



An
Bord
Pleanála

Inspector's Report ABP 309771-21.

Development	Demolition of Mews House and construction of two storey building with three apartments and two mews houses, balconies and terraces, cycle and bin stores, green roofs landscaping boundaries, plant and above and below ground site works.
Location	No. 14 Lad Lane, Dublin 2.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	4018/21
Applicant	Roebuck General and Advisory Ltd.
Type of Application	Permission
Decision	Refuse Permission
Type of Appeal	First Party x Refusal
Appellant	Roebuck General and Advisory Ltd.
Observer	South Georgian Core Residents Association.
Date of Inspection	22 nd July, 2021.
Inspector	Jane Dennehy

Contents.

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.3. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
6.0 The Appeal	7
6.2. Planning Authority Response	9
6.3. Observations	9
7.0 Assessment	10
8.0 Recommendation.....	14
9.0 Reasons and Considerations.....	15

1.0 Site Location and Description

- 1.1. The site which has a stated area of 2,456 square metres is that mews dwelling constructed circa (2004) with a cobblerstone front curtilage and gated entrance onto Lad Lane on the footprint of a former coach house with a stable yard inside the frontage to Lad Lane. It is within the historic curtilage of No 14 Fitzwilliam Square East a terraced four storey over basement Georgian townhouse with a two storey over basement level return at the rear. The original coach house structures at the adjoining properties, No. 13 to the north-east and No 15 to the south-west are intact. The properties facing onto some of which are historic and others of which are replacements which generally retain the original front and rear buildings lines, are two storey and are in residential or commercial use.

2.0 Proposed Development

- 2.1. The application logged with the planning authority indicates proposal for demolition of the two-storey house (240 square metres) and for construction of a two-storey mews building with three apartments, comprising one, two bed unit (with a stated floor area of 92 square metres) and two, one bed units with stated floor areas of 53 square metres and 51 square metres. Included is provision for southeast and northwest facing balconies and terraces, a cycle store, bin store green roofs, hard and soft landscaping, boundary works, plant and above and below ground works. The site coverage stated to be 47% and the plot ratio is stated to be 0.95.
- 2.2. The application is accompanied by an Architect's design statement, Architectural heritage impact assessment report, planning report and an appropriate assessment screening report.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 24th February, 2021 the planning authority decided to refuse permission based on the following reason.

“Having regard to the location of the site to the rear of No. 14 Fitzwilliam Square, a Protected Structure from which plot the site is subdivided, and the zoning objective Z8: Georgian Conservation Areas "to protect the existing architectural and civic design character and to allow for limited expansion consistent with the conservation objective", it is considered that the proposed development, which entails the erosion of the established front and rear building lines and the removal of the remaining front boundary walling, is overdevelopment of the site and adversely affects the integrity and setting of No.14 Fitzwilliam Square, would be visually dominant and out of character with the established surrounding development and architectural character of the streetscape along the northern side of Lad Lane to the rear of Fitzwilliam Square, would be contrary to the zoning objective and would set an undesirable precedent for similar development on Lad Lane and within the Georgian Conservation Area. The proposed development would, therefore, be contrary to the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

- 3.2.1. The report of the Conservation Officer indicates a recommendation for refusal of permission. The special historic interest and original fabric of the extant historic coach houses are noted. It is stated that the proposed demolition of the existing building is a loss which affects historic legibility of the coach house terrace at Nos 13 and 15 Lad Lane and that the proposed development is overdevelopment of an historic plot. It is stated that in spite of the modifications relevant to the previous unsuccessful proposal the proposed development disrupts the historic building lines to the front and rear of the coach houses and the setting of the Architectural Conservation area and Conservation area. According to the report, a modest extension at the rear of the mews may be a feasible as an incongruous addition at the site.
- 3.2.2. The report of the Transportation Division indicates acceptance of the zero-parking noting fifty percent only of the residential permit parking permits available for Lad Lane and the proposed cycle parking provision and it indicates no objection subject to conditions of a standard nature.

