



An
Bord
Pleanála

Inspector's Report

ABP-311041-21

Development	Restoration of previously derelict mews to provide a two-storey dwelling house.
Location	24 Trafalgar Lane, Monkstown. The site is located within the curtilage of 43 Seapoint Avenue, a Protected Structure, and within an Architectural Conservation Area.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21A/0452
Applicant(s)	Mary Eleanor O' Donnell
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Colin Lowe, Hilda Markey and others
Observer(s)	None

Date of Site Inspection

1st November 2021

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site is located at the end of Trafalgar Lane, Monkstown, Co. Dublin. The site is located within the Monkstown ACA and is a former mews dwelling associated with No. 43 Seapoint Avenue, a designated protected structure in the current Development Plan. The site is currently boarded up and there appears to have been some recent renovation works on the mews dwelling.
- 1.2. Trafalgar Lane is limited in width and has been developed with mews dwellings dating back many years.

2.0 Proposed Development

- 2.1. The subject application seeks to complete the permitted works granted under the history application and to provide modifications to the design. The modifications include the alteration of the roof profile, revision of the alignment of the eastern elevation of the projection, the omission of a roof light, the relocation of permitted fenestration on the western elevation, the omission of a large square window on the rear elevation and the provision of new windows on this elevation, new openings on the rear elevation of the dwelling, together with new pedestrian gates from the rear garden onto the laneway.
- 2.2. A Conservation Statement and photographic report is included in the application documentation.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 12 No. Conditions.

Condition 2 required that notwithstanding exemptions including Class 1, Class 3, and Class 7 of Part 1, and Schedule 2 of the Planning and Development Regulations, 2001 (as amended), there shall be no extensions, sheds/ stores, or front porch constructed, to the indicated south end of site, yard, and lane entrance door(s) opening, without a prior grant of permission.

Condition 3 required that only works for demolition on the plans lodged with the application shall be removed.

Condition 4 required that a conservation expert shall be employed to manage, monitor and implement the works on the site, to ensure adequate protection of the retained and historic fabric during the works.

Condition 7 (a) required that the proposed new pedestrian gate shall open inwards.

Condition 8 (b) required that existing materials from demolished structures shall, where possible, be re-used and recycled.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The planner's report considered that the proposed works were not considered to result in an adverse impact on the protected structure.

3.2.2. Other Technical Reports

Conservation Report: No objection subject to a condition requiring a conservation expert to manage, monitor and implement the works on site, to ensure adequate protection of the retained and historic fabric.

Drainage Report: No objection subject to condition.

Transportation Report: No objection subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. No reports.

3.4. **Third Party Observations**

3.4.1. Six No. third party objections were submitted to the Planning Authority. The issues raised are similar to those raised in the grounds of appeal.

4.0 Planning History

PA D10/0142E

Permission granted for extension of duration of PA D10/0142. This permission expired on the 5th of October 2020.

PA D10A/0142/ ABP PL06.236847

Permission granted by Planning Authority and by the Board on appeal for the renovation and redevelopment of the existing derelict mews and adjacent structure to provide one dwelling house.

PA D20A/0609/ ABP PL 309796-21

Permission granted by PA and by the Board on appeal for alterations to existing north facing boundary of No. 43 Seapoint Avenue to include a pedestrian entrance and a revised vehicular entrance.

5.0 Policy Context

5.1. Development Plan

5.1.1. The relevant Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenities.'

5.1.2. Other Relevant Sections/ Policies

Site is located in Monkstown ACA to the rear of a protected structure.

- Section 6.1.3 Architectural Heritage
- Section 6.1.3.1 Policy AR1
- Section 6.1.4.1 Policy AR12
- Section 6.1.4.2 Policy AR13
- Section 8.2.3.4 Additional Accommodation in Existing Built-up Areas (x) Mews

- Section 8.2.11.2 Architectural Heritage – Protected Structures
- Section 8.2.11.3 Architectural Conservation Areas
- Section 8.2.4.5 Car Parking Standards

5.2. Natural Heritage Designations

- 5.2.1. The nearest European sites are South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary, and South Dublin Bay pNHA c. 0.8km from the site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development in a serviced urban area 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

- 6.1.1. The main grounds of appeal can be summarised as follows:
- No on site car parking has been provided with consequent potential for obstruction on Trafalgar Lane.
 - The original granite wall on the southern boundary of the site should be rebuilt.

