



An
Bord
Pleanála

Inspector's Report

ABP-311697-21

Development	Construction of a two storey 3 bedroom mews house, rear and front gardens, with two parking spaces.
Location	Newbridge Mews, Rear 47 Tritonville Road, Dublin 4
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2277/21
Applicant(s)	Philip Anthony Halton
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party
Appellant(s)	Grainne Condon Village Management (No. 1) Company
Observer(s)	Ratha Tep Gwen Wilson
Date of Site Inspection	15 th June 2022
Inspector	Phillippa Joyce

1.0 Site Location and Description

- 1.1. The appeal site is located at Newbridge Mews, Rear of 47 Tritonville Road, in Dublin 4. The site is rectangular in configuration with a stated area of 155 sqm (0.0155 ha). The site comprises part of the historic rear garden area of 47 Tritonville Road and is separated from same by a boundary wall (the properties are under separate ownership). The site is undeveloped, in grass with mature boundaries comprising high stonewalls, tree and hedge vegetation, particularly along the eastern and southern boundaries. The site is level in topography.
- 1.2. Abutting the site to the north are a single storey shed structure and garden area at the rear of 45 Tritonville Road, adjacent to which is a two storey flat roofed detached mews dwelling, referred to as Birdsong, at the rear of 43 Tritonville Road. To the east of the site is the historic host property 47 Tritonville Road, a single storey over basement terrace dwelling, to the south is Hillbrook House, a two storey pitched roofed detached mews dwelling at the rear of 49 Tritonville Road, and to the west is a terrace row of two storey mews dwellings, including Cedar Mews.
- 1.3. Tritonville Road (to the east of the site) and Newbridge Avenue (to the south) are established residential streets accommodating a mix of historic properties. Extending along the rear of these streets are intersecting laneways which provide access to the rear of Tritonville Road and Newbridge Avenue properties, Lansdowne Village estate, and a number of other mews developments. The laneway which extends along the rear of Newbridge Avenue is referred to as Petty Lane, while the laneway to the rear of Tritonville Road is referred to variously as Newbridge Mews, and 'unnamed laneway' in the appeal documentation. The laneways are narrow, (some paved, some parts with double yellow line markings and gravel footpaths), privately owned and maintained. The appeal site accesses onto the Newbridge Mews laneway through an existing gated entrance in the site's western boundary stonewall. Further to the west of the site is the River Dodder.
- 1.4. A letter of consent from the site's landowner to the applicant to make the application accompanies the application documentation.

2.0 Proposed Development

- 2.1. The proposed development, as initially lodged, comprises a two storey, three bedroom detached mews dwelling, with a floor area of 119 sqm, two off-street car parking spaces at the front of the dwelling, access via new a vehicular entrance gate and separate pedestrian gateway onto the laneway, and connections to services. Principal dimensions include c.8.7m in height, c.15.7m depth, and c.6.5m in width.
- 2.2. The proposal was subject of a Further Information (FI) request and a Clarification of FI (CFI) request by the planning authority, which are detailed in the following Section 3.0. In the interests of clarity, the assessment in Section 7.0 is based on the proposed development as revised through FI and CFI plans and particulars, and as granted by the planning authority.

3.0 Planning Authority Decision

3.1. Summary of the Decision

- 3.1.1. On the 27th September 2021, the planning authority issued a notification to grant permission for the proposed development subject to 10 conditions. The conditions are standard in nature, relating to construction management processes (Conditions 3, 4, 5), finalised nature/ design/ operation of the dwelling (Conditions 6, 9, 10), and connection to services/ servicing (Conditions 7, 8).

