



An
Bord
Pleanála

Inspector's Report ABP 310957 - 21.

Development	Demolition of shed and construction of mews house to rear of Protected Structure at 52 Leinster Road, Rathmines. mews property will include garage and terrace. Associated site works.
Location	52 Leinster Road, Rathmines, Dublin 6.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	2739/21
Applicant(s)	Derek Connolly.
Type of Application	Permission
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	1. Anthony and Leah O'Driscoll
Observer(s)	1. Philipp Rahn 2. Niall Lynch and Caroline O'Reilly
Date of Site Inspection	19/07/2022.
Inspector	Fiona Fair.

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1.0 Site Location and Description

- 1.1. The application site, No. 52 Leinster Road, Rathmines, Dublin 6 is a two storey over basement mid terraced Georgian property, with a three storey rear return. Dating from the 1800s. The site has a good sized rear garden which backs onto Grosvenor Lane, to the south of Grosvenor Square. The rear garden has a stated depth of some 33 m from the rear wall of the host dwelling No. 52. The front garden has a depth of some 14.5 m set back from boundary with Leinster Road. The site has a large rear garage type structure which backs onto the lane measuring some 25sq.m.
- 1.2. The rear gardens of the adjoining dwellings on Leinster Road, also have large garages facing onto Grosvenor Lane. Proposed access is off Grosvenor Lane, which runs to the rear of these properties that front Leinster Road.
- 1.3. No. 52 is currently in multiple residential dwelling units.

2.0 Proposed Development

- 2.1. The development consists of/will consist of:

Planning permission for demolition of existing shed and construction of two storey and part three storey detached mews house in the rear garden of No. 52 Leinster Road, Rathmines, Dublin 6, a protected structure. The new house will include a garage and vehicular access to Grosvenor Lane, a screened terrace to the rear on the first floor and top floor, roof lights, alterations to existing boundary walls, and all associated site works

3.0 Planning Authority Decision

3.1. Decision

Grant Permission

Permission was granted subject to 14 number conditions:

1. Standard Condition.
2. S48 Development Contribution
3. The development shall be revised as follows:

a) the historic stone boundary walls adjoining Nos. 50 & 52 Leinster Road shall be retained.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to and agreed in writing by the Planning Authority.

4. Survey and Photographic record of all existing historical boundary walls and detailed schedules of any repair and reinstatement works to the original walls shall be submitted to and approved in writing by the Planning Authority.
5. Prior to occupation of the mews dwelling, full details including elevations and sections of the proposed new boundary wall with No. 52 Leinster Road shall be submitted to and approved in writing by the Planning Authority.
6. Finishes shall be submitted and agreed.
7. Transportation requirements
8. Drainage requirements
9. Hours of operation of building works.
10. Noise control requirements.
11. To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.
12. The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Transportation Planning Division and the Noise & Air Pollution Section.
13. No extensions, garages, stores, offices or similar structures, shall be erected without the prior grant of planning permission.
14. Naming and numbering of dwelling units shall be in accordance with a naming and numbering scheme submitted to, and agreed in writing, by the Planning Authority.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planners report states:

Principle of development:

Given the Z2 zoning of the site and its location on a mews lane, the principle of developing a mews dwelling on this site is considered to be acceptable, subject to compliance with other relevant planning requirements, considered below.

Design, conservation and visual impact:

As per Section 16.10.16 of the CDP, mews development will generally be confined to two-storey buildings, though 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. The proposed development would be a single dwelling of three storeys, however it would present as a two storey dwelling to the laneway. It is noted that a very similarly designed and proportioned mews dwelling was approved at the rear of No. 57 Leinster Road and therefore the scale and massing of the proposed development would not appear incongruent in the context. It is noted that the overall height of the mews dwelling would be marginally lower than that of the rear return of the protected structure and, having regard also to the separation distance of 15.1m to the rear return, it is considered that the mews dwelling would be sufficiently subordinate to the protected structure and would not impact unduly on its setting. The Conservation Officer has raised concern at the eaves height and ridge height and requested that these are lowered in line with those of the existing mews dwelling at the rear of No. 59 Leinster Road. Whilst it is noted that the eaves height of the proposal is higher than that of the permitted mews dwellings to the rear of Nos. 57 & 59 Leinster Road, its overall height would be in line with that of the former. It is noted that the eaves height allows for a greater floor to ceiling height in the living room of the proposed unit and, overall, it is not considered necessary to

require any amendment in eaves height from a visual amenity or conservation perspective. The architectural detailing, fenestration and proposed materials are considered to be of good quality and complementary to the context. The Conservation Officer has also raised concern at the proposed removal of the historic stone boundary walls on either side of the site. It is considered that this concern is justified and that the historic walls should be retained. This can be secured by condition. Overall therefore, subject to a condition requiring retention of the boundary walls, it is considered that the design of the proposed building will not cause undue harm to the setting of nearby protected structures or the character of the conservation area.