6.2. Applicant Response

- The car parking space is located on the southern side of the site and measures 4.8m x 3.03m which complies with the Draft Development Plan. The Transportation Section had no objection.

- The removal of the original granite wall was carried out on foot of the original permission.

6.3. **Planning Authority Response**

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

6.4. **Observations**

- None.

7.0 **Assessment**

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings:

- Car Parking Provision
- Demolition of Stone Wall
- Appropriate Assessment

7.2. **Car Parking Provision**

- 7.2.1. The primary issue raised relates to car parking provision on the site. It is stated that 'No. 24 must have one, on site workable car space. This would maintain the only turning point on the lane, and, thus protect public safety and avoid obstruction of road users.' Difficulties in relation to car parking and emergency access on the lane are outlined.
- 7.2.2. The response submitted by the applicants states that a car parking space has been provided in line with Development Plan requirements.

- 7.2.3. I note that a car parking space has been provided on the site which complies with Development Plan standards in relation to mews development. The car parking space is over 3m in width which complies with the standard set out but is slightly shorter than length required of 5.5m set out in Section 8.2.4.9 of the Plan. However, it is accessed through a courtyard and well set back from the laneway and as such, I have no concerns that any car parking at this location would overhang the laneway or cause an obstruction to other traffic users.
- 7.2.4. I note that the transportation section had no objection to the proposed development. The planner's report noted that there was no turning circle or similar to the front of the dwelling and considered that in the event of a grant of permission a condition could be added (Condition 2) so that the indicated yard area would not be built over. I consider that a similar condition could be added by the Board should the Board be minded to grant permission. As such, I am satisfied that adequate car parking can be provided on site without causing an obstruction to other road users.

7.3. Demolition of Historic Wall

- 7.3.1. I note that the appellants have raised concern regarding the demolition of a historic wall to the south of the site and ask that it is reinstated.
- 7.3.2. The response to the appeal states that this work has been carried out on foot of the previous permission on the site and that the demolition of this wall is required in order to facilitate car parking.
- 7.3.3. I note that some renovations have taken place to the existing mews and these works are considered to be of a high standard. The granite from the demolished stone wall is being reused in the renovations and this is in line with Condition 8(b) of the grant of permission. I note that the report from the Conservation Section considered that the proposed works were acceptable and would not result in any adverse impact on the architectural character or interest of the ACA. The planner's report notes that No. 43 Seapoint Avenue is listed on the Record of Protected Structures and considered that the proposed works would not result in an adverse impact on the Protected Structure.

7.3.4. I concur with this and consider that the demolition of the wall is not visible from any of the protected structures to the north and would not have a detrimental impact on the Monkstown ACA or on No. 43 Seapoint Avenue.

7.4. Appropriate Assessment

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

8.0 Recommendation

8.1. I recommend a grant of permission.

9.0 Reasons and Considerations

Having regard to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022, the planning history of the site, and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety, would not be detrimental to the integrity, character and setting of the protected structure or other protected structures in the vicinity and would not adversely impact on the character of the Monkstown Architectural Conservation Area. The proposed development would

therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, and there shall be no extensions, sheds stores or similar, or front porch constructed within the courtyard to the front of the house without a prior grant of planning permission.</p> <p>Reason: In order to ensure that there is adequate access to the car parking space and adequate turning space in the interests of traffic safety and orderly development.</p>
3.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity</p>
4.	<p>(a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the</p>

	<p>retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.</p> <p>Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.</p>
5.	<p>(a) 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 the commencement of development.</p> <p>(b) Existing materials from demolished structures shall, where possible, be re-used and recycled to include repair works to the existing buildings/ walls on site.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>Drainage requirements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: To ensure adequate servicing of the development and to prevent pollution.</p>
7.	<p>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 intended construction practice for the development, including traffic management, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and the amenities of the area.</p>
8.	<p>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</p>

	<p>Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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 Pleanala to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
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Emer Doyle
Planning Inspector

12th November 2021