



An  
Bord  
Pleanála

## Inspector's Report ABP310154-21

---

<b>Development</b>	Second floor home office/WC extension
<b>Location</b>	3 Stable Lane, Cambridge Road, Rathmines, Dublin 6.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	2236/21
<b>Applicant(s)</b>	Denise O'Grady/Shane Boyd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	Third Party v Grant
<b>Appellant(s)</b>	Kieran Desmond
<b>Observer(s)</b>	Kevin Gilmore
<b>Date of Site Inspection</b>	1 <sup>st</sup> August 2021
<b>Inspector</b>	Hugh Mannion

## 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 .....	3
4.0 Planning History.....	4
5.0 Policy and Context.....	4
5.1. Development Plan.....	4
5.2. Natural Heritage Designations .....	6
5.3. EIA Screening .....	6
6.0 The Appeal .....	7
6.1. Grounds of Appeal .....	7
6.2. Applicant Response .....	7
6.4. Observations .....	8
6.5. Further Responses.....	9
7.0 Assessment.....	9
8.0 Recommendation.....	11
9.0 Reasons and Considerations.....	12

## **1.0 Site Location and Description**

- 1.1. The application site has a stated area of 177m<sup>2</sup> and comprises one (Number 3 Stable Lane) of a pair of two storey mews houses (numbers 1 and 3) which share a gated access at the end of Stable Lane, Rathmines, Dublin 6. Stable Lane is accessed off Cambridge Road which, itself, has a junction with Castlewood Avenue at its northern end. Castlewood Avenue links Rathmines Road in the west to Belgrave Square and Ranelagh to the east. The northern boundary adjoins the rear garden of 27 Castlewood Avenue, the western boundary adjoins the mews house at 1 Stable Lane and the eastern boundary adjoins the gated rear access of 26 Castlewood Avenue. On the opposite (southern) side of Stable Lane is a further mews house with a recessed gateway. Castlewood Park is the next residential road to the west.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises a second-floor home office and WC set back 2.4m from the front facade providing space for a terrace and set back 1m at the rear giving translucent glass wall on an existing 2 storey mews house at 3 Stable Lane, Cambridge Road, Rathmines, Dublin 8.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant permission subject to 8 conditions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- 3.3. The planner's report recommended a grant of planning permission as set out in the manager's order.

#### **3.3.1. Other Technical Reports**

3.3.2. **Drainage Division** reported no objection.

## 4.0 **Planning History**

Under PL29S.226406 Permission was refused for 2<sup>nd</sup> floor extension to each house at 1, 2 and 3 Stable Lane.

1. Having regard to the existing and proposed pattern of development in the area, the scale and massing of the proposals would appear unacceptably overbearing from adjoining residential property. Furthermore, the proposal would not accord with the Z 2 zoning objective: "*to protect and/or improve the amenities of residential conservation areas* or the proper planning and sustainable development of the area.
2. Having regard to the restricted nature of the site and the access thereto and to the quantum of development likely to be permitted it is considered that the proposed development would represent overdevelopment of the site in a manner that would be injurious to residential amenity.

## 5.0 **Policy and Context**

### 5.1. **Development Plan**

The application site is zoned Z2 "to protect and or improve the amenities of residential conservation areas" in the Dublin City Development Plan 2016 to 2022.

Section 16.10.16 in relation to mews development states

- 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 building is subordinate in height and scale to the main building, 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 and where the laneway is suitable for the resulting traffic conditions and where the apartment units are of sufficient size to provide for 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 should represent an innovative architectural response to the site and should be informed by established building lines and plot width. Depending on the context of the location, mews buildings may be required to incorporate gable-ended pitched roofs.
- f) The amalgamation or subdivision of plots on mews lanes will generally not be encouraged. The provision of rear access to the main frontage premises shall be sought where possible.
- g) All parking provision in mews lanes will be in off-street garages, forecourts or courtyards. One off-street car space should be provided for each mews building, subject to conservation and access criteria.
- h) New mews development should not inhibit vehicular access to car parking space at the rear for the benefit of the main frontage premises, where this space exists at present. This provision will not apply where the objective to eliminate existing unauthorised and excessive off-street car parking is being sought.