3.2.2. Other Technical Reports

- Archaeology, Conservation and Heritage: Further information requested.
- Drainage: No objection subject to condition.
- Transport: No objection subject to condition.

3.3. Prescribed Bodies

- Irish Water: None Received

3.4. Third Party Observations

3 no. objections were submitted to this application, from residents from Grosvenor Square. The concerns are the following:

- Negative impact on residential amenity of existing dwelling and proposed dwelling.
- Impact on neighbouring residential amenity: overlooking, overbearance & overshadowing.
- Non-compliance with Development Plan standards for residential development.
- Negative impact on character of the protected structure, adjoining structures and conservation area.
- Road safety and emergency vehicular access.

- Diminution in value of neighbouring properties.
- Unclear whether 2 or 3bed house proposed. Living room may be used as a bedroom.
- Reduction in amenity space for existing 11no. units in No. 52
- Inadequate separation distance between facing windows of existing and proposed dwellings.
- Existing stone boundary walls either side to be removed
- Design is inappropriate for conservation area: aluminium, large front window, fenestration pattern, visually obtrusive, 3 storeys, does not follow building lines.
- Within curtilage of protected structure.
- Concerns in relation to cumulative development.
- Access laneway is substandard in terms of width.
- Proposal would inhibit access to parking for main house
- Proposed garage inadequately sized for parking, cycle and bin storage
- Practicalities and impacts of construction works. .

4.0 Planning History

None on the subject site. Neighbouring Sites include:

PL Reg. Ref. 4757/18 – 57 Leinster Road – Planning permission granted for construction of two storey and part three storey detached mews house in the rear garden of No. 57 Leinster Road, Rathmines, Dublin 6, a Protected Structure. The new house will include a garage and vehicular access to Grosvenor Lane, a setback screened roof terrace on the top floor, roof lights, alterations to existing boundary walls, and all associated site works.

PL Reg. Ref. 312378/22 / 3650-21 – 51 Leinster Road – Planning permission is granted for the construction of two storey and part three storey detached mews house in the rear garden. The new house will include a garage and vehicular access to Grosvenor Lane, a setback screened first floor terrace, alterations to existing boundary walls, and all associated site works. The application is under appeal ABP-312378-22.

PL Reg. Ref. 2042/20 – 60 Leinster Road - PROTECTED STRUCTURE: Permission granted for the construction of a 3-bed 137sqm house and garden to the rear of no. 60 Leinster Road, a Protected Structure. The two-storey development includes velux type rooflights, 1 no. car parking space with access to Grosvenor Lane and all associated site works.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016-2022.

Under the 2016-2022 Dublin City Development Plan the site is zoned Z2 which aims "to protect and/or improve the amenities of residential conservation areas"

- 5.1.2. The site is a Protected Structure

- 5.1.3. Development Plan 2016-2022

Policy CHC1: To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city. As the building is also located within an area zoned for residential conservation purposes those sections of the plan relating to Z2-zoned areas are applicable to this application.

Policy CHC2: "It is the policy of Dublin City Council to ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage and will:

a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest

b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances

c) Be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials

- d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure
- e) Protect architectural items of interest from damage or theft while buildings are empty or during course of works
- f) Have regard to ecological considerations for example, protection of species such as bats.”

Mews dwellings

16.10.16 Mews Dwellings

- 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 sqm 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 22m. 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

There are no European Sites approximate that would be impacted. The nearest Natura 2000 sites are the South Dublin Bay and River Tolka Estuary SPA and the Special Area of Conservation: South Dublin Bay SAC which are situated c. 4.3Km from the site at the closest point.

6.0 The Appeal

6.1. Grounds of 3rd Party Appeal

6.1.1. The decision was appealed by Coakley O'Neill Planning Consultants on behalf of Anthony and Leah O'Driscoll, No. 81 Grosvenor Square, Rathmines.