- 3.2.3. The report of the Drainage Division indicates no objection subject to conditions of a standard nature.
- 3.2.4. The planning officer in his report notes the observation of the internal technical reports and the observer submission. He states that there is satisfactory provision for accommodation standards, having regard to the quality standards in: *Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, 2018* and acceptance of the absence of communal/open space provision and zero parking provision in the application. Refusal of permission is recommended having regard to the observations within the report of the conservation officer in her report.

3.3. **Third Party Observations**

- 3.3.1. An objection was lodged by The South Georgian Core Residents Association in which concerns are raised as to design, encroachment over established building lines, scale, height and form, incompatibility with surrounding mews structures and No Fitzwilliam Square which is included on the record of protected structures and objection to removal of the front boundary wall.

4.0 **Planning History**

P. A. Reg. Ref. 3807/17/PL 305846: The planning authority decision to refuse permission, based on four reasons, for demolition of the mews house on the site and for construction of a par one to three storey building with four apartments was upheld following appeal.

P. A. Reg. Ref.5212/03: Permission was granted for two storey mews house, the demolition of which is proposed in the current application.

5.0 **Policy Context**

5.1. **Development Plan**

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site is within an area subject to the zoning objective Z8:

“Georgian Conservation Areas” *to protect the existing architectural and civic design character and to allow for limited expansion consistent with the conservation objective”.*

No 14 Fitzwilliam Square East a terraced Georgian House which is included on the record of protected structures. (Ref 2809) According to the NIAH, the structure has a Regional rating and is of Architectural and Artistic Interest.

Policy objectives providing for protection and enhancement of protected structures are set out in CHC 2 and under CHC 4 for conservation areas.

Fitzwilliam Square including the plots of the Georgian townhouses as far as the frontage onto Lad Lane is within the Fitzwilliam Square and Environs Architectural Conservation Area a statutory Architectural Conservation Area (ACA)

The site location also comes within the area of the South Dublin Georgian Core in respect of which Dublin City Council published, “*The Future of the South Georgian Core*” in 2013.

Policies for mews lane and for infill development in section 16.10.16. according to which there is an increasing rarity for stone brick coach houses and need to retain and conserve all surviving examples particularly with regard to form profile and building line and original features.

Standards for residential accommodation is set out in section 16.10 and for residential quality for apartments are set out in section 16.10.1 The indicative plot ratio for development within areas zoned ‘Z8’ is 1.5 and the indicative site coverage is 50%

5.2. **Strategic Guidance**

Relevant statutory guidelines issued under Section 28 Planning and Development Act, 2000 as amended.

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, 2018.

Urban Development and Building Heights: Guidelines for Planning Authorities 2018.

6.0 The Appeal

6.1. Grounds of Appeal.

6.1.1. An appeal was received on behalf of the applicant from Thornton O'Connor, in association with O'Donoghue and Associates Architects and, Molloy and Associates (Conservation Architects) on 22nd March, 2021 According to the appeal which includes several photographs and CGI images.

- The current application is for a modified proposal of reduced scale in which it is sought to provide for a viable quality development which addresses the issues of concern over the prior (unsuccessful) proposal.
- The appeal also includes an additional design option, ('Option B', with accompanying drawings) for consideration in which the majority of the front boundary wall is retained, but with the top 850 mm element being removed to accommodate the first floor. The ground floor layout for the two-bed unit is reordered providing for a floor area of 89 square metres. Option B for consideration is included notwithstanding the applicant's case that the original proposal is justified as outlined in the application and appeal. The applicant is willing to accept a condition for implementation of this option as opposed to the original proposal lodged with the application.
- According to the architectural heritage assessment for the current proposal: The building line (Nos 13-15 Lad Lane) is breached but the footprint is not as deep into the rear of the main house; the two-storey building is compatible with adjoining development and the streetscape renewing the relationship between mews dwellings on Lad Lane with a strong frontage and passive surveillance; the two-storey coach house at No 13 is recognised in the design of the slightly lower building; the set back from the main house is increased in the current proposal which is also subservient and compatible in height proportions materials and modulation. CGI images are provided in the submission.