- i) Potential mews laneways must have a minimum carriageway of 4.8 m in width (5.5 m where no verges or footpaths are provided). All mews lanes will be considered to be shared surfaces, and footpaths need not necessarily be provided.
- j) Private open space shall be provided to the rear of the mews building and shall be landscaped so as to provide for a quality residential environment. The depth of this open space for the full width of the site will not generally be less than 7.5 m unless it is demonstrably impractical to achieve and shall not be obstructed by off-street parking. Where the 7.5 m standard is provided, the 10 sq.m of private open space per bedspace standard may be relaxed.
- k) If the main house is in multiple occupancy, the amount of private open space remaining after the subdivision of the garden for a mews development shall meet both the private open space requirements for multiple dwellings and for mews development.
- l) The distance between the opposing windows of mews dwellings and of the main houses shall be generally a minimum of 22 m. 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.

## **5.2. Natural Heritage Designations**

Not relevant.

## **5.3. EIA Screening**

- 5.4. Having regard to the nature and scale of the proposed development, its location in a built-up area where potable and wastewater services are available, I conclude that there are no potential likely significant impacts on the environment and that submission of an EIAR and carrying out of an EIA is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- The site is zoned to protect the residential amenity of residential conservation areas in the current Dublin City Development Plan. The adjoining houses are all protected structures. The proposed development because of excessive height and scale would give rise to overlooking/overbearing impact on adjoining rear gardens. The opaque glass would not sufficiently mitigate these impacts.
- The bedroom/balcony would unreasonably overlook the rear garden of 1 Castlewood Park.
- Stable Lane does not meet many of the standards for mews lanes set out by the planning authority and the proposed development would set an undesirable precedent for similar development.
- There are serious inconsistencies in the submitted drawings which should invalidate the application.

### **6.2. Applicant Response**

- The additional floor space proposed is 22m<sup>2</sup> which will bring the total floor area to 162m<sup>2</sup>. The additional second floor spaces is intended as a home office. Second floor extensions are common in the area and careful design has been used to mitigate impact on nearby property.
- The Board previously refused planning permission (PL29S.226406) for second floor extensions to mews houses at 1, 2 and 3 Stable Lane because the proposed scale and massing of the extensions would have an unacceptably overbearing impact on adjoining property and would contravene the residential conservation zoning of the area set out in the City Development Plan. Secondly, having regard to the quantum of permitted development on Stable Lane the proposed development would represent overdevelopment of the site that would be injurious to residential amenity.

- The current application seeks to address the Board's previous refusal reason by remodelling the extension to suggest a number of smaller parts rather than a single mass, providing a planter on the side of the terrace to reduce overlooking, amending the stairs to reduce massing and moving the WC to achieve a reduction in floor to ceiling height.
- National and local policy objectives to achieve better use of zoned and serviced lands support to more intensive use of this city site. There will be no impact on the adjoining streetscape from the proposed development.
- The Building Height Guidelines (2018) support higher buildings in appropriate locations. The application included a day light/sun light analysis which demonstrates that the proposed development is of an appropriate scale and design that minimises impact on adjoining uses.
- The proposed development respects the 'Residential Conservation' zoning for the site set out in the City Development Plan.
- The proposed development is unique to this site, does not create a precedent and will not negatively impact on the amenity of adjoining development. The proposed development is sufficiently distant from the appellant's property to ensure against unreasonable impact.
- The proposed development is modest at an additional 22m<sup>2</sup> and the appellant has produced no evidence of negative impact on adjoining rear gardens.

### **6.3. Planning Authority Response**

- None

### **6.4. Observations**

- The proposed first floor terrace would overlook the rear of 27 Castlewood Avenue resulting in loss of privacy and light.
- There are single and two storey mews houses on Stable Lane, but a three-storey house would provide an undesirable precedent in the area. The examples of three storey mews developments cited by the applicants are not



comparable to the proposed development because of the very substantial separation distances (32m to 46m) that apply in the examples given.

