



An
Bord
Pleanála

Inspector's Report ABP 310802-21.

Development

Permission and retention permission for development for residential use of one bed mews dwelling and permission for a single storey extension, replacement of flat roof with pitched roof, with roof lights, and all associated site works including landscaping of private open space

Location

Carrigbaun Mews, Meany Avenue, within the curtilage of a protected structure (Ref 1501), Carrigbaun, Rockfort Avenue, Dalkey, A96YW3

Planning Authority

Dún Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.

D21A/0349

Applicant

Ciaran Cooke

Type of Application

Permission

Planning Authority Decision

Refuse permission and refuse permission for retention

Type of Appeal

First Party

Appellant	Ciaran Cooke
Observer	Bob Hannan
Date of Site Inspection	22/9/2021
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.0124 hectares and is located on Meany Avenue in Dalkey County Dublin. The site is located within Dalkey Architectural Conservation Area (ACA). The area has a mix of building styles and types. Meany Avenue is a cul de sac which extends for circa 80m south from the junction with Coliemore Road. It contains 5 no. two-storey terraced houses located along the west side of the avenue. There are a number of properties in the vicinity of the site which have access onto the lane. The carriageway has an average width of circa 3 metres and there is no footpath. On inspection of the site, I noted that there were a number of vehicles parked on Meany Avenue including a car across from the subject site and car at the end of the lane.
- 1.2. The site has been formed from part of the rear garden and Meaney Avenue frontage of the property Carrigbaun located on Rockford Avenue. Carrigbaun is a semi-detached Victorian villa fronting onto Rockford Avenue. It is a protected structure. The existing building on site has an area of 35.86sq m. It features a granite stone wall and is served by a door with direct frontage onto Meany Avenue.

2.0 Proposed Development

- 2.1. Permission and retention permission for development for residential use of one bed mews dwelling and permission for a single storey extension, replacement of flat roof with pitched roof, with roof lights, and all associated site works including landscaping of private open space.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Refuse permission and refuse permission for retention, for the following reason;
 1. On the basis of information submitted, it is considered that the retention of the residential mews dwelling would,

- (a) endanger public safety by reason of traffic hazard or obstruction of road users or otherwise due to the non-provision of off-street car parking facilities for residents of the residential mews dwelling, for which Permission for Retention is sought, creating potential for illegal/inappropriate parking on roads and footpaths in the area and affecting local amenity.
- (b) By itself, or by the precedent that a grant of permission for retention would set in respect of the absence of off-street car parking facilities provided for this type of residential development may lead to other developments on adjoining sites and would adversely affect the use of the existing road by traffic.

The development, therefore, would be seriously injurious to the residential amenities of the areas and of property in the vicinity, would depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the Planning Officer concluded that having regard to the planning history of the site and the submitted application which proposes a mews dwelling with no parking provision that the proposed development and development to be retained would fail to accord with the requirements of the Development Plan. It was furthermore considered that the non-provision of parking would set an undesirable precedent for similar type development on similar restricted sites in the vicinity.

3.2.2. Other Technical Reports

Transportation Planning – Recommend Refusal for Permission for Retention of the Mews Dwelling on the following grounds:

1. Endangerment of Public Safety due to the non-provision of off-street car parking facilities for residents of the residential mews dwelling, for which Permission for Retention is sought, creating potential for illegal/inappropriate

parking on roads and footpaths in the area and affecting local amenity - i.e. the residential mews dwelling, for which Permission for Retention is sought, with no provision of off-street car parking facilities would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, as per Clause 4 of the FOURTH SCHEDULE (Reasons for the Refusal of appropriate Permission which Exclude Compensation) of the Planning and Development Act, 2000.

2. Precedent, the residential mews dwelling, for which Permission for Retention is sought, by itself, or by the precedent by which the grant of permission in respect of the absence of off-street car parking facilities provided for this type of residential development may lead to other developments on adjoining sites and would adversely affect the use of the existing road by traffic - i.e. Clause 7 of the FOURTH SCHEDULE (Reasons for the Refusal of Permission which exclude Compensation) of the Planning and Development Act, 2000.