- The planning officer has accepted; demolition and redevelopment of the mews site which is to be expected, given the development of surrounding plots; construction slightly beyond the established rear building line to the coach houses, the two storey height which is similar to the coach houses and the flat roof instead of a pitched roof, contemporary and innovative design and zero provision of communal open space, residents being entitled to access to Fitzwilliam Square, a zero parking policy for the development.
- Only small sections of the remaining boundary wall are to be removed, to allow the development to interact with the streetscape but the garden boundary walls being retained with use of high-quality design and materials being providing for a positive visual impact. The retained walls are to be supported through the works with consolidating conservation works being applied to ensure their sustained integrity.
- The extension over the building lines would not have detrimental impact on the conservation interests. Several developments have taken place along Lad Lane including the development at the rear of No 13 which overlooks the application site. The main house at No 14 was not extended allowing for enhanced distance between it and the mews relate to the adjoining properties. The outlook from the rear reception room is to a carpark (instead of the former garden) and commercial development beyond and an unsightly extension at the adjoining property.

The current proposal has less impact than an extension to the rear of the main house from which the vistas and daylight access to the interior would not be affected. The extent of the alteration to the historic plot character required for the proposed development is much less than in the previous proposal and is not very adverse in impact. At ground level the depth is reduced by 6.3 metres at ground level, from three to two floors and from 364 square metres to 233 square metres in floor area.

- For the development to be viable the three units are necessary and to achieve minimum apartment sizes a further reduction is not possible. Costs involved in preparing for successful applications for developments that contribute

positively to historic areas involving high quality design for urban renewal are high. The quality design is recognised in the planning officer report.

- The built character in the area is changing and evolving as shown in a photographic survey included in the submission and in particular with regard construction of substantial commercial development at Wilton Park House, Gardener House and Cumberland Road (PL 4421/18 refers).
- The proposed development accords with national policy advocating for increased density and compact at appropriate urban brownfield or vacant sites, reducing urban sprawl and increasing housing supply as provided for in the National Planning Framework, 2018 (Section 2.2) and Objective 35. And section 2.24 of *Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, 2018* and *Urban Development and Building Heights: Guidelines for Planning Authorities 2018*.

6.2. Planning Authority Response

There is no submission from the planning authority on file.

6.3. Observations

6.3.1. A submission was lodged by the South Georgian Core Residents Association on 19th April, 2021 according to which:

- The proposed development is in contravention of Policies CHC2, CHC4 and the Z8 zoning objective of the CDP.
- The comments and observations of the conservation officer are ignored in the appeal. The erosion of the front and rear building lines height, flat roof and design do not respect the mews lane and main building.
- The extensions at No 13 date from an earlier period, which precede current planning legislation. Development photographs provided by the applicant has been checked against the planning register back to the 1990s and much of it appears to predate the current planning legislation. Permitted developments on the mews sites to not extend beyond the rear building line.

- The current proposal would set undesirable precedent and there is no justification for it based on the argument as to less impact on the rear of the main building particularly given the site being located within the curtilage of a protected structure.
- It is noted that there is a strong rejection of the proposal within the conservation officer's report. Extracts regarding impact on setting, curtilage and legibility of the mews, the projection beyond the rear building line, and the view that the proposed development contravenes section 16.10.16 of the CDP are provided. Reference is also made to the view in the conservation officer's report that the site has capacity to accept a single dwelling unity.
- Reference is made to the objective to increase residential use in the South Georgian Core which it is submitted, supports development of a single dwelling unit on the site which would be appropriate notwithstanding substantial commercial development under construction in the area.