- The PA did not adequately address the concerns raised at application stage.
- Negative effect on the character of existing dwellings and the local area.
- Scale of the proposed development would be excessive and overbearing, most particularly relative to the subject sites sensitive conservation context.
- Negative impact upon residential amenity of neighbouring properties
- Substandard nature of the proposed access arrangements leading to traffic and road safety hazards.
- Development Plan standards on residential amenity have not been adhered to, overlooking to No. 52 Leinster Road and poor private amenity space for future occupants. Rear garden depth is inadequate.
- The laneway is substandard.
- Substandard nature of residential amenity for future and existing residents of no. 52 Leinster Road.
- Concern that there are already 11 no. residential units in No. 52 Leinster Road, further intensity of development on the site.
- Concerns raised by the Conservation Officer were not adequately addressed. Loss of the historic boundary wall that forms the historic boundary of the protected structure is not supported by the conservation officer.

- Negative impacts to conservation status of the property.
- Precedent for refusal by reason of character and conservation in appeal case 305348-19 38 & 40 Rathdown Park Terenure & ABP 301292-18 21 Vernon Gardens Clontarf.
- Constructability and impacts upon adjoining property boundaries.
- The applicant does not have permission to remove the party boundary walls and they are not fit for purpose. The dwelling would need to be reduced to accommodate retaining the walls, the implications for the design and size of the floorplate cannot be met.
- The appeal is appended by the letter of objection to DCC which raises similar issues.

6.2. **First Party Response to 3rd Party Appeal.**

6.2.1. Downey Planning have submitted a response on behalf of the applicant Derek Connolly. It is summarised as follows:

- Response sets out an overview of the site and the surrounding area and provides a description of the approved development.
- There is a precedent for mews houses in the surrounding area.
- The house is a protected structure but it is notable that boundary walls are not included within the RPS listing.
- The front streetscape and character of the dwelling would be considered to be the main reason for its inclusion on the RPS – the rear of the property facing onto the lane has little architectural merit.
- A coordinated approach to design of the mews at No. 51 and No. 52 has been taken.
- While there originally had been an agreement with the neighbours to remove the walls, as stated in the submitted drawings, the conservation officer stated that partial loss of the boundary walls was not supported from a conservation standpoint.

- The conservation officer recommended conservation / retention of the historic boundary walls. The planning officer agreed and so a condition was attached to the grant of planning permission that the historic walls be retained.
- The appellants view point on the condition of the boundary walls is speculative and made without qualified assessment.
- The claims made about narrowing the mews house are not credible.
- Furthermore the working of condition 3 requires that the Council will need to approve revised drawings and details prior to commencement of development.
- Should a condition be included that requires the mews to be constructed inside the existing historic walls, then it will still be possible to provide for a dwelling which that meets all of the quantitative standards through some minor amendments to internal floor layouts.
- Auto-track drawings submitted as part of the scheme have demonstrated conclusively that vehicles would be able to enter and leave the site safely.
- While the laneway behind No. 53 is slightly narrower than in front of the subject lands, there is still ample space for a vehicle.
- The approved scheme would be similar to other existing and approved schemes along Grosvenor Lane as well as other similar laneways within Dublin.
- The existing single storey garage could provide car parking if required and provides for vehicular access.
- The approved scheme at 49B Leinster Road, reg ref. 2403/20 is of relevance.
- The roads division are of the opinion that the proposal is compliant with Development Plan policy objectives and offer no objection. The width of the laneway is 4.6m with a laneway width of 5.5m in front of the approved Mews house when taking the set back from the side boundary into account.
- The lane is a through road and not a cul de sac and as such is fully and safely accessible. There are existing garages in-situ.

- There is a clear impetus to optimise available serviced land for much needed housing.

6.3. **Planning Authority Response**

- None received.

6.4. **Observations**

6.4.1. Two number observations were received from Philipp Rahn 82 Grosvenor Square and Niall Lynch and Caroline O'Reilly of Number 84 Grosvenor Square. They raise some similar issues and are jointly summarised as follows:

- Fails to take account of objections raised by neighbours and the conservation officer of DCC.
- Proposed three storey dwelling will face onto the rear of their houses and gardens with only the narrow Grosvenor Lane as separation.
- This is a narrow lane and further inappropriate, mews, over development will erode the conservation status of the area.
- Over development of the site and no regard for amenity space to serve the existing 11 apartments in No. 52
- Failure to address cumulative impact of traffic and road safety concerns on Grosvenor Lane.
- Failure to consider the safety of school children to use the lane to travel to and from school.
- Decision to grant permission is irrational, unreasonable and disproportionate.
- Scale of 3 storey development excessive and overbearing.
- No daylight or sunlight study submitted.
- Overbearing of No. 82 Grosvenor Square, leading to negative impact to privacy and residential amenity.