Drainage Planning – No objection subject to condition

Conservation Division – No objection

3.3. **Prescribed Bodies**

- None

3.4. **Third Party Observations**

- 3.4.1. The Planning Authority received one observations/submissions in relation to the application. The submission was generally favour of the application and noted that the works to the dwelling are modest, that the lack of on-site car parking to serve the development is supported. Concern was raised in respect of the representation of the potential for car parking on the laneway.

4.0 **Planning History**

Site

PA Reg. Ref. D18A/1006 – Permission was refused for the retention of residential mews building (previously permitted as a games room under Reg. Ref.8042/77) and

permission for replacement of roof with pitched roof, fitting three number Velux roof lights, change of window to rear facade, and all associated site works including landscape area of private open space (76sq.m). Refusal reason; 1. It is considered that the retention of the residential mews dwelling would, (a) Endanger public safety due to the lack of off-street parking facilities provided, for residents of the residential mews building, creating the potential for illegal/inappropriate parking on roads and footpaths in the area and affecting local amenity. As a result the residential mews dwelling, to be retained, with no provision of off-street parking facilities, would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise. (b) By itself, or by the precedent which a grant of permission for retention would set in respect of no provision of off-street parking facilities provided for this type of residential development may lead of other developments on adjoining sites and would adversely affect the use of the existing road by traffic. The development, therefore, would be seriously injurious to the residential amenities of the areas and of property in the vicinity, would depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

Adjacent site

PA Reg. Ref. D07A/1091 & PL06D.226120 – permission was refused for the construction of 1 no. new 2 storey mews with a flat roof, roof light and concealed water tank, and with a single storey section to the rear with the provision of one parking space at this main location, at Meany Avenue to the rear of Milroy Cottage (A Protected Structure), Rockfort Avenue, Dalkey, Co Dublin. Permission was refused for two reasons;

1. It is considered that the proposed dwelling, by reason of its design, would not form part of a unified terrace of dwellings and would not be capable of being visually assimilated within the streetscape. The proposed development would, therefore, seriously injure the residential amenity of the area and be contrary to the proper planning and sustainable development of the area.
2. Having regard to the narrow width of the laneway and the poor sightlines for turning vehicles, it is considered that the proposed development would endanger public safety by reason of traffic hazard and obstruction of road

users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Dún Laoghaire-Rathdown County Development Plan 2016-2022

5.1.1. The site is zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenity'.

5.1.2. The site is located within the Dalkey Architectural Conservation Area (ACA).

5.1.3. Chapter 6 – Built Heritage Strategy

5.1.4. Section 6.1.4 refers to Policy AR12: Architectural Conservation Areas

5.1.5. Chapter 8 – Principles of Development

5.1.6. Section 8.2.3.4 refers to Additional Accommodation in Existing Built-up Areas (x) refers to Mews Lane Development

'The principle of mews development will generally be acceptable when located on a lane that:

5.1.7. Is already developed to such an extent that further development would have to be regarded as infill.

- Is already adequately serviced and surfaced from the site to the public road, with a suitable underlying base to cater for the expected traffic volumes.
- Has a legally acceptable agreement between owners or interested parties who intend to bring the laneway to standards and conditions - particularly in terms of services, road surfacing and public lighting - suitable to be taken-in charge by the Council. The onus will be on the applicant(s) to demonstrate that they have a consensus of owners or interested parties.
- Where the Council is likely to be able to provide services and where owners can be levied to allow the Council to service the sites.
- Has been identified as being suitable for such development on the County Development Plan Maps or within a Local Area Plan.

5.1.8. The principle of mews development on a particular laneway will NOT generally be accepted where:

- The length of all or most of the adjoining rear gardens on the side of the lane concerned is less than 25 metres² or
- Where, particularly in a commercial area, the lane is likely to be required by the frontage buildings for access or the area adjoining the lane is required for expansion.