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's reports are the basis for the planning authority decision. As outlined above, the proposed development was subject to a FI request and a CFI request, to which the applicant submitted amending responses. The key items from the combined planner's reports are summarised as follows:

- Architectural design approach for mews dwelling as a coach house, fenestration treatment and external finishes (stone, brick, timber), positioning within site are considered acceptable;
- Potential overlooking addressed/ privacy protected through the use of timber louvres on windows at first floor level;

- Potential overshadowing of northern property noted but not considered to be unduly adverse and mostly on the adjacent garage structure;
- Laneway is not a cul de sac but a through road providing alternative access via Petty Lane;
- Proposal does not reduce the width of the laneway (Newbridge Mews is an acceptable 5.5m in width at access point from site), and there is no impact on existing vehicular access/ egress arrangements for adjacent properties;
- Principle of a mews dwelling at the site is accepted;
- Requirement for Appropriate Assessment screened out;
- FI requested on the dwelling's private open space (50 sqm required), internal storage provision (5 sqm required), water services items (a flood risk assessment is required as the site location (Fluvial Flood Zone A and Tidal Flood Zone B) is vulnerable to flooding up to 1m in a 1% AEP fluvial event), details on surface water management, and connection to Irish Water wastewater infrastructure (identified c.50m to the south of the site in Newbridge Avenue)), and on-site parking provision (5m depth required);
- FI response includes identification of/ justification for open space provision (13 sqm at front, 45 sqm at rear, with a combined total of 58 sqm), storage provision (c.5.25 sqm indicated at ground floor level), one on-site car parking space with ancillary space for motorcycle/ bicycle parking, and satisfactory proposals for surface water (attenuation on site, use of SuDS, permeable paving for parking area, soft landscaping, roof runoff to discharge to the public system with required storage in the final surface manhole) and wastewater service connections;
- CFI requested on the flood risk assessment and design measures to address potential risk;
- CFI response resulted in an increase in the finished floor level at ground floor (0.3m to 0.55m above street level) in response to flood risk (principal ridge height remains unchanged).

3.2.2. Other Technical Reports

Engineering Department-Drainage Division – initial report requested FI on flood risk assessment and surface water management details; FI response report requested CFI on proposals to address flood risk. CFI response report cites no objection subject to conditions.

Transportation Planning Division: initial report requested FI due to the insufficient size of the on-site car parking space. FI response report cites no objection subject to conditions.

3.3. **Prescribed Bodies**

Irish Water: Initial report noted the absence of wastewater infrastructure in Newbridge Mews and requested a connection enquiry be undertaken as FI to determine feasibility of connection to IW systems. FI response report cited no objection to the proposal subject to conditions including obtaining any necessary third party wayleaves/ permissions.

3.4. **Third Party Observations**

- 3.4.1. Submissions from four third party observers were received by the planning authority during the processing of the application. The two appellants and two observers of this appeal case are the four third party observers that made submissions on the application.
- 3.4.2. The substantive issues raised in the third party submissions form the basis of the grounds of appeal, outlined in detail in Section 6.0 below.

4.0 **Planning History**

Appeal Site

0078/21

Social housing exemption certificate (Section 97) granted on 22nd March 2021 to the applicant in respect of the lands.

5.0 **Policy Context**

5.1. **Development Plan**

Zoning and Use Class

5.1.1. The applicable development plan for the appeal site is the Dublin City Development Plan 2016–2022 (CDP), and the site is zoned 'Z2 – Residential Neighbourhoods (Conservation Areas)' with the objective 'To protect and/ or improve the amenities of residential conservation areas'. Residential is a permissible use in the zoning.

Chapter 11: Built Heritage and Culture

5.1.2. Applicable policy for proposals within Z2 – Residential Neighbourhoods (Conservation Areas) is contained in Chapter 11 of the CDP. Relevant to the appeal determination includes Policy CHC4 which seeks: 'To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include....4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area...'

Chapter 16: Development Standards

5.1.3. Applicable standards for new development in Z2 areas are in Chapter 16 of the CDP. These include plot ratio (Section 16.5), site coverage (Section 16.6), and parking standards (section 16.10.18), and of most relevance to the appeal determination Sections 16.10.2 and 16.10.16 relating to new residential development and specifically to mews dwellings respectively. The key factors for consideration include:

- Plot ratio in Z2 areas of 0.5-2;
- Site coverage in Z2 areas of 45%;
- Car parking bays in conservation areas of 5m in depth and 3m in width;
- Section 16.10.2 Residential Quality Standards:
 - Minimum floor areas – as per DEHLG 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities';