7.0 EIA Screening Determination

- 7.1. Having regard to the nature of development comprising of a single dwelling in an urban area it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can therefore, be excluded by way of preliminary examination.

8.0 Appropriate Assessment

- 8.1.1. The planners report sets out that there are no Natura 2000 sites located within or adjacent to the site. The nearest Natura 2000 sites are the South Dublin Bay and River Tolka Estuary SPA and the Special Area of Conservation: South Dublin Bay SAC which are situated c. 4.3Km from the site at its closest point.
- 8.1.2. Having regard to the nature of the works proposed for a single mews dwelling and separation distances involved to adjoining Natura 2000 sites, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

9.0 Assessment

- 9.1.1. I have read the entire contents of the file, visited the subject site and its surroundings and have had particular regard to the issues raised in the grounds of appeal and the observations as well as the responses submitted. I consider the principal issues pertaining to the application before the Board are as follows:

- **Principle and Consistency with National and Local Policy.**
- **Design, Conservation and Visual Impact on Streetscape in Grosvenor Lane.**
- **Overlooking from New Mews House.**
- **Access Arrangements and Carparking.**
- **Historic Stone Boundary Wall and Condition No. 3 of DCC Reg. Ref. 2739/21**

9.2. Principle and Consistency with National and Local Policy.

- 9.2.1. In principle, proposals for infill and mews dwellings, not least in residential conservation areas (Zoned Z2) approximate to protected historic dwellings, and for development especially on underutilised serviced sites within established urban areas well served by transport and facilities are to be encouraged having regard to national strategic policy for consolidation of cities and towns, in accordance with sustainable development principles.
- 9.2.2. Given the Z2 zoning of the site and its location on a lane with a clear, strong precedent for mews developments, the principle of development of a mews dwelling on this site is considered to be acceptable. The assertion in the appeal that this policy is not applicable to a location within an area subject to the 'Z2' zoning objective within the CDP is not accepted. However, it is essential this is balanced with the need for it to be established that proposals for residential development within these particularly sensitive areas which generally are particularly sensitive are of a satisfactory standard from a planning perspective.

9.3. Design, Conservation and Visual Impact on Streetscape in Grosvenor Lane.

- 9.3.1. As set out above in section 3.2 and section 5.0 of this report, (the planning report and CDP policy), in particular, section 16.10.16 of the CDP, policy relating to mews development have been fully considered. It is clearly set out that while generally mews developments will be confined to two-storey buildings, in certain circumstances, three-storey mews developments maybe acceptable, 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. I wholly agree with the planning authority that it is reasonable in this instance to consider the three storey nature of the proposal given the layout, site size, design strategy and precedents set on the lane.
- 9.3.2. The proposed development would be a single dwelling of three storeys, however, it would present as a two storey dwelling to the laneway. It is noted that a similar externally designed and proportioned mews dwelling was approved at the rear of No.51 Leinster Road Ref.3650/21 which is concurrently under appeal ABP-312378-22. I note in this instance that both cases are being considered by myself.

- 9.3.3. In the subject case the planners report states: “It is noted that a very similarly designed and proportioned mews dwelling was approved at the rear of No. 57 Leinster Road and therefore the scale and massing of the proposed development would not appear incongruent in the context. It is noted that the overall height of the mews dwelling would be marginally lower than that of the rear return of the protected structure and, having regard also to the separation distance of 15.1m to the rear return, it is considered that the mews dwelling would be sufficiently subordinate to the protected structure and would not impact unduly on its setting.”
- 9.3.4. Having considered the plans and drawings submitted, carried out a site visit and given the clear precedent set on the lane, I am of the opinion that the presentation of the proposed development onto the street frontage is considered an improvement on the existing visual amenity of the area. I am also of the opinion it is wholly acceptable as an insertion and as an infill mews within the context of the streetscape. The rear parapet of the mews (6.6m) is below the eaves of the existing rear return (7.25m) and the ridge of the protected mews (8.5m) is below the eaves of the main house (9.95m) and the ridge height of the return (8.55m). The proposed ridge height of 8.5m for the new mews is comparable to other permitted mews buildings on Grosvenor Lane (PI Ref. 4757/18, rear of no. 57 Leinster Road) and acceptable in order to achieve an acceptable standard of accommodation.
- 9.3.5. Construction work on adjoining mews developments along the lane is well underway and the subject proposal uses a similar building section that has a two storey elevation to Grosvenor Lane and uses a set back and recessed top floor to the rear. The mews buildings at No.'s 51 and 52 are a welcome introduction to the visual amenity of the lane.
- 9.3.6. It is clear from the design and planning report, which accompany the application, that a coordinated design approach with the neighbouring mews and an appropriate balance between the requirements of the existing main house and the new mews house on the lane has been achieved. The new mews dwelling is subservient to the main house in height and scale. The design, materials proposed and finishes are of high architectural quality and merit. The new mews house will be a positive contribution to the existing lane context, materials are robust and refined. It has been designed to match the eaves and ridge height of the neighbouring mews to the rear of No. 51 Leinster Road (PL Ref. 3650/21 which is concurrently under appeal ABP-