5.1.9. Where the Planning Authority accepts the principle of residential development on a particular laneway, the following standards will generally apply:

- Development will be confined to single units in one or two storeys of modest size and the separation distance between the rear façade of the existing main structure (onto the front road) and the rear mews structure should normally be a minimum of 20 metres and not less than 15 metres, or not less than 22 metres where first floor windows of habitable rooms directly face each other.
- Setting back of dwellings and boundary walls may be required dependant on existing building lines, lane width, character and parking/access.
- Dwellings and boundary walls may be required to reflect the scale, height, materials and finish of existing walls and buildings, particularly where old coach houses and two storey structures are involved.
- All parking provision in mews laneways should be in off-street garages, integral garages (car ports), forecourts or courtyards, and conditions to 'de-exempt' garage conversions will normally be attached. At least one off-street parking space per dwelling will generally be required. Where two spaces can be reasonably accommodated these should be provided. Part set-backs of frontage for on-street parallel parking may be considered depending on lane width and structure types.
- Each dwelling shall generally have a private open space area of not less than circa 48sq m exclusive of car parking area. A financial contribution in lieu of public open space provision may be required.

- Where dwellings are permitted on both sides of a lane, habitable room windows must be set out to minimise direct overlooking of each other where less than 9 metres apart.
- Vehicular entrance widths shall be a minimum but sufficient to provide for proper vehicular turning movements allowing for laneway width and for pedestrian visibility.

5.1.10. Minimum lane width requirements are:

- Up to 6 dwellings: Adequate vehicular access of a lane width of circa 3.7 metres must be provided to the proposed dwellings - 3.1m at pinch points – to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles.
- Up to 20 dwellings: Width of 4.8 metres subject to a maximum length of 300 metres. Short lengths of narrow width may be acceptable where there will be no frontage access to those lengths.

5.1.11. All mews laneways will be considered to be shared surfaces and footpaths need not necessarily be provided. If external street/security lighting is warranted, only a minimal level and wall-mounted type(s) may need to be provided. Opportunities should be undertaken to improve permeability and connectivity to and from the development as part of the Development Management process.

5.1.12. Reduced standards from the above may be acceptable, particularly in cases of conversion of existing two storey structures in sound condition and of particular architectural and/or townscape value.

5.1.13. Applications should clearly state the requirements and method statement for bin storage and collection.

5.2. Natural Heritage Designations

5.2.1. Dalkey Island SAC is 260m to the east of the appeal site.

5.2.2. Rockabill to Dalkey Island SAC is 560m to the east of the appeal site.

5.3. Environmental Impact Assessment

- 5.3.1. Having regard to the nature and scale of the development which consists of retention permission for development for residential use of one bed mews dwelling and permission for a single storey extension in a fully serviced urban location, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question 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

A first party appeal was submitted by Doyle Kent Planning Partnership Ltd. on behalf of the applicant Ciaran Cooke the main issues raised can be summarised as follows;

- The applicant Ciaran Cooke owns the dwelling at Carrigbaun Mews on Meany Avenue. The application is for the retention of the one-bedroom mews dwelling and an extension to the building to improve the living space for the applicant. Proposals include measure to provide a more thermally efficient mews including a new pitched roof with 12 no. roof lights.
- The appeal sets out the planning history on site including under Reg. Ref. D18A/1006 where permission was refused to retain the residential mews and replacement of the roof with a pitched roof. The assessment of the Planning Officer stated that the mews was modest in scale and was a sufficient distance from the main house and that the open space provision was acceptable. It was also stated in the assessment that a pitched roof would be acceptable and in keeping with an adjacent mews at the rear of no. 93 Coliemore Road. It was set out in the assessment that the proposed development was not in compliance with the Development Plan standards in relation to mew's dwellings which states that parking should be provided in off-street garages with at least one space per unit. The Transportation Department considered that the development would set an undesirable

precedent in respect of no provision of off-street parking. The application was refused for reasons relating to the non-provision of off-street car parking and the precedent which would be set for similar mews developments.

