reason of a traffic hazard and would be contrary to proper planning and sustainable development because:
  - a) The proposed development would obstruct vehicle manoeuvres on Montpellier Lane; and
  - b) The position of the proposed development would result in sections of Montpellier Lane being reduced in width.

#### 4.2. *On Adjacent Sites:*

4.2.1. PA Ref. No. D20A/0551 / ABP Ref. No. ABP-309256-21. On 16<sup>th</sup> December, 2020 a notification of a decision to grant permission was issued by the Planning Authority permitting Austin Kenny and Joan Quealy permission to construct 2 No. part two-storey / part three-storey, 3-bedroom houses and 1 No. two-storey, 3-bedroom house with attic accommodation, all with associated balconies and garages, demolition of existing shed and associated siteworks to the rear of No. 8 Montpellier Parade (a protected structure), Monkstown, Co. Dublin.

This decision is presently the subject of a third-party appeal to the Board.

4.2.2. PA Ref. No. D20A/0306 / ABP Ref. No. ABP-307871-20. Was granted on appeal on 23<sup>rd</sup> April, 2021 permitting Austin Kenny and Joan Quealy permission for the demolition of an existing shed and the construction of 3 No. three-bedroom, two-storey with attic accommodation mews houses, including integrated garages and

associated site works at the rear of No. 8 Montpelier Parade (a protected structure), Monkstown, Co Dublin.

4.2.3. PA Ref. No. D18A/0558 / ABP Ref. No. ABP-302433-18. Was refused on appeal on 13<sup>th</sup> March, 2019 refusing Austin Kenny and Joan Quealy permission for the construction of two three-bedroom, two-storey with attic accommodation mews houses, including garages, balconies and associated site works at the rear of No. 8 Montpelier Parade (a protected structure), Monkstown, Co. Dublin.

- Having regard to the site location, its positioning along a mews laneway to the rear of a terrace of Protected Structures, the established built form and character of the surrounding area, and the provisions of Section 8.2.3.4 (x): 'Mews Lane Development' of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that the proposed development, by reason of its design, scale, bulk and height would constitute an overbearing form of development when viewed from adjacent lands which would seriously injure the residential and visual amenities of the area. Furthermore, the proposed balconies at the first-floor level of the southern elevation of the proposed dwelling houses would seriously injure the residential amenities of the adjacent property to the south. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.3. *On Sites in the Immediate Vicinity:*

4.3.1. *(On the adjacent lands to the immediate east of the application site):*

PA Ref. No. D19A/0595 / ABP Ref. No. ABP-306454-20. Was granted on appeal on 26<sup>th</sup> June, 2020 permitting Glen Cunningham and Caoimhe Kenny permission for demolition of the existing shed and construction of a two-storey mews house with attic accommodation, integral garage and all associated site works and services (in lieu of mews house previously permitted under PA Ref. No. D17A/0459) at 33A Montpelier Lane, rear of 33 Montpelier Parade, Monkstown, Co. Dublin.

4.3.2. *(At Montpelier Cottage, Montpelier Lane i.e. the applicant's dwelling house):*

PA Ref. No. D10B/0139. Was granted on 27<sup>th</sup> May, 2010 permitting David and Olive Crowley permission for the demolition of front, sides and rear flat and pitched roof

single storey extensions to existing house and proposed replacement with single storey pitched roof extensions to the sides, rear and front of existing house including two single storey lean-to bay windows to front and replacement of two lean-to single storey extensions to the west side, the extension to the rear and side have three pitched roofs to follow existing roof lines with incorporated roof lights, works to include internal and external alterations and all associated site works.

**4.3.3. (At a property detached from Montpelier Cottage, Montpelier Lane, to the west of the application site):**

PA Ref. No. D15A/0019 / ABP Ref. No. PL06D.244935. Was granted on appeal on 9<sup>th</sup> September, 2015 permitting David Crowley permission for the demolition of existing detached single-storey garage to Montpelier Cottage and its replacement with a new detached single-storey home office with bay window and rooflights to laneway including associated services, landscaping and drainage.