- Private open space – minimum standard of 10 sqm of private open space per bedspace will normally be applied, generally 60-70 sqm is considered sufficient, flexibility in application of standards is allowed for;
- Separation distances – 22m between the rears of 2 storey dwellings, flexibility in application of standards based on design, fenestration, internal dwelling layout;
- Section 16.10.16 Mews Dwellings:
 - Generally confined to two-storey buildings;
 - New dwellings 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;
 - 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;
 - 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;
 - 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 7.5m standard is provided, the 10 sqm of private open space per bedspace standard may be relaxed;
 - Separation 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

- 5.2.1. The appeal site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA. There are no watercourses at or adjacent to the site. The River Dodder is c.151m to the west.
- 5.2.2. The European Site designations in proximity to the appeal site include (measured at closest proximity):
- South Dublin Bay and River Tolka Estuary SPA (site code 004024) is c.684m to the east; and
 - South Dublin Bay SAC (site code 000210) is c.628m to the east.

5.3. Environmental Impact Assessment Screening

- 5.3.1. Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, the separation distances from the nearest sensitive locations, and the extensive flood defences at the River Dodder, 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. Two third party appeals have been made, firstly by Grainne Condon of Cedar Mews, (second mews from the south of the terrace row to the west of the site), and secondly by Village Management (No. 1) Company Limited, owner of the Newbridge Mews laneway.

6.1.2. The following is a summary of the main issues raised in the grounds of appeal:

- Two car parking spaces applied for which exceeds the CDP standard of a maximum of one space;
- Sightlines at the entrance are not sufficient due to views being blocked by the 3.5m high stonewall;
- Due to space restrictions, vehicles will have to forward drive in and reverse out onto the laneway creating a traffic safety issue and potential for conflict with vehicles exiting the opposite mews properties;
- Large window at first floor level in the proposed mews has a direct westerly outlook to Cedar Mews and Casement Mews and will cause an unacceptable loss of privacy;
- Window is only 12m from habitable rooms which falls significantly short of the CDP standard for a 22m separation distance;
- Proposal not in compliance with CDP policy on development in conservation areas, and materially contravenes Z2 zoning objective due to adverse impact on residential amenity of adjacent properties;
- Applicant has not sought consent from the laneway owner, Village Management (No.1) Company (Lansdowne Village Management Company) to access onto the laneway;
- Objection to the ongoing intensification of the laneway by developments in the rear gardens of Tritonville Road and Newbridge Avenue; and
- Challenges are faced by the laneway owners (management and maintenance of the laneway) and a moratorium is requested on additional development onto the laneway until Dublin City Council has taken the laneway in charge.

6.2. Applicant Response

6.2.1. The applicant has responded to the third party appeals, the main points of the response can be summarised as follows:

- Vehicular use of and access onto the laneway has been undertaken for 20 years by the appellant and other users safely and without incident;

- Proposal will not affect or change these conditions/ safe use of the laneway;
- One car parking space and space for a motorcycle are proposed not two car parking spaces;
- Proposed mews has been set back from the opposite dwellings to protect their residential amenity, if necessary tinted glass could be considered;
- CDP 22m separation distance standard relates to opposing windows, i.e. the properties to the rear;
- Lansdowne Village Management Company may own the laneway, but the applicant has a legal right to pass and repass to access his property;
- Proposal is stepped off the laneway edge so no requirement for foundation footing;
- Minimum disruption to the laneway as applicant owns adjacent properties (including rear garden area of 45 Tritonville Road) which can be used for storage of materials during construction; and
- Objection to proposal and future development on the laneway relates to dissatisfaction that the Council has not taken the lane in charge, and is not based on planning grounds.

6.3. **Planning Authority Response**

No response has been received from the planning authority on the appeals.