- It is stated in the appeal that the applicant has been using the mews for habitable purposes for more than 15 years and that it was previously occupied by other members of the Cooke family. The building was originally constructed and used as a garage in the early 1980's and was subsequently converted to a playroom. It was converted to habitable purposes in the 1990's. It is an existing long established mews and the two properties at Meany Avenue and Rockfort Avenue are in separate residential use with separate legal titles. The applicant is seeking to regularise the unauthorised use and improve the living space.
- Regarding the principle of development, the site is zoned Objective 'A' 'to protect and-or improve residential amenity'. The site is located within Dalkey Village on a residential street. It is noted that the avenue provides very limited parking for residents, however this has not been an issue but has encourage residents to choose sustainable modes of travel given its location within close walking distance of the village. The Bord is referred to letter of support from Mr. Bob Hannan which sets out why in this particular instance the Bord should consider 'the development specifically to this particular locus' as opposed to any setting of precedent.
- It is submitted that the applicant's long established use of the property as a residential unit and his desire to improve the habitable accommodation, must be a consideration in the assessment of the case. It is respectfully requested that a more balanced approach to the application be considered. It is considered that the proposed development would not create an undesirable precedent as set out in the decision of the planning authority, by reason of lack of provision of off-street car parking spaces, as the applicant will continue to live in the mews and therefore the circumstances are not replicated locally.
- In relation to the potential location of a car parking space, in the ground floor of the building it was considered in the different design options. These included a design option to extend the building at first floor level and develop

garage doors onto the Avenue, with the residential accommodation provided at first floor level. These design options were discounted for a number of reasons including that the applicant has no requirement for a parking space having regard to the availability of sustainable modes of transport in the area.

- It is submitted that the site context does not lend itself to off-street car parking provision.
- It is submitted that the proposed development with a low pitched roof has been designed to enhance and maintain the character of Meany Avenue. The retention of the stone wall ensures that a sense of enclosure is provided. The Conservation Officer in her report noted that the proposed development will enhance the character of the conservation area.
- In relation to the matter of car parking, Section 8.2.4.5 of the development plan refers to car parking standards and requires that at least one off-street parking space per dwelling be provided. It is accepted that the extent of on-street car parking is very limited on Meany Avenue. It is noted that the any existing parking arrangements will not be altered by a grant of permission on the site.
- The proximity of the site to Dalkey village centre and the Dart station is highlighted. The site is circa 400m from the village centre and 550m from the Dart station. The letter of support from a long-time resident on the Avenue Mr. Hannan stated that the number of cars parking on the laneway has ‘ebbed and flowed over the years with the more recent trend towards fewer cars as the area is well serviced locally by bus and Dart and more people are choosing sustainable modes of travel’. A submission made by a third party in relation to the application noted that cars parking along the laneway do so in a manner which blocks access to his property Sala Tiga located at the end of the cul de sac and that there is no designated parking along the lane. It is submitted that the laneway is passable when neighbouring cars are parked opposite the subject site.
- The first party reiterate the point made to the Planning Authority as part of the documentation submitted with the applicant where they request that the

Planning Authority consider the subject application as a 'car free' development as set out in Section 8.2.4.5 of the Development Plan.

- The report of the Transportation Planning Section notes that for car-free development to be acceptable that both close accessibility to public transport and shops, services and community facilities is required, as well as an environment/parking controls which prevents residents from owning cars. Transportation Planning Section, consider that 'Meany Avenue', is not a town centre area, or is adjacent to one and is totally surrounded by residential development. The first party do not accept this argument and request that the Board agree that the site location less than 400m (5 minute walk) from the centre of the village and 550m (7 minute walk) from the Dart station is an acceptable location within the meaning of proximity to public transport.
- Section 8.2.4.5 of the development plan which refers to car parking standards. Under this section of the Plan, it is set out that in limited circumstances the Council may consider the development of car free housing on suitable small scale sites where there is high levels of public transport and located close to town centres. It is noted that this policy is echoed in the Apartment Guidelines. The first party respectfully request that the application be assessed as car-free housing and that parking could be omitted at this location as there is flexibility in Section 8.2.4.5 of the Plan in such locations.
- The appeal refers to two recent decision to grant permission for residential development without car parking. Under Reg. Ref. D18A/0028 & ABP 301313-18 permission was granted for a residential unit in an urban area without car parking. That site was at 52, Sandycove Road, Dun Laoghaire, Co. Dublin. Under the Board decision on ABP 302927 permission was granted for a side garden house without the provision of off-street car parking. That site was at 50 Ralahine, Ballybrack, Co. Dublin. In that case the Board concluded that given the proximity of quality public transportation that the relaxation of car parking standards was acceptable.
- A recent decision of the Board in respect of a site at Railway Road Dalkey is also noted. The application proposed a car free infill dwelling which was refused by the Planning Authority and by the Board. It is noted that the issue

of lack of car parking was a concern for the Planning Authority but was not supported by the Board in its reason for refusal. The Inspector in that case noted the location of the site within a two minute walk of Dalkey Dart station and Dalkey village and concluded based on the location of the proposed development and the precedents referred to in the appeal that relaxing the car parking standards was acceptable.