- The area is zoned 'to protect and or improve the residential amenity of residential conservation areas' in the current City Development Plan, this zoning requires the avoidance of negative impacts on the amenity of neighbouring property and the existing character of the area.
- The proposed third storey will be less than 22m from the rear of 27 Castlewood Avenue, be unreasonably overbearing when viewed from that property and does not meet the development plan standard of 22m separation distance.
- Previously (under reference 4861/07) the Board refused permission for a third floor on mews houses on Stable Lane because of unacceptable overbearing impact on adjoining property and for being contrary to the Z2 zoning provisions of the City Development Plan.

#### **6.5. Further Responses**

None.

### **7.0 Assessment**

#### **7.1. Policy Context.**

7.2. The applicant in response to the appeal makes the point that national and local policy is generally supportive of higher density development in urban areas where public services and community facilities are available. I consider that public policy is generally supportive of higher density and building heights in areas where public services, community facilities and public transport have been provided but account must be taken of the particular context for proposed development and the objective of higher density and higher buildings is the attainment of more sustainable communities and enhanced living environments.

7.3. The application site is zoned Z2 for the protection and improvement of residential conservation areas in the current City Development Plan. The Plan comments in relation to such areas that "residential conservation areas have extensive groupings

of buildings and associated open spaces with an attractive quality of architectural design and scale. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area". It is notable in this context that 26, 27 and 28 Castlewood Avenue are protected structures as is number 1 Castlewood Park to the west.

7.4. I conclude therefore that buildings in Z2 areas are considered more sensitive to impact from new development than would be the case for Z1 areas zoned to protect, and that the proposed development by reason of mass and height has not taken the special care of its context as required by the zoning objective set out in the City Development Plan.

**7.5. Impact on Adjoining Property**

7.6. The City Development Plan envisages that mews developments will be two storeys in height, and this arises from the understanding that back lanes will usually be more restricted than other sites with potential for development. The application proposes a third storey with an additional height of about 3m within about 5.5m of the rear boundary wall of 27 Castlewood Avenue. The City Development Plan along with envisaging 2 storey mews developments also requires 22m separation distance between opposing first floor windows. In some instances, it would be reasonable to relax this requirement and there are no north facing windows in the proposed development, however the extension is very close to the northern site boundary.

7.7. The applicants submitted a shadow analysis with the application and of note is the very minor impact predicted from the proposed development for the 31<sup>st</sup> June (see especially pages 7 of the analysis). Nevertheless, and having particular regard to the orientation of the proposed development due south of the rear gardens of houses facing onto Castlewood Avenue and their residential conservation zoning I conclude that the proposed development would comprise an overbearing element when viewed from these properties.

7.8. The appellant is the owner/occupier of 1 Castlewood Park. Castlewood Park is the closest street to the west of the application site. The appeal makes the point that the

application drawings are not correct in showing that the garden of number 28 Castlewood Avenue extends to the end of Stable Lane instead of showing that the side/rear garden of 1 Castlewood Park has a boundary with Stable Lane. The applicant does not contradict this point and makes the point that the proposed development is 20m distant from the appellant's rear garden and has no real potential to create overlooking.

- 7.9. The proposed development includes a terrace which is 3.2m long on its western elevation with a balustrade 1.125m high. I estimate that this terrace is about 8m off the boundary with the private open space of 1 Castlewood Park. I conclude on this basis that the proposed development would unreasonably impact on the amenity of adjoining property through overlooking.

7.10. **Appropriate Assessment**

- 7.11. Having regard to the modest scale and nature of the proposed development I am satisfied that 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.

8.0 **Recommendation**

- 8.1. I recommend refusal.

## 9.0 Reasons and Considerations

The application site is zoned to protect and/or improve the amenities of residential conservation areas in the Dublin City Development Plan 2016 to 2022 and adjoins a number of protected structures. The proposed development because of its scale and height, including a proposed second floor terrace, would comprise an overbearing feature when viewed from the adjoining residential property and would give rise to overlooking of nearby private amenity space. The proposed development would, therefore, seriously injure the residential amenity of adjoining property and would be contrary to the residential conservation zoning of the area and the proper planning and sustainable development of the area

---

Hugh Mannion  
Senior Planning Inspector

3<sup>rd</sup> August 2021