6.4. **Observations**

6.4.1. Two observations have been made on the appeal, firstly by Gwen Wilson of 47 Tritonville Road, and secondly by Ratha Tep of 45 Tritonville Road. The observations are similar in content, the main points of which can be summarised as follows:

- Not opposed to mews development but must be respectful of amenities of existing houses;
- Increase private open space to the rear of the proposal to the CDP required 60 sqm, the space in the front area should be discounted from the total private

open space provision, and the distance from the site boundary is less than the CDP required 7.5m garden depth;

- Increase the depth between the proposed mews dwelling and the main dwelling through redesign options to achieve the 22m separation distance;
- Limit height of proposed dwelling to prevent overlooking, reduce overshadowing of the main house, and to consider the height compared to other adjacent mews dwellings (reference made to Birdsong which is lower);
- Remove the front setback as it is not in keeping with other laneway developments; and
- Increase privacy measures by fitting opaque glass in first floor windows and remove first floor balcony.

6.5. Further Responses

No further responses were made or received on the appeal.

7.0 Assessment

7.1. Having examined the appeal and application documentation, inspected the site, and having regard to the relevant local policies, I consider the main issues in the appeal to be as follows:

- Principle of Development;
- Design, Siting, and Layout;
- Residential Amenity of Adjacent Properties;
- Access and Parking;
- Water Services Infrastructure;
- Other; and
- Appropriate Assessment Screening.

7.2. Principle of Development

7.2.1. The applicable development plan is the Dublin City Development Plan 2016-2022. The site is zoned 'Z2 – Residential Neighbourhoods (Conservation Areas)' with the

objective 'To protect and/ or improve the amenities of residential conservation areas'. The proposal, comprising a new mews dwelling (residential use), is permissible subject to compliance with other planning considerations.

7.3. Design, Siting, and Layout

- 7.3.1. In respect of design, the proposed dwelling is a two storey, gabled ended pitched roof structure. Elevational treatment of and fenestration design for the dwelling are streamlined, and external finishes comprise a mix of brick, steel, render, timber, and slate. The boundary along the laneway includes for new timber-effect gates (vehicular roller door, pedestrian inward opening door), will retain part of the existing stonewall, with new stonework to match.
- 7.3.2. While concern is raised in the appeal grounds in relation to the dwelling's height and the scale of windows at first floor level, I find these features to be acceptable in terms of pattern of development (there are notable variations in fenestration design and scale of other mews developments along the laneway) and visual amenity impact (architectural design and external finishes will positively contribute to the streetscape along the laneway). Final agreement with the planning authority of finishes and materials can be addressed by condition in the event of a grant of permission.
- 7.3.3. In respect of siting, the proposed dwelling is positioned approximately centrally within the site, with a front hard landscaped area and a rear garden area. To the front of the site, the line of the existing boundary wall is maintained and the dwelling is set back from the laneway edge by c.5m. This arrangement creates a defensible private area from the laneway and allows on-site parking provision and bin storage. While an appellant objects to the access and parking arrangement, and observers seek the re-siting of the proposed dwelling towards/ directly on the laneway, I consider the arrangement as proposed to be satisfactory, safe, and to afford a necessary level of amenity to the proposed mews dwelling (provision of front and rear garden areas). From a review of the case documentation and following my site inspection, there is not a definitive building line at this location along the laneway and accordingly I also consider the siting of the dwelling to be acceptable in terms of streetscape.
- 7.3.4. In respect of layout, the proposed dwelling is a 3 bedroom house (5 bedspaces) with bedrooms and living accommodation provided at both ground and first floor levels. The planning authority addressed floor area/ storage provision during its

assessment. I have reviewed the plans and particulars, and concur with the planning authority in accepting the dwelling to be in compliance with national guidance on accommodation requirements as per CDP policy.

- 7.3.5. The quantum and layout of private open space features in the appeal case. The applicant submits a total of 58 sqm of private open space is provided, 13 sqm in the front garden area and 45 sqm in the rear garden. The observers request additional rear garden space, to the CDP referenced 60 sqm, stating this can be achieved through re-siting the dwelling further towards the laneway thereby also increasing the separation distance from their properties. I have reviewed the site layout plan and other particulars, and consider that the private open space serving the dwelling is that located to the rear of the dwelling, as that to the front of the dwelling is positively noted but constitutes ancillary landscaped area. Notwithstanding, I consider the proposed rear garden area is of sufficient quantum (as a mews dwelling in a relatively dense urban area), adequate depth (7.5m at surface/ ground level notwithstanding the projecting first floor level), and qualitative layout (screening around edges) to comply with CDP standards (which allow for flexibility in quantum), and to ensure that future residents are afforded an acceptable level of amenity.
- 7.3.6. In summary, having regard to the above factors and considerations, in my opinion the proposed mews dwelling is acceptable in design, siting and layout, will not be overbearing or injurious to the visual amenities of adjacent properties, and will contribute to the character of the Newbridge Mews laneway streetscape. I find the proposal to comply with CDP Policy CHC4 in terms of enhancing the character and appearance of the area, satisfies the CDP standards for plot ratio and site coverage in Z2 areas (0.76 and 47% respectively), and the applicable requirements of Section 16.10.16 relating to the design and scale of mews dwellings of the CDP.