- The appeal reiterates that the applicant has support from longstanding neighbours Caitrona Fogarty and Bob Hannan.
- It is requested that the Board overturn the decision of the Planning Authority and grant permission.

6.2. Planning Authority Response

- The Board is referred to the report of the Planning Officer.
- It is considered that the grounds of the appeal do not raise any new matters which would in the opinion of the Planning Authority justify a change of attitude to the proposed development.

6.3. Observations

An Observation was received from Bob Hannan. The issues raised are as follows;

- The observer Bob Hannan is an architect and is the owner of the property 'Arkhadia' Meany Avenue, Dalkey which is located opposite the application site. Mr. Hannan states that he is of the opinion that the refusal of the Planning Authority should be overturned by the Board.
- The application seeks to regularise an existing situation which is on going for many years. To regularise the development would continue to provide accommodation for Mr. Cooke who is local to the area. The site is situation in a well serviced area which is proximate to good public transport links. The proposal will provide accommodation during a housing crisis.
- The Board should consider this development very specifically to this particular locus, as opposed to setting any precedent.

- It is the opinion of Mr. Hannan that the proposal is consistent with the character of this part of Dalkey. The Conservation Officer notes that this development will enhance the character of the conservation area. The observer agrees with this. The development will enhance and maintain the character of old walls which give spatial enclosure to the Avenue. The pattern of development on the Avenue is of modest dwellings accessed directly off the Avenue and the proposal harmonises with this pattern.
- The avenue is passable when cars are parked. This is contrary to the assertion in the third party observation to the application. The Avenue has always provided parking for residents and has been open to any non-residents to park there. The number of cars on the laneway has varied over the years. However, the trend is towards fewer cars as the area is well serviced locally by bus and Dart.

7.0 **Assessment**

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of development
- Design and visual impact
- Car parking
- Appropriate Assessment

7.1. **Principle of development**

- 7.1.1. The proposal is for retention permission for residential use of one bedroom mews dwelling and permission for a single storey extension to the property and the replacement of flat roof with pitched roof, with roof lights. The site is zoned 'A' with the stated objective "to protect and/ or improve residential amenity." The provision of a mews type dwelling at this location would therefore be acceptable in principle subject to an assessment of the impact of the proposal on visual and residential

amenity and compliance with other relevant Development Plan policies and objectives.

7.2. Design and visual impact

- 7.2.1. The site is located within Dalkey Architectural Conservation Area. The report of the Conservation Officer states that the planning history on the site was noted (Reg. Ref. D18A/1106) and the proposed revisions to the design of the proposed roof profile from that previously proposed were considered acceptable as it would not detract from the character of the laneway. The report of the Conservation Officer concluded that there were no built heritage objections, and the development was considered to have a neutral impact on the Dalkey ACA.
- 7.2.2. The proposed extension to building with an area of 21.14sq m is very limited, is proposed to the rear of the property and will not be directly visible from the public domain. I would concur with the assessment of the Conservation Officer in respect of the design of the proposed replacement of the existing flat roof with a with pitched roof, with roof lights. I note that the subject site Carrigbaun mews is within the curtilage of Carrigbaun, Rockfort Avenue, Dalkey (Ref. 1501). I note the two properties are separated by an established mature planted boundary and are in separate ownership and separate use, however, there remains a historical relationship between the buildings. I am satisfied that the subject proposal would not unduly impact neighbouring protected structure.
- 7.2.3. Accordingly, I would consider that the design and scale of the development has adequate regard to the character of the ACA and conforms to the existing pattern of development along Meany Avenue.
- 7.2.4. In relation to the matter of residential amenity having regard to the siting and the design of the proposal, I am satisfied that it would not unduly impact upon the residential amenities of neighbouring properties.