312378) I agree that the layout and design, part two storey and part three storey, designed to be largely contained within the envelope of a typical two storey house, provides an efficient and effective means of achieving a family home in the city with high quality adaptable and flexible living space.

- 9.3.7. Overall, I consider that the proposed design would have a positive visual Impact on the streetscape in Grosvenor Lane. While the new dwelling falls within the curtilage of a protected structure, No. 52 Leinster Road it is a separate and subordinate structure well set back and of high quality and design and fits with the urban grain, replacing a shed constructed from modern concrete rendered blockwork with a flat roof.

9.4. **Overlooking from New Mews House.**

- 9.4.1. The mews dwelling has clearly been designed to ameliorate concerns of overlooking between the rear of the dwelling and No. 52 Leinster Road the host dwelling. The first floor terrace set back some 21.6m from the rear return of No. 52 and the third floor set back some 17.6m from the main house. While terraces for private amenity space is proposed at first and third floors they would be adequately screened by a 1.7m high screen to prevent overlooking and prevent noise at first floor. A raised planted area is proposed to the set back top floor bedroom and covered terrace area to provide screening and reduce overlooking.
- 9.4.2. Concern is expressed by No.'s 81 and 82 Grosvenor Square with respect to overlooking and overbearing to the rear of their properties, located to the north west on the opposite side of Grosvenor Lane. I note in agreement with the assessment of the planning authority that windows at first floor would be set 5.5m from the rear boundary wall of No.'s 81 and 82 Grosvenor Square and at least 22m from the rear windows of those dwellings at first floor level. The level of separation would be in line with CDP standards and would be acceptable from a residential amenity perspective. The subject proposal is for an architecturally designed and considered infill mews house, on a substantial plot of land, with a strong precedent set for similar development on adjoining sites and should be welcomed. Regard is had to the current need for housing and the benefit of densification including reduced land consumption, improved organization of public transport, improved thermal performance of buildings, and increased vibrant nature of existing districts.

9.4.3. Given the separation distances and design I consider that the potential for undue overlooking or overbearing of adjoining properties has been satisfactorily addressed in the application.

9.5. Access Arrangements and Carparking.

9.5.1. I note the concerns of residents with respect to width of the lane, suitability for car access, pedestrian safety, emergency access, car parking and access to the proposed in-curtilage car parking space.

9.5.2. DCC transportation department have reviewed the application and have submitted a comprehensive report, as in the case of the adjoining mews development at no. 51 Leinster Road, a copy of which is attached to the file and included within the planning authority's assessment. It is considered that the laneway access as proposed is acceptable in this instance, no concerns are raised.

9.5.3. It is clearly stated in the DCC report that the lane has been taken in charge by DCC. Existing and permitted mews developments along Grosvenor lane are noted. Having regard to the transportation report I have no concerns with respect to creation of a traffic hazard. The proposed development will be set back to provide a 5.5m wide carriageway, width of the lane is increased to the front of the site which is in accordance with the CDP requirements and standards.

9.5.4. It is submitted that the lane is a through road and not a cul de sac and as such is fully and safely accessible. There is a strong precedent set for mews development along the laneway and a refusal of permission on grounds of access or safety would not in my opinion be appropriate. Issues of concern have been adequately addressed in the application. Auto-track drawings submitted as part of the scheme have demonstrated conclusively that vehicles would be able to enter and leave the site safely. While the laneway behind No. 53 is slightly narrower than in front of the subject lands, there is still ample space for a vehicle.