## **5.0 Policy and Context**

### **5.1. National and Regional Policy**

- 5.1.1. The ‘*Architectural Heritage Protection, Guidelines for Planning Authorities, 2004*’ provide detailed guidance in respect of the provisions and operation of Part IV of the Planning and Development Act, 2000, as amended, regarding architectural heritage, including protected structures and Architectural Conservation Areas. They detail the principles of conservation and advise on issues to be considered when assessing applications for development which may affect architectural conservation areas and protected structures.

### **5.2. Development Plan**

**5.2.1. *Dún Laoghaire Rathdown County Development Plan, 2016-2022:***

*Land Use Zoning:*

The proposed development site is located in an area zoned as ‘A’ with the stated land use zoning objective ‘*To protect and / or improve residential amenity*’.



*Other Relevant Sections / Policies:*

*Chapter 2: Sustainable Communities Strategy:*

*Section 2.1: Residential Development:*

*Policy RES6: Mews Lane Housing:*

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

(The proposed development site is located in an area with the Specific Local Objective: '*Mews Development Acceptable in Principle*').

*Chapter 6: Built Heritage Strategy:*

*Section 6.1.3: Architectural Heritage:*

*Policy AR1: Record of Protected Structures:*

It is Council policy to:

- i. Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS).
- ii. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- iii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011).
- iv. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.

*Section 6.1.4: Architectural Conservation Areas (ACA):*

*Policy AR12: Architectural Conservation Areas:*

It is Council policy to:

- i. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA).

- ii. Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.
- iii. Seek a high quality, sensitive design for any new development(s) that are complimentary and/or sympathetic to their context and scale, whilst simultaneously encouraging contemporary design.
- iv. Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed.
- v. Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

(The proposed development site is located within the '*Monkstown Architectural Conservation Area*').

#### *Chapter 8: Principles of Development:*

##### *Section 8.2.3: Residential Development:*

##### *Section 8.2.3.2: Quantitative Standards: (v) Refuse Storage and Services:*

Adequate refuse storage, recycling and composting areas, and future expansion of separated waste disposal for residential developments shall be adequately catered for. In the case of communal refuse storage provision, the collection point for refuse should be accessible both to the external collector and to the resident and be secured against illegal dumping by non-residents.

In the case of individual houses, the applicant shall clearly show within a planning application the proposed location and design of bin storage to serve each dwelling, and having regard to the number of individual bins required to serve each dwelling at the time of the application and any possible future requirements for refuse storage/collection.

##### *Section 8.2.3.5: Residential Development – General Requirements*

##### *Section 8.2.11: Archaeological and Architectural Heritage:*

##### *Section 8.2.11.3: Architectural Conservation Areas*

### **5.3. Natural Heritage Designations**

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The South Dublin Bay Proposed Natural Heritage Area (Site Code: 000210), approximately 500m north of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 500m north of the site.
- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 500m north of the site.

### **5.4. EIA Screening**

5.4.1. Having regard to the minor nature and scale of the development proposed, the site location outside of any protected site, the nature of the receiving environment in an existing built-up area, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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**

- By tidying up the area and ensuring the secure holding of rubbish, the proposed development will improve the residential amenity of the laneway in accordance with the applicable land use zoning objective.
- By way of justification, the two separate bin storage units (one housing 4 No. bins and the other 2 No. bins) will accommodate the exact number of bins presently in place at the locations in question.

- The existing bins are situated across the laneway from Montpelier Cottage and no objections have been made to this arrangement in the 13-year period of its occurrence.
- The accompanying correspondence from the applicant's legal representatives confirms that he is the co-owner of the lands in question with Mr. Eamonn Furniss and that he has full authority, title, estate, legal interest and beneficial interest in the application site. Furthermore, Mr. Furniss has provided his written consent / support as regards the lodgement of the application and appeal.
- The third-party objectors to the planning application have no legal interest in the subject lands to support the developments proposed / permitted under PA Ref. Nos. PA Ref. No. D20A/0306 / ABP Ref. No. ABP-307871-20 & PA Ref. No. D20A/0551 / ABP Ref. No. ABP-309256-21. Moreover, unlike the applicant, they were not required to demonstrate their legal interest in those same lands.
- In response to concerns that the proposed bin storage units will be immovable / fixed, it is noted that the Conservation Dept. has confirmed that the stores are not fixed structures and may be moved should the need arise.
- With respect to the concerns raised that the proposed bin stores may obstruct access to future mews housing planned to the rear of Nos. 8 & 33 Montpelier Lane, it is reiterated that the storage units are not fixed structures and may be moved as necessary to avoid obstructing any access.
- In its assessment of PA Ref. Nos. D20A/0306 & D20A/0551, the Planning Authority recommended that bin storage be provided along the laneway (which is in the ownership of the applicant).
- The Transportation Planning Dept. has previously requested recessed areas for bin storage. The subject proposal provides for recessed bin storage along Montpelier Lane, which is in the applicant's ownership, and actually serves to increase the span for turning manoeuvres within the laneway as the bins will be positioned closer to the adjacent boundary wall.