7.0 Assessment

- 7.1. In the appeal, the applicant includes the original proposal lodged with the planning authority, for consideration which is the applicant's preferred option, and a modified proposal (Option 2) in which the planning authority's concerns over the original proposal are addressed for consideration should the original proposal be deemed unacceptable. However, it is the applicant's case that the original proposal, the applicant's preferred option is justified.
- 7.2. (Option 2 with accompanying drawings) shows proposals for the majority of the front boundary wall retained, but with the top 850 mm element being removed to accommodate the first floor of the proposed development. The ground floor layout for the two-bed unit is reordered providing for a floor area of 89 square metres. Both options are considered in respect of the issues considered central to the determination of a decision below:

Visual Impact and compatibility with the streetscape

Impact on architectural integrity, context and character of the protected structures

Attainable residential amenity– for future occupants.

Precedent.

Environmental Impact Assessment.

Appropriate Assessment

7.2.1. Visual Impact and compatibility with the streetscape within the ACA.

7.2.2. In the streetscape views along Lad Lane the original front building line is well setback behind the calp limestone walling on the front boundary and corresponds to the cobblestone front stable yard space for the coach houses originally constructed at the rear of the Fitzwilliam Square townhouses and which have survived at the adjoining properties. The form, definition and layout are intrinsic to the original features and as such an encroachment over the front building line of the coach houses radically interferes with the historic features which have survived and at the subject site is retained in the footprint for the existing dwelling. In both the original proposal and the modified 'Option B' proposal included with the appeal, the continuity of the front building line is radically disrupted by the proposed building out forward as far as the front boundary.

7.2.3. The building design itself in its contemporary and contrasting form and selection of materials from the front elevation is of interest as stated in the planning officer report but the concept is unsuitable and incompatible for the site location. It radically alters the streetscape continuity by way of removal (in the original proposal) and/or, in the Option B proposal, significant intervention to the original historic calp limestone walling along the street frontage by way of the build out forward of the front building line to the street frontage.

7.2.4. The historic uniform ridge and parapet heights have substantively survived in the immediate vicinity although there are some more developments which may breach this pattern which predate the bringing to effect of the current planning framework and which have been discussed in the submissions in connection the appeal and application. While the the height of the current proposal does not exceed the established heights, in form and mass there is no reference to or integration with the historic roof profile and parapets owing to the box form and design features.

7.3. Impact on architectural integrity, context and character of the protected structures.

- 7.3.1. There is no dispute between the parties over the proposed demolition of the existing dwelling and it is agreed that in order to facilitate appropriate and sustainable redevelopment of the site the proposed demolition can be accepted
- 7.3.2. The existing mews dwelling and the plot of No 14 Fitzwilliam Square as far as the frontage onto Lad Lane to the rear come within curtilage that subject to statutory protection by reason of the inclusion of No 14 on the record of protected structures. The existing footprint and rear building line for the coach houses at the adjoining properties and on the site has not been breached resulting in full retention of the original separation and relationship between the main houses and the coach houses notwithstanding the conversion of the rear gardens to carparks and additional development in the past. As such the significant feature within the curtilages of the distinct, is the intact continuous footprint, rear building line and the front building line of the original coach house structures setback back behind stable yard space where there is a cobblestone surface stie on the inner side of the wall along the frontage onto Lad Lane.
- 7.3.3. It is acknowledged that the current revised proposal lodged with the application, and the alternative Option 2 included in the appeal, that owing to the increase in separation distance from the main building and height and form difference there is reduced negative impact on the integrity, setting and character of the main house but the relationship, and outlook from the rear would remain unacceptable resulting in undue adverse impact. As in the case of the previous proposal, there would be a disproportionate and distorted outcome on the historic plot for No 14 Fitzwilliam Square and the mews dwellings which undermines the historic predominant and subordinate relationships between main building and the building at the rear with access of Lad Lane. Th effect on integrity would be particularly unfortunate in that the depths between the main building and established rear building lines for development facing onto Lad Lane, in replacement developments in the vicinity along Lad Lane has generally been unobstructed and retained.

