



An
Bord
Pleanála

Inspector's Report ABP 312797-22

Development

Demolition of garage and subdivision of site for construction of a two-storey detached house with attic accommodation, first floor balcony and terrace to front and associated site works.

Location

Rear, No 179 South Circular Road, (Lullymore Terrace,) Dublin 8.

Planning Authority

Dublin City Council

P. A. Reg. Ref.

3920/21.

Applicant

Brian Merriman.

Type of Application

Permission.

Decision

Grant Permission

Type of Appeal

First Party X Conditions

Appellant

Brian Merriman

Date of Inspection

15th April, 2022.

Inspector

Jane Dennehy

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1.0 Site Location and Description

- 1.1. The site is that of No 179 South Circular Road, a nineteenth century house and the plot extends through to and includes a garage structure with an up and over door with access from Lullymore Terrace, a private lane, a cul de sac on the north side of the Grand Canal accessed from Donore Avenue to the west. The rear boundaries walls or sheds and garages of properties on South Circular Road are to each side of the application site. A two-storey dwelling is located at eastern end of the lane and a terrace of four similar mews dwellings are located to the west side. The stated site area according to the application is 225 square metres.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority for subdivision of the original plot, for demolition of the existing garage structure, the stated area of which is sixty-one square metres and for construction of a dwelling with a stated floor area of 198 square metres. The dwelling design provides for accommodation at ground, first and second floor/attic levels incorporating a balcony at first floor level and a terrace at second floor level.
- 2.2. The proposed development includes a carport opening onto Lullymore Terrace within which there is space for refuse storage.
- 2.3. The stated plot ratio is 0.90 plot ratio and the stated site coverage is thirty-five percent.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 25th January, 2022 the planning authority decided to grant permission for the proposed development subject to conditions which include requirement for modifications to the proposed development under Condition No 3. the appealed condition. (See section 6 below.)

3.2. Planning Authority Reports

- 3.2.1. The report of the planning officer indicates acceptance in principle of the proposed dwelling but that in the case of the subject proposal the scale and mass which is greater than that of the adjoining permitted mews dwellings is excessive and that consistency along lane is required due to the location within the Grand Canal Corridor Conservation area. It is noted that the dwelling depth is seventeen metres whereas that of the existing mews dwellings is 15.155 metres and recommended that the depth be reduced to that of the existing mews and that a second floor/attic level bedroom and balcony be omitted bringing the roof profile, eaves and height in line with the surrounding mews.
- 3.2.2. There is no objection in the Transportation Planning Division indicates acceptance of the proposal. It notes the loss of an on-street parking space but indicates that this acceptable in this instance having regard to other permitted development on the lane. and Drainage Division's report subject to standard conditions.

3.3. Third Party Observations

- 3.3.1. A submission as lodged on behalf of occupants of five properties on South Circular Road with the planning authority in which support for the proposed development is indicated it being stated that some property owners have and intend to develop mews dwellings at the end of their properties it is understood that there is a shared right of way through the properties to Lullymore Terrace.

4.0 Planning History

- 4.1.1. There is no record of planning history for the site.
- 4.1.2. The planning officer in his report has also included an account of permitted developments at the rear of properties on South Circular Road. (Nos 169, 171, 175, 187, 189 and 191.) The permitted developments at the rear of Nos 175 and 169 South Circular Road have not been to date been taken up.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site comes within an area subject to the zoning objective: Z2 “to protect and or improve the residential amenities of residential conservation areas.” The location comes within the ‘Grand Canal Conservation Corridor.’
- 5.1.2. For ‘Z2’ zoned lands, the indicative site coverage is 45% and the indicative plot ratio is 0.5-2.0 according to section 16.5
- 5.1.3. Policy Objective CHC4 and section 11.1.5.4 provide for protection of the special interests and character of all Conservation Areas with new development being required to contribute positively and to enhance the character, appearance and setting of the area where possible.
- 5.1.4. Policy objective QH 8 provides for favourably consideration of higher density development on vacant and underutilised sites which respects the urban design and established character of development in the area.
- 5.1.5. Development management standards are in chapter 16. Residential quality standards are in section 16.10.2 and 16.10.3, and Standards for mews lane development are set out in section 16 10.16.

6.0 The Appeal

- 6.1.1. An appeal solely against Condition No 3 attached to the decision to grant permission by the planning authority was lodged on behalf of the applicant. The appeal is detailed and includes drawings and images, a detailed account of prior grants of permission for development at surrounding sites with frontage onto Lullymore Terrace at the rear of Nos 169, 171, 175, 187, 189 and 191 South Circular Road and several extracts from the planning officer’s report
- 6.1.2. Condition No 3 is reproduced in full below:

“The development shall be revised as follows:

a) The second floor (attic floor) *including balcony/terrace shall be omitted from the development and the roof profile shall be amended to match the scale, eaves and ridge height and pitch of the adjacent permitted mews development Reg. Ref. 2771/20 and Reg. Ref. 2181/17.*

b) *The depth of the house shall be reduced to 15.155 metres to match adjacent permitted mews development Reg. Ref. 2771/20 and Reg. Ref. 2181/17.*

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings.