- The Transportation Planning Dept. of the Local Authority has mistakenly understood the proposed bin storage units to be permanent fixed structures and, therefore, any reliance on that report as regards the obstruction of traffic is flawed as there will be no reduction in vehicle manoeuvrability whatsoever.
- The proposal will not result in any reduction in the width or use of the laneway as the area in question is already used for the placement of bins, a practice which has not given rise to any obstruction of passing vehicles.
- There are already c. 12 No. bins in place along the laneway, none of which have resulted in any obstruction of vehicles or traffic hazard.
- The assertion that the proposed development will obstruct vehicle movements along Montpelier Lane is without merit, particularly given the prevalence of bins, planters, flowerbeds and other items along the laneway (several of which protrude further into the carriageway).
- In granting permission for additional housing along the laneway under PA Ref. Nos. D20A/0306 & D20A/0551 (both of which have been appealed), the Planning Authority would not appear to have had any regard to the additional traffic movements or potential hazards attributable to those developments should they proceed.

## **6.2. Planning Authority Response**

- States 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.

## **6.4. Further Responses**

None.

## 7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- The rationale for the proposed development
- Impact on neighbouring properties
- Traffic implications
- Appropriate assessment

These are assessed as follows:

### 7.2. The Rationale for the Proposed Development:

- 7.2.1. The purpose of the proposed development is to provide for the secure and covered storage of the applicant's own domestic 'wheelie' bins, which have been habitually stored / placed in two groupings along Montpelier Lane to the immediate rear of Nos. 8 & 33 Montpelier Parade, with a view to improving the residential and visual amenity of the laneway to the benefit of its residents. In this regard, I would suggest that while the provision of suitably designed bin storage to serve the needs of a private residence would not normally give rise to any overt difficulties, the circumstances of the subject proposal are somewhat unusual in that the proposed storage units will not be located within or immediately adjacent to the curtilage of the applicant's own dwelling house (Montpelier Cottage), but will rather be sited at a remove from same on the opposite side of the laneway to the rear of third party properties.
- 7.2.2. The justification for the off-curtilage positioning of the proposed bin storage units is somewhat lacking, and other than for repeated references to the applicant's established practice of habitually placing his domestic bins at the locations shown, it is unclear as to why he engages in such an arrangement save perhaps for ease of convenience on refuse collection days and / or it being a personal preference to store his bins away from his house (on lands he seemingly owns with another party). In this regard, it is of particular relevance to note that a review of the planning history of the applicant's own dwelling house, with specific reference to the redevelopment of the property undertaken pursuant to PA Ref. No. D10B/0139, would indicate that ample space is available within its confines to accommodate the secure external

storage of domestic waste receptacles with no need for refuse bins to be carried through the main house given the availability of direct access through two gateways onto Montpelier Lane.

- 7.2.3. While I would acknowledge that there are several other instances of mews dwellings etc. along Montpelier Lane choosing to store their refuse bins along the laneway, I would suggest that the circumstances of these incidences differ markedly from the subject proposal in that the bins themselves are located alongside their respective owner's dwelling houses while the need for such an arrangement in the first instance may possibly derive from the absence of any suitable bin storage area to the front of those properties and the consequent inconvenience of having to carry bins through the interior of the dwellings as part of everyday life (which has likely been exacerbated in recent years by the increased obligation to ensure the separation of general, recyclable & compositable waste and the associated need for greater bin storage).
- 7.2.4. The location of the proposed bin storage units may also derive from the practice of cars parking on the laneway to the front of Montpelier Cottage thereby inhibiting the use of that area for the storage / placement of refuse bins (in this regard, I would draw the Board's attention to the availability of on-curtilage parking within the appellant's dwelling house as evident from PA Ref. No. D10B/0139).
- 7.2.5. Having conducted a site inspection, and following a review of the available information, I would question the need to locate the applicant's bin storage units both within the laneway in the first instance and, more specifically, at a remove from his dwelling house, particularly in light of the implications for third parties which will be considered later in this report.