9.6. Historic Stone Boundary Wall and Condition No. 3 of DCC Reg. Ref. 2739/21

9.6.1. Third party concern has been raised with respect to the retention of the historic boundary walls abutting no.'s 51 and 53 Leinster Road. It is noted that condition 3 attached by the PA to PI Reg 2739-21 requires the retention of the historic walls.

I note Condition 3 states:

“The development shall be revised as follows: a) The historic stone boundary walls adjoining Nos. 51 & 53 Leinster Road shall be retained. Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings.

Reason: In the interests of orderly development and visual amenity”.

- 9.6.2. I note that a similar condition (requiring the retention of historic walls adjoining Nos. 50 & 52 Leinster Road shall be retained) was attached to the mews dwelling granted at No. 51 under 3650/21. However, in that case the applicant sought by way of first party appeal to remove the condition.
- 9.6.3. In the case of No. 51 which was submitted after the subject appeal case the applicant submits that the removal of the boundary wall adjoining No. 52 was agreed with the Conservation Officer of DCC before the planning application was submitted and this was noted in the application. Emails attached to that appeal (Appendix A) substantiate discussion and agreement reached.
- 9.6.4. No conservation report was prepared for the application site at No. 51 and it is contended that the planner relied upon the conservation report prepared for the subject application site at No. 52 (neighbouring site). It is argued in the case of the neighbouring development at No. 51 (the later development proposal) that the most up to date opinion of the conservation officer was not relied upon.
- 9.6.5. Having carried out a site visit, considered the photographic details on file and the argument put forward by the applicant for development of both sites I consider that there is merit for the coordinated design approach proposed. It is proposed that the two mews houses be built beside each other with the removal of a portion of the stone boundary wall between them. The two new mews houses at No. 51 and 52 will match in eaves and ridge heights between the houses, and introduce a step in the elevation to delineate the historic plot size and division. I agree that the removal of this section of boundary wall will enhance the streetscape to Grosvenor Lane and allows a coordinated approach for the two mews houses.

- 9.6.6. It is submitted that while the houses (No's 51 & 52 Leinster Road) are protected structures, it is notable that boundary walls are not included within the RPS listing. I consider there is merit to the argument that the front streetscape and character of the dwelling would be considered to be the main reason for their inclusion on the RPS, the rear of the properties facing onto the lane has little architectural merit. The integrated approach will in my opinion enhance the streetscape.
- 9.6.7. I note and welcome the proposal (in the case of 312378/22 at no. 51) that the stone from the removed garden wall will be reused on site to repair remaining garden walls and for a new boundary wall to the rear to separate the mews site from the main house. I note the correspondence from the conservation officer on the later file, it is clear that to support the coordinated elevation to the lane and coherent design approach, the Conservation Officer was at preplanning stage in favour of the approach, subject to condition with respect to reuse of the stone and a full drawing and photographic survey of the existing historic walls.
- 9.6.8. Therefore, in the aim of consistency and to provide an enhanced quality to the streetscape of Grosvenor Lane, I recommend that condition no. 3 be omitted from the subject permission.

10.0 Recommendation

- 10.1. Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

11.0 Reasons and Considerations

- 11.1.1. Having regard to the Z2 zoning objective pertaining to the site it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would be acceptable from a visual amenity perspective and would generally be acceptable in terms of traffic safety and convenience. The proposed development will therefore be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars lodged with the planning authority 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. Prior to the commencement of development, a full drawing survey including a photographic record of all existing historic boundary walls and detailed schedules of any repair and reinstatement works to the original walls shall be submitted to and approved in writing by the Planning Authority. The submitted details shall include a method statement for the raking out and re-pointing of the stonework and associated repair details, together with details of the historic stone coursing, sizes of stone as well as mortar colour.

Reason: In the interests of conservation.

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed mews dwelling without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site

compound, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

5. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. The developer shall comply with the following requirements of the Transport Planning Division of Dublin City Council:

i) Vehicular entrance shall not have outward opening gates.

ii) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

iii) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

iv) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interests of traffic safety.

8. Water supply and drainage arrangements, including the attenuation and 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.

9. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

10. Proposals for a name and numbering scheme for the proposed development shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.

11. A plan containing details for the management of waste, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste, especially recyclable materials, in the interest of protecting the environment.

12. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:-

(i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.

(ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

13. 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.

Fiona Fair
Senior Planning Inspector

21.07.2022