7.3. Car parking

- 7.3.1. The Planning Authority refused permission for the proposed development on the basis that the proposed retention of the residential mews dwelling would, endanger public safety by reason of traffic hazard or obstruction of road users or otherwise due

to the non-provision of off-street car parking facilities for residents of the residential mews dwelling and that it have the potential to generate illegal/inappropriate parking on roads and footpaths in the area which would affect local amenity. Furthermore, the reason for refusal stated that a grant of permission would set a precedent for similar development.

- 7.3.2. Section 8.2.4.5 of the development Plan refers to Car Parking Standards. They are set out under Table 8.2.3 of the Development Plan. Generally, 1 no. car parking space is required for all one bed and two – bedroom dwellings. The proposed scheme comprises a one bedroom mews dwelling. Therefore, in accordance with the provisions of this section of the plan, the development would generate the requirement for 1 no. off-street car parking space.
- 7.3.3. I note that the subject proposal constitutes a mews lane development which is dealt with under Section 8.2.3.4(x) of the Development. In respect of car parking this section of the plan advises that parking provision in mews laneways should be in off-street garges, integral garages, forecourts or courtyards.
- 7.3.4. It is set out in the appeal that the site should be considered a location which is very suitable for ‘car free’ development. Section 8.2.4.5 of the Development Plan refers to ‘car free’ development. It advises that in very limited circumstances, the Council may consider the development of car-free housing on suitable small-scale sites which have with high levels of public transport accessibility, have convenient and safe access to local shops and community facilities and/or are located very close to Town Centres. It is set out in the appeal that the site represents a such a location given the proximity to Dalkey Village and Dalkey Dart Station. I note the precedents which have been cited in the appeal in respect of similar cases at 52, Sandycove Road, Dun Laoghaire, Co. Dublin where under Reg. Ref. D18A/0028 & ABP 301313-18 permission was granted for a residential unit without car parking and under ABP 302927 permission was granted for a side garden house without on-site car parking at 50 Ralahine, Ballybrack, Co. Dublin. The appeal also references an appeal at Railway Road, Dalkey where an application for an infill dwelling with no on-site parking which was refused by the Planning Authority and by the Board. It is detailed in the appeal that the issue of lack of car parking was a concern for the Planning Authority but was not supported by the Board in its reason for refusal and that the Inspector in assessing that case noted the location of the site within a two minute

walk of Dalkey Dart station and Dalkey village and concluded that having regard to the location of the proposed development that relaxing the car parking standards was acceptable. I note these cited examples and consider that they are relevant in the consideration of this case.

- 7.3.5. Due to the nature of the site its' configuration and limited area no on-site car parking can be provided unless as stated in the appeal that a section of the existing structure is used as a garage and a first floor extension to provide living accommodation is proposed. Having regard to mews nature of the site, I would concur with the opinion expressed in the appeal that this approach would not be the most suitable at this location. Furthermore, I note the particular circumstance set out in the appeal that the applicant has resided at the property for the past fifteen years and that he does not require car parking.
- 7.3.6. Section 8.2.4.5 of the Development Plan refers to car parking standards. It is advised in this section of the plan that in limited circumstances the Council may consider the development of car-free housing on suitable small-scale sites where there is access to high levels of public transport and located close to town centres. This policy is echoed in the Apartment Guidelines.
- 7.3.7. The site is located 400m from the centre of Dalkey village and is circa 550m from Dalkey Dart Station 1km from Dun Laoghaire Main Street. Having regard to the public transport serving the area and proximity to the village centre location where shops and community facilities are provided, I am satisfied that the requirement for car parking could be excluded at this location as there is flexibility in Section 8.2.4.5 of the Plan in such locations.
- 7.3.8. Accordingly, in this particular situation, I consider that the proposed development would be acceptable in terms of the absence of on-site car parking.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development which consists of retention permission for development for residential use of one bed mews dwelling and permission for a single storey extension, the nature of the receiving environment and proximity to the nearest European site, 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 that permission is granted.

9.0 Reasons and Considerations

9.1.1. Having regard to the provisions of the Dún Laoghaire-Rathdown Development Plan 2016 – 2022 and to the nature, form, scale and design of the proposed development and development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the character of Dalkey ACA or of the neighbouring Protected Structures and would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

3. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Siobhan Carroll
Planning Inspector

30th of September 2021