7.3.4. It is agreed that there is considerable commercial development such as that referred to in the appeal at Wilton Park House, Gardener House and Cumberland Road and other substantial developments in the area demonstrative of radically evolving change in built character in adjacent areas to the Fitzwilliam Square and Environs ACA in which, the Georgian Townhouses overlooking the square on the deep and relatively narrow plots extending through to the lane network which are included on the record of protected structures are located. The surrounding purpose-built commercial development does not offer any justification for diminution of historic architectural character of the built environment within the designated ACA.

7.4. Attainable residential amenity– for future occupants.

7.4.1. The internal accommodation, aspects and private open space provision shown in in the layouts for the original proposal and the alternative Option 2 included in the appeal are in accordance with the minimum standards in the Apartment Guidelines. There is no objection to the lack of communal open space and open space provision given the location close to amenities in parks and along the canal in the area. It is noted that Fitzwilliam Square is gated at present and that access to keys may be available for occupants although it is understood that there have been some Fitzwilliam Square, may be made open for public access at a future date.

7.4.2. There is no objection to the zero-parking provision given the location within the canal corridor at the centre of the city and current national and local policy for discouragement of private car trips across city, and the availability of residential permit parking along Lad Lane should it be required by future occupants.

7.5. Precedent.

7.5.1. As appears evident from the observer party's own survey details of which were included in its submission, there is no development of this nature authorised further to the bringing to effect of the current legislative framework for architectural heritage protection within the area from which precedent could be taken to support the current proposal. Should the development be accepted, it would set precedent for similar undesirable development of small-scale apartment schemes along the northern side of Lad Lane and, along other rear service lanes within the South Georgian core and 'Z8' zoned areas. As a consequence of favourable consideration of the current proposal precedent would be set for significant alteration to the characteristics of

streetscape on the northern side of Lad Lane and as to possible future relationships, in term of separation and site coverage between the Georgian townhouses on Fitzwilliam Square and development within the space on the original plots historically allocated to the stable yards and mews coach houses facing onto Lad Lane.

7.6. Environmental Impact Assessment Screening.

- 7.6.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.7. Appropriate Assessment.

The application is accompanied by a screening statement for the proposed development which has been consulted. The nearest European sites are the North Dublin Bay SAC, South Dublin Bay SAC, North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA. Having regard to and to the nature of the proposed development and the inner urban site location, no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. In conclusion, it is acknowledged that significant modifications have been made in the application and appeal to address the issues in the reasons for refusal of permission for the prior proposal. However, the current proposal is unacceptable as it would set undesirable precedent for unsuitable development within the curtilage of the protected structures within the Fitzwilliam Square and Environs Architectural Conservation Area. It is agreed with the conservation officer that the site has capacity which is limited to and best suited for a single mews development.
- 8.2. It is recommended that the planning authority decision be upheld and that permission be refused based on the reasons and considerations which follow.

9.0 Reasons and Considerations

Having regard to the Dublin City Development Plan, 2016-2022 according to which the site for the proposed development is within the curtilage of No 14 Fitzwilliam Square, a protected structure from within the historic plot of which the site is subdivided, to location within the Fitzwilliam Square and Environs Architectural Conservation Area and the zoning objective Z8: Georgian Conservation Areas. " *to protect the existing architectural and civic design character and to allow for limited expansion consistent with the conservation objective*", it is considered that the proposed development which entails extensive site coverage breaching the established rear building line and front building lines along the north side of Lad Lane is overdevelopment which has an insufficient separation distance from the Georgian townhouse, (No14 Fitzwilliam Square) adversely affecting its integrity and setting and, by reason of the massing, and box form, infill forward of the established front building line and intervening with the integrity of the historic calp limestone walling along the Lad Lane frontage would be visually dominant, obtrusive and out of character with the historic context and layout and established architectural character of the streetscape along the northern side of Lad Lane within the Architectural Conservation Area and, would set undesirable precedent for further similar development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Jane Dennehy

Senior Planning Inspector

22nd July, 2021.