



An  
Bord  
Pleanála

## Inspector's Report ABP 312378 - 22.

<b>Development</b>	Demolition of shed and construction of mews house to rear of Protected Structure at 51 Leinster Road, Rathmines. mews property will include garage and terrace. Associated site works.
<b>Location</b>	51 Leinster Road, Rathmines, Dublin 6.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	3650/21
<b>Applicant(s)</b>	Kathleen Mangan.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	First and Third Party
<b>Appellant(s)</b>	1. Niall Lynch 2. Kathleen Mangan.
<b>Observer(s)</b>	1. Anthony O'Driscoll 2. Philipp Rahn
<b>Date of Site Inspection</b>	19/07/2022.
<b>Inspector</b>	Fiona Fair.

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## 1.0 Site Location and Description

- 1.1. The application site, No. 51 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 property has a single storey extension to the rear. 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 30 m from the rear wall of the host dwelling No. 51. 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 59sq.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. 51 is currently in multiple residential dwelling units.

## 2.0 Proposed Development

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

PROTECTED STRUCTURE: Planning permission for demolition of existing shed and construction of two storey and part three storey detached mews house (113sq.m) in the rear garden of No. 51, Leinster Road, Rathmines, Dublin 6, a Protected Structure. The new house will include a garage (16.5 sq.m) and vehicular access to Grosvenor Lane, a 1.7m high screened terrace (8.5 sq. m) to the rear on the first floor, roof lights, alterations to existing boundary walls, a 31.5 sq. m garden, and all associated site works.

The proposed development will result in a reduction in the effective width of Grosvenor Lane at this point, from the current 7.4, to 5.5m

## 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 walls shall be submitted to and approved in writing by the Planning Authority.
6. Finishes shall be submitted and agreed.
7. The developer shall comply with the following requirements of the Transport Planning Division of Dublin City Council: (i). A minimum laneway width of 5.5m on Grosvenor Lane shall be provided bounding the mews development. (ii). Vehicular entrance shall not have outward opening gates. (iii). 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. (iv). The developer shall be obliged to comply with the requirements set out in the Code of Practice.
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 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. It is considered reasonable in this instance to consider the three storey nature of the proposed given the precedents set on the lane, while acknowledging that the permissions are on appeal. This is in line with national policy to promote increase densities.

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 an identical designed and proportioned mews dwelling was approved at the rear of No.52 Leinster Road Ref.2739/21 which is under appeal ABP-310957-21.

Therefore, without the decision from the appeal it is considered the scale and massing of the proposed development would not appear incongruous 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 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. In the neighbouring identical application at no. 52 Leinster Road, the Conservation Officer had 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 was considered that the eaves height allows for a greater floor to ceiling height in the living room of the proposed unit and, overall, it was not considered necessary to require any amendment in eaves height from a visual amenity or conservation perspective. This would therefore be considered reasonable in this application, which is identical to the neighbouring property.

The report concludes that given that the proposal is in line with the adjoining site which has been granted planning permission for a mews property and the precedent it sets. While the adjoining sites permission is under appeal the Planning Authority deemed the proposal to be acceptable and that it would not seriously impact on the site or the adjoining sites.

### 3.2.2. Other Technical Reports

- Archaeology, Conservation and Heritage: No report.
- 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

An observation was submitted to this application, from residents from Grosvenor Square. The concerns are the following:

- The proposed negative effect on the residential amenity of the existing dwelling, the proposed development and neighbouring properties.
- The proposals non compliance with the Development Plan standards for residential development.
- The proposals undue negative impact on the character of the protected structure of the site, and adjoining protected structures and conservation objectives of the site. It notes the reduction in the laneway from 7.4m to 5.5m.

### 4.0 Planning History

**1315/96** – Permission granted for extension to existing flats at the rear, but was subsequently refused permission PL 29S.100334 for alterations to the existing flats. The refusal reason included substandard private open space provision and that the proposed development by reason of its scale, height and location which would be out of character with the area.