### **7.3. Impact on Neighbouring Properties:**

- 7.3.1. The proposed development site extends to include the entirety of Montpelier Lane (along with the applicant's dwelling house i.e. Montpelier Cottage) which is seemingly in the shared ownership of the applicant and another party (identified as Mr. Eamonn Furniss) who has consented to lodgement of the application / appeal. In this regard, I would advise the Board that in response to concerns raised in the report of the case planner as to the applicant's purported ownership of the laneway, the grounds of appeal have been accompanied by correspondence from his legal

representatives which asserts that he retains full authority, title, estate, legal interest, and beneficial interest over Montpelier Lane.

7.3.2. On the basis of the available information, I am not in a position to dispute the applicant's claim to ownership of Montpelier Lane (noting that it is not the function of the Board to adjudicate on property disputes in any event), however, a pertinent issue that arises in the context of the subject application is the impact of the proposal on third party interests, including any rights-of-way or wayleaves over the existing laneway. This is of particular concern in two respects. Firstly, the siting of the proposed development may directly interfere with any existing right of way along the laneway. Secondly, the placement of the bin stores could potentially serve to undermine the development of adjacent lands reliant on the use of any right of way for the purposes of access or servicing etc.

7.3.3. At present, there are multiple individual properties, including several mews-type dwellings, with direct access onto Montpelier Lane and, therefore, it would seem reasonable to assume that each of these benefits from some form of legal or established right of way over the laneway onwards to Montpelier Parade. This would seem to find support from a review of the wider planning history of Montpelier Lane with the site location maps provided with each of the following planning applications having detailed a right of way extending across the full width of the laneway between the respective sites and Montpelier Parade:

- PA Ref. Nos. D20A/0551, D20A/0306 & D18A/0558 (to the rear of No. 8 Montpelier Parade);
- PA Ref. No. D19A/0595 (to the rear of No. 33 Montpelier Parade);
- PA Ref. No. D08A/0308 (to the rear of No. 49 Montpelier Parade); and
- PA Ref. No. D14B/0255 (Knocknagow House on the lands to the immediate east of Montpelier Cottage).

7.3.4. On comparison of the siting of the proposed bin stores with the aforementioned application details, it is clear that they will be located within the extent of those right(s)-of-way identified as serving various third-party properties along Montpelier Lane. Therefore, while the applicant may retain ownership of the laneway itself, the proposed development would seem to interfere with, or partially obstruct, a general



right-of-way enjoyed by multiple third-party interests across the full width of the laneway in the absence of the necessary consents.

7.3.5. With respect to whether the placement of the bin stores could potentially undermine the development of adjacent lands reliant on the use of any right of way over the laneway for the purposes of access etc., the Board's attention is drawn in particular to PA Ref. No. D20A/0306 / ABP Ref. No. ABP-307871-20 and PA Ref. No. D19A/0595 / ABP Ref. No. ABP-306454-20 from which it can be ascertained that the proposed siting of Bin Store Nos. 1 & 2 will directly obstruct both vehicular and pedestrian access to a number of the dwelling houses already approved to the rear of No. 8 Montpelier Parade and at No. 33A Montpelier Lane respectively. This obstruction will not only extend to those units immediately behind the proposed bin stores but will also likely serve to impinge access to the integrated garages / car parking spaces of the adjacent housing given the reduction in area available for the manoeuvring of vehicles.

7.3.6. Further concerns arise as to the appropriateness of siting bin stores unrelated to the adjacent permitted housing in terms of the potential detrimental impact on the residential amenity of the future occupants of those units by reason of smells, odours, vermin, and general disturbance arising from their use by a third party (i.e. the applicant).

7.3.7. Therefore, in view of the foregoing, and notwithstanding that the structures will not be permanently fixed in position and could be removed or relocated should the need arise, I would have reservations that the proposed development will not only further obstruct an existing / established right of way to the detriment of third parties but will also hinder the redevelopment of adjacent lands reliant on use of that right of way.