7.4. Residential Amenity of Adjacent Properties

- 7.4.1. The adverse impact on the residential amenity of adjacent properties is cited in the grounds of appeal (appellant with address at Cedar Mews, to the west of the site, on the opposite side of the laneway) and raised in the observations (observers with addresses at 45 and 47 Tritonville Road, rear/ opposing properties to the east of the site). Factors determining residential amenity include overlooking, overshadowing,

overbearance (which I have addressed in the subsection above), and nuisance/disturbance associated with traffic, noise, and construction activities.

- 7.4.2. The proposed dwelling is sited along a west-east alignment, with the front elevation having an outlook to the front of the terrace of mews dwellings on the laneway, and the rear elevation having an outlook towards the rear of properties on Tritonville Road. The first floor window in the front elevation of the proposed dwelling is c.12m from that of Cedar Mews, and the first floor window in the rear elevation is c.20m from those of 47 Tritonville Road. Objection to the first floor windows at the front and rear elevations is cited by the appellant and observers respectively. Concerns are raised due to overlooking caused by the excessive size of the windows, the close proximity to adjacent properties, the direct nature of the outlook/ aspect, and the type of room the proposed windows are serving.
- 7.4.3. In respect of overlooking, while I note the concerns raised by the appellant and observers, I consider that the first floor fenestration design incorporates features to address any undue overlooking impact. The first floor elevations include for screening planters on projecting ledges with angled louvres attached to steel frames. The louvres are angled in a southwesterly direction (front elevation) and southeasterly direction (rear elevation) thereby preventing any direct overlooking due-west or due-east towards the respective adjacent properties. I consider this to be an innovative design solution to ameliorate the extent of overlooking of the adjacent properties and the degree of impact, whilst simultaneously providing sufficient privacy to the future residents in the mews dwelling.
- 7.4.4. The requirement for opaque glass in the first floor windows is requested in the appeal grounds, however, I do not consider this necessary due to the effectiveness of the design solution. Furthermore, I consider the internal layout and rooms being served (more actively used living room is to the front, bedroom to the rear of the proposed dwelling) and the separation distances achieved to adjacent properties (c.12m at the front of dwelling across the laneway which is the public interface for the properties, c.20m at the rear of the dwelling with opposing rears of adjacent dwellings) to be sufficient to prevent any undue or unacceptable overlooking. Additionally, in respect of properties to the east of the proposed dwelling on Tritonville Road, I do not consider the potential overlooking to be any greater than

exists at present from the first floor windows of the other two storey mews dwellings on the laneway, Birdsong and Hillbrook House.