#### Neighbouring Sites

**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.

**PI Ref. 2739/21** – 52 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 roof terrace on the top floor, roof lights, alterations to existing boundary walls, and all associated site works. The application is under a third party appeal ABP-310957-21

## 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 3<sup>rd</sup> Party Appeal

6.1.1. The decision was appealed by Niall Lynch the owner of No. 84 Grosvenor Square, Rathmines.

- The PA did not adequately address the concerns raised at application stage.
- Cumulative negative impacts of developments along Grosvenor Lane in terms of traffic hazard.
- Erosion of the integrity of local building heritage.
- Compromising of the amenity of properties that bound Grosvenor Lane.
- Inconsistent with CDP Policy on Mews Developments.
- Undesirable precedent.
- Negative impact on residential amenity of existing dwellings.
- Undue negative impact on the Protected Structure on site, adjoining protected structures and the conservation objective for the area
- Implications for road safety and emergency vehicle access.
- Diminution in value of neighbouring property.
- Inappropriate size, scale and design given conservation area status. Opinion and views of the Conservation Officer have been ignored.
- There is precedent to refuse mews dwellings in Z2 zoned lands.
- Constructability is questioned and impacts upon adjoining property boundaries.

- If Condition 3 of the Councils grant of permission is complied with the width of the proposed dwelling and the consequent internal floor spaces would be compromised.
- Appeal accompanied with letter of objection submitted to the PA.

## 6.2. Grounds of First Party Appeal

6.2.1. A first party appeal has been submitted by Works Architecture & Design on behalf of the applicant Kathleen Mangan. It is summarised as follows:

- Appeal against Condition 3 which states:

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.

- 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 the appeal (Appendix A) substantiate discussion and agreement reached.
- No conservation report was prepared for the application site and the planner relied upon the conservation report prepared for the previous decision on the neighbouring No. 52 which did not deal with the particular details of this application at No. 51, or the most up to date opinion of the conservation officer.
- 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.
- 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.

- As well as being the architect on the subject application Works were also the architect involved in Mews developments at No. 57 Leinster Road (4757/18) Granted and currently under construction and No. 52 Leinster Road (2730/21) Granted, currently under third party appeal. Planning permission allowed for the removal of the stone boundary walls on both sides of the Mews House. The stone has been used for repairs.
- A coordinated approach is being put forward which complies with policy on Mews Housing and a unified approach between property owners.
- Respectfully request that the Board support the original application. The existing stone boundary wall adjoining No. 50 B is already to be retained as part of the original application.
- Condition 3 should be omitted to support the coordinated elevation to the lane and coherent design approach, as agreed with the Conservation Officer prior to submitted the application.
- Copies of emails are attached between Works Architecture and Design and the Conservation Department of DCC.

### **6.3. First Party Response to 3<sup>rd</sup> Party Appeal.**

6.3.1. Downey Planning have submitted a response on behalf of the applicant Kathleen Mangan. 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.
- The PA planning report has had due regard to the height of the proposed structure and has considered this aspect of the scheme acceptable.

- A coordinated approach to design of the mews at No. 51 and No. 52 has been taken.
- The property is essentially two storey, with a bedroom in the roof space which slopes away from the boundary fronting Grosvenor Lane.
- The proposed dwelling would have no adverse effect on the surrounding areas cultural heritage.
- The inclusion of a study within the layout should be seen as adapting to the 'new normal' and not as a ploy by the applicant to provide an additional bedroom.
- 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 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.

6.3.2. A Response to the First Party Appeal has been received from Coakley O'Neill Town Planning on behalf of the 3<sup>rd</sup> Party Appellant Niall Lynch.

- In the interests of conservation and visual amenity, Condition No. 3 of the notification of decision to grant permission sets out a requirement that the historic stone boundary walls adjoining No's 50 and 52 Leinster Road are retained.

- There is a fundamental conflict between three issues:
  - The conservation objectives for the protected structure and adjacent protected structure
  - The constructability of the proposed development.
  - The planning status of a second proposed development to the rear of No. 52 Leinster Road, as a protected structure. Concurrently under appeal with ABP.
- The proposed development at no. 51 cannot be constructed without a decision having been made regarding the proposed development to the rear of no. 52, which it would directly impact upon.
- Construction would compromise the conservation objectives relating to the curtilage of the protected structures and the historic architectural character of the area.
- A grant of development at No. 51 would result in an undesirable outcome.
- Preplanning consultations with a planning authority in accordance with Section 247 cannot be relied upon in the assessment of an application.