(The Board is advised that the impact of the proposed development on the future residential amenity and development potential of adjacent lands may amount to a new issue in the context of this appeal).

#### **7.4. Traffic Implications:**

7.4.1. The proposed development site encompasses the full extent of Montpelier Lane (a private laneway that extends southwards from Montpelier Parade before continuing perpendicularly to the rear of those properties to both the east and west) which serves as the sole means of access to a number of residential properties, including

several mews-type dwellings, developed along its length. In this regard, it is of relevance to note that not only does Policy RES6: '*Mews Lane Housing*' of the Development Plan aim to facilitate measured and proportionate mews lane housing in suitable locations, but that Montpelier Lane is subject to a Specific Local Objective whereby mews development is acceptable in principle. Therefore, the likelihood is that further mews-type housing may be accommodated along the laneway as evidenced by the recent grants of permission issued in respect of PA Ref. No. D19A/0595 / ABP Ref. No. ABP-306454-20 & PA Ref. No. D20A/0306 / ABP Ref. No. ABP-307871-20.

- 7.4.2. Although the carriageway of the laneway is relatively generous when compared to similar 'mews' lanes, it is nevertheless restricted and open to obstruction due to the inappropriate siting of items such as flower beds, planters & refuse bins or the parking of cars as was apparent during the course of my site inspection.
- 7.4.3. In its decision to refuse permission the Planning Authority determined that the proposed development would endanger public safety by reason of a traffic hazard as it would obstruct the manoeuvring of vehicles on Montpelier Lane while the positioning of the bin stores would also result in sections of the laneway being reduced in width. However, within the grounds of appeal, the applicant has sought to emphasise that bins have been habitually stored without objection at the locations in question for c. 13 No. years and that the depth of the new bin storage units will closely align with that of the existing arrangement. In effect, the case has been put forward that the proposed development will not give rise to any additional traffic hazard as it simply serves to continue an established practice and will not result in any reduction in carriageway width.
- 7.4.4. From a review of the available information, including the wider planning history of the area (with particular reference to PA Ref. No. D19A/0595 / ABP Ref. No. ABP-306454-20 & PA Ref. No. D20A/0306 / ABP Ref. No. ABP-307871-20), and in light of the existing site context and the emerging pattern of development proposed, permitted or planned along Montpelier Lane (noting the policies and objectives of the Development Plan in support of mews housing at this location), I would concur with the Planning Authority that there is a need to maintain the laneway clear of obstruction in order to allow for the manoeuvring of vehicles. In this regard, I am

satisfied that the proposed bin stores would serve to further inhibit the free movement of traffic along the laneway.

- 7.4.5. Notwithstanding the historical use of the area in question for the storage of the applicant's bins, I am unconvinced that the regularisation / formalisation of this arrangement would be conducive to traffic safety or the future orderly development of the laneway. The existing carriageway is already obstructed in places by bins, planters, flowerbeds & other items as well as incidences of car parking (presumably by local residents who do not have access to on-curtilage parking or who chose not to avail of same), and it is my opinion that the proposed development will simply serve to exacerbate the situation. I am also cognisant that the precise siting of the bin stores will obstruct access to the integral on-curtilage car parking to be provided as part of the housing developments approved to the rear of Nos. 8 & 33 Montpelier Parade and thus could consequently result in a further proliferation of car parking along the laneway to the detriment of traffic safety and the amenity of local residents.
- 7.4.6. Therefore, on balance, I would agree with the assessment by the Planning Authority that the proposed development would obstruct the movement / manoeuvring of vehicles along Montpelier Lane though a reduction in the available carriageway thereby endangering public safety by reason of a traffic hazard.

#### **7.5. Appropriate Assessment:**

- 7.5.1. Having regard to the minor nature and scale of the proposed development, the site location within a built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

### **8.0 Recommendation**

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

## 9.0 Reasons and Considerations

1. Having regard to the existing and emerging pattern of development in the area, it is considered that the proposed development, if permitted, would unacceptably obstruct the ease of movement and manoeuvring of vehicles on Montpelier Lane through a reduction in the available carriageway. Accordingly, the proposed development would endanger public safety by reason of traffic hazard and the obstruction of road users and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Robert Speer  
Planning Inspector

19<sup>th</sup> May, 2021