- 7.4.5. In respect of overshadowing, due to the orientation of the site, and the siting and height of the proposed dwelling, I do not anticipate any undue overshadowing impacts on properties to the southeast/ south/ southwest. I concur with the assessment of the planning authority that there will be a degree of shadow cast on the adjacent property to the north, and I consider that this will largely be across the existing garage structure. I consider the extent of any such shadow cast to be within acceptable parameters given the sun path and orientation of that site, and the built-up nature of the area.
- 7.4.6. While I consider the design, scale and nature of the proposal to be acceptable, due to the restrictive nature of the site and the building footprint of the mews dwelling within the site, in the event of a grant of permission, I recommend the removal of certain exempted development provisions (additional extensions/ ancillary structures) by condition to protect the amenity of adjacent properties.
- 7.4.7. There will be impacts on the amenity of adjacent properties arising from nuisance/ disturbance associated with traffic, noise, and associated activities during the construction phase of the development. However, due to the nature and scale of the proposal, I consider that these are likely to be temporary, conventional, and within acceptable parameters for same. The impacts can be ameliorated through the implementation of a construction management plan, which I recommend the applicant be conditioned to prepare and agree with the planning authority. Restrictions on hours/ days for site development works should also be addressed by condition.
- 7.4.8. In summary, having regard to the above factors and considerations, in my opinion the overlooking and overshadowing impacts associated with the proposed mews dwelling are not excessive and are within acceptable parameters. I do not consider that the proposed development would seriously injure the residential amenity of adjacent properties, including the historic host property. I find the nature, scale, and design of the proposal to comply with the applicable residential amenity requirements of Sections 16.10.2 and 16.10.16 of the CDP, and do not consider the proposal materially contravenes the Z2 zoning objective which seeks 'To protect

and/ or improve the amenities of residential conservation areas' as submitted in the appeal grounds.

7.5. Access and Parking

- 7.5.1. The existing western boundary of the site comprises a c.2m high stonewall measuring c.6.4m in width. The wall has a vehicular entrance and steel gate through which access is gained to/ from the laneway. The proposed development comprises the retention of part of the existing stonewall, with new stonework to match, a new vehicular entrance (3m in width, timber-effect roller door) and a separate pedestrian entrance (1.2m in width, inward opening, timber-effect door). Objection to the use of the laneway to access the site, the siting of the vehicular entrance gate in the boundary wall, and the on-site parking arrangements for the proposed development feature in the third party appeal grounds.
- 7.5.2. In respect of the use of the laneway, an appeal has been made by the owner of the laneway Village Management (No.1) Company objecting to the proposed dwelling as part of the ongoing intensification of the laneway, which is privately maintained, and requesting a moratorium on additional development onto the laneway until it is taken in charge by Dublin City Council. The applicant has responded to the grounds, stating that he has a legal right to pass and repass along the laneway to access his property, and that the objection relates to dissatisfaction by the appellant about having to manage the laneway.
- 7.5.3. I note there is no response from planning authority on the third party appeals, including any comment on the issue of taking the laneway in charge. In any event, I am satisfied the applicant has sufficient legal interests to have made the application, that a mews dwelling accessed from the laneway is an appropriate form of development at the appeal site, and that any issue relating to land ownership/ consent is a civil matter outside the planning process and subject to Section 34(13) of the Planning and Development Act 2000.
- 7.5.4. In respect of access into the site, the appeal grounds include there being insufficient sightlines at the proposed entrance and the creation of a potential traffic safety issue for other laneway users as vehicles will have to forward drive in and reverse out onto the laneway due to the restrictive nature of the laneway/ entrance point. The applicant has responded to the grounds stating that vehicular use of and access onto

the laneway has been undertaken for 20 years by the appellant and other users safely and without incident, and that the proposal will not affect or change these conditions/ safe use of the laneway.

- 7.5.5. I have reviewed the site layout plan, note that the Transportation Planning Division raised no issue in relation to sightlines finding the width of the laneway at the entrance point of 5.5m to be acceptable for the proposal, and consider from my site inspection that the laneway is a low speed/ low trafficked environment. I concur with the assessment of the planning authority that as the proposal does not reduce the width of the laneway, there is no impact on existing access/ egress arrangements for adjacent properties. Additionally, I consider the traffic generation associated with the proposal to be minimal and easily absorbed into the existing road network.
- 7.5.6. In respect of on-site parking provision, permission for two car parking spaces is included in the description of development. The appeal grounds object to same, which is described as excessive and not complying with CDP policy. On-site car parking provision was considered in the planning authority assessment, with FI response plans and particulars indicating one car parking space (acceptable dimensions) with a wall rack for two bicycle spaces. I note that the Transportation Planning Division cited no objection subject to conditions which form the basis of Condition 8.
- 7.5.7. In the applicant's appeal response, reference is made to one car space and one motorcycle space being provided. Notwithstanding, I consider the on-site parking of a motorcycle and/ or bicycles to be ancillary to the enjoyment of the dwelling. The applicable CDP policy seeks to restrict/ control on-site car parking spaces. As such, in the event of a grant of permission, I consider it necessary to specify by condition that a single space be provided for the mews dwelling. To ensure there is no obstruction of the laneway, I also recommend that the use of the car parking space by the occupier only and that the gates do not open outwards be conditioned.
- 7.5.8. In summary, having regard to the above factors and considerations, in my opinion the applicant has sufficient legal interest to make the application, a mews dwelling is an appropriate form of development at this location accessing from the laneway, the proposed access arrangements (vehicular and pedestrian) are adequate, safe, will not result in a traffic hazard, and the on-site provision of one car parking space and