#### **6.4. Planning Authority Response**

- None received.

#### **6.5. Observations**

6.5.1. Two number observations were received from Philipp Rahn 82 Grosvenor Square and Anthony O'Driscoll of Number 81 Grosvenor Square. They raise some similar issues and are jointly summarised as follows:

- Proposed three storey dwelling will face onto the rear of their houses and gardens with only the narrow Grosvenor Lane as separation.
- Decision to grant permission is irrational, unreasonable and disproportionate.
- Fails to take account of objections raised by neighbours and the conservation officer of DCC.

- The impugned decision relies on authorised and unauthorised precedents, including as-of-yet undecided appeal case relating to a proposed development to the rear of NO. 52 Leinster Road.
- 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.
- Residents regularly park vehicles along this lane reducing its capacity and making it dangerous. Additional houses would compound the problem.
- The scale of the proposal would be excessive and overbearing, particularly within an area designated for conservation protection.
- Overbearing of No. 82 Grosvenor Square, leading to negative impact to privacy and residential amenity.
- In particular, overlooking will result from the large window on the first floor, directly overlooking the rear garden and kitchen of No. 82.
- A dangerous precedent was set with the approval of a three storey structure to the rear of No. 57 Leinster Road (DCC ref. 4757/18). Structure has a negative impact on the historic streetscape and gives rise to overshadowing of neighbouring properties.

## **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. 3650/21**

### 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 an established mews lane, 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.52 Leinster Road Ref.2739/21 which is concurrently under appeal ABP-310957-21. 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 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 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. In the neighbouring identical application at no. 52 Leinster Road, the Conservation Officer had 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 was considered that the eaves height allows for a greater floor to ceiling height in the living room of the

proposed unit and, overall, it was not considered necessary to require any amendment in eaves height from a visual amenity or conservation perspective”.

- 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 necessary 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 are a welcome introduction to the visual amenity of the lane.
- 9.3.6. It is clear from the design statement and conservation method statement, 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. 52 Leinster Road (PL Ref. 2739/21). 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. 51 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 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. 51 Leinster Road the host dwelling. The first floor set back some 24m from the rear return of No. 51 and the third floor set back some 25m from the main house. While a terrace for private amenity space is proposed at first floor it would be adequately screened by a 1.7m high screen to prevent overlooking and prevent noise. A raised planted area is proposed to the set back top floor bedroom to provide screening and reduce overlooking.
- 9.4.2. Concern is expressed by No.'s 81, 82 and 84 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 given a housing shortage and the need to densify on serviced lands within the city. 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, 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 reduces the existing setback on the laneway but the proposed building line provides for a laneway width of 5.5m 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. 3650/21

- 9.6.1. A first party appeal has been submitted against Condition No. 3 attached by the PA to PI Reg 3650-21. It is summarised in detail in section 6.2 above.

- Condition 3 states:

The development shall be revised as follows:

- b) 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.

- 9.6.2. The first party 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 the appeal (Appendix A) substantiate discussion and agreement reached.
- 9.6.3. No conservation report was prepared for the application site and it is contended that the planner relied upon the conservation report prepared for the previous decision on the neighbouring No. 52 which did not deal with the particular details of this application at No. 51, or the most up to date opinion of the conservation officer.
- 9.6.4. Having carried out a site visit, considered the photographic details on file and the argument put forward by the applicant 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.
- 9.6.5. It is submitted that while the house (No. 51 Leinster Road) is a protected structure 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 its inclusion on the RPS, the rear of the property facing onto the lane has little architectural merit. The integrated approach will in my opinion enhance the streetscape.
- 9.6.6. I note and welcome the proposal 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 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.

9.6.7. I recommend that condition no. 3 be omitted.

## 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). A minimum laneway width of 5.5m on Grosvenor Lane shall be provided bounding the mews development.
- (ii). Vehicular entrance shall not have outward opening gates.
- (iii). 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.
- (iv). The developer shall be obliged to comply with the requirements set out in the Code of Practice.

**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.

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Fiona Fair  
Senior Planning Inspector

21.07.2022