ancillary motorcycle/ bicycle spaces is acceptable, accords with CDP policy, and should be conditioned accordingly. I am satisfied the proposed development complies with the relevant provisions of Section 16.10.16 and Section 16.10.18 in the CDP in respect of access and parking for new mews dwellings and parking in conservation areas.

7.6. Water Services Infrastructure

- 7.6.1. The applicant proposes to connect the mews dwelling into existing public services in respect of surface water drainage, water supply, and wastewater drainage. The potential flood risk implications (site is located in Fluvial Flood Zone A and Tidal Flood Zone B and vulnerable to flooding), surface water management proposals, and wastewater servicing of the mews dwelling were considered during the planning authority assessment, and subject to a FI request and a CFI request.
- 7.6.2. In the applicant's responses, satisfactory details were provided for surface water management (attenuation on site, use of SuDS, permeable paving for parking area, soft landscaping, roof runoff to discharge to the public system with required storage in the final surface manhole), and the finished floor level at ground floor of the mews dwelling increased from 0.3m to 0.55m above street level in response to flood risk concerns. Irish Water has indicated approval feasibility for connection to the water supply connection in Newbridge Mews laneway/ the wastewater system located in Newbridge Avenue south of the appeal site. In summary, I consider that subject to conditions in respect of the servicing/ connections requirements of the planning authority and Irish Water, the proposed mews dwelling is acceptable.

7.7. Other

- 7.7.1. As the site is zoned for residential purposes and the proposal is for residential development, consideration is required in respect of compliance with Part V requirements. The planning history at the site includes a Section 97 exemption certificate being in place. No condition in respect of same need be attached in the event of a grant of permission.

7.8. Appropriate Assessment Screening

- 7.8.1. Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances

to European Sites, and the absence of ecological and/ or hydrological connections, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

8.0 Recommendation

8.1. I recommend that permission be granted based on the following reasons and considerations, and subject to the attached conditions.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, to the 'Z2 – Residential Neighbourhoods (Conservation Areas)' zoning objective of the site, to the existing pattern of development, and to the nature, design, and scale 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 residential or visual amenities of property in the vicinity, would not be prejudicial to public health, 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 carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 31st day of May 2021 and the 31st day of August 2021, 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 or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the
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	<p>matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>i) One car parking space shall be provided within the curtilage of the mews dwelling;</p> <p>ii) This space shall be kept free from obstruction at all times for use by the occupier of the dwelling and shall not be used for any other purpose than the parking of a vehicle; and</p> <p>iii) Entrance gates shall not open outwards onto the laneway.</p> <p>Reason: To ensure the provision of adequate off-street parking and traffic safety.</p>
3.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Prior to commencement of development, the developer shall submit an acceptable naming and/ or numbering scheme for the written agreement of the planning authority.</p> <p>Reason: In the interest of orderly development.</p>
5.	<p>Drainage arrangements, 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: In the interest of public health and surface water management.</p>
6.	<p>The developer shall enter into water and/ or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health and orderly development.</p>
7.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the</p>

	<p>provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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 residential amenities of property in the vicinity.</p>
9.	<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 noise, dust, debris management measures, traffic management measures, and off-site disposal of construction waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
10.	<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 (front and rear garden areas) of the proposed dwelling, without a prior grant of planning permission.</p> <p>Reason: In the interest of the amenities of the area.</p>
11.	<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</p>

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.

Phillippa Joyce
Senior Planning Inspector

17th June 2022