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

6.1.3. The appeal grounds are outlined below:

- The omission and modifications required would have fundamental negative impact on the dwelling design and its internal layout. The design is of architectural merit and the dwelling would be indistinguishable in scale and mass from existing mews houses developed on Lullymore Terrace, with no adverse visual impact on the character of the mews lane and the Grand Canal Conservation corridor. There is a flat roof sloped to the front and provides for the balcony terrace which is a similar feature at other dwellings on the lane.
- There is no justification for the reduction in depth to that of the existing houses, the 1.845 metres additional depth is slight and would not disrupt visual amenity along the Canal corridor as it would be illegible and the rationale for the requirement for omission of the attic level terrace and bedroom in the applicant’s report is weak. The required omission which would result in severe impact on the dwelling, in which a floor is to be omitted would have a credible rationale. The submitted contiguous elevation shows that the proposed development does not create a visually divergence because there is similar height at the existing mews, the proposed development amounting to a high-quality addition.

- There is no negative impact on adjoining properties including the existing dwelling at No 179 South Circular Road. The reduction in depth is not necessary to address overlooking or overshadowing or overbearing impact. The adjoining for mews has a first-floor bedroom with roof level windows and full width balcony that overlook gardens at adjoining properties whereas this impact is avoided in the proposed dwelling design by way of the front level terrace and opaque light. A part three storey element to mews dwellings can be successful as an addition to streetscapes. Images of permitted mews lane developments at Ranelagh incorporating a three-storey element are provided.
- With regard to the CDP policies, objective and standards for mews lane development in the CDP extracts from which are included in the appeal, it is submitted that:

As the properties are in individual ownerships a unified or masterplan approach, encouraged in the CDP is not required and the site is suitable for an individual scheme and a site-specific response which is sensitive to the surrounding area.

There is no original coach house or similar on the site so requirements in respect of existing coach houses, their profiles and fabric are irrelevant.

It is not essential that a mews development be confined to two storeys, the subject two storey proposal with setback attic floor with subordinate height to the main dwelling being appropriate for a high-quality environment for the occupants and privacy and amenity at adjoining properties.

A requirement for mews lane development in the form of a terrace and, avoidance of amalgamation of plots on mews lanes, is not applicable.

The lane's width is in excess of the minimum required at 5.3 metres and an off-street parking space is in accordance with parking standards and the rear garden at seventy-two square metres in area is in excess of the minimum size for a three-bed dwelling according to the CDP and, twenty-two metres separation distance from the windows of the

main house is achieved and in additional optimal privacy is provided for in the design for residents.

- The Z2 zoning objective does not reflect the context of the site. This designation only relates to the character the buildings and architectural character and composition of the streetscape along the South Circular Road and not the rear lane. The dwelling would not be visible from the South Circular Road. The requirement of the planning authority for the modification to ensure uniformity along the Canal corridor is an unnecessary overstatement.
- There are existing inconsistencies along the Grand Canal Corridor with a wide variety in scale, form, land use and architecture. The site is adjacent to the Aircon Hire building in which there are numerous forklifts in views from the Grand Canal Corridor and there are other irregular industrial type developments in the vicinity. The mews is a modest infill.

6.2. Planning Authority Response

There is no submission from the planning authority on file.

7.0 Assessment

- 7.1. The application lodged with the planning authority and its assessment and decision to grant permission have been reviewed and it agreed that other than the matters within the appeal condition for which further consideration is required, that consideration *de novo*, (as the application had been made to the Board in the first instance) is unwarranted and it is therefore considered reasonable to determine the appeal in accordance with the provisions of section 139 of the Act.
- 7.2. As such, the requirements under Condition No 3, (quoted in full in para 6.1.2 above) for (a) omission of the second-floor balcony and terrace with corresponding modifications to the roof profile to match that of the adjoining mews dwellings and (b) reduction in depth from seventeen metres to correspond to that of the existing mews dwellings at circa 15.155 metres are therefore considered below.

- 7.3. The contention as to the inappropriateness of the 'Z2' zoning objective to the site location along Lullymore Terrace is rejected. The site formation is from part of the historic plot and curtilage of the dwelling on South Circular Road. The Grand Canal Corridor and the views along and across it are of major significance to the historic industrial heritage of the city as a result of which its protection of character and visual amenity as provided for in the CDP are both justified and reasonable. With regard to the contentions as to poor visual amenities by way of the existing built environment along the Grand Canal Conservation Corridor, it should be noted that various non-conforming uses are legacy developments whereas new development proposals are subject to the rigorous requirements of current day assessments as provided for in the planning framework which would not allow scope for deterioration in the architectural characteristics and environmental quality, seeks enhancements and, at a minimum in certain circumstances, an outcome that is at least neutral. The area has been subject to an evolving changing character in the built environment and in land uses.
- 7.4. The Grand Canal Conservation Corridor, aside from considerations associated with the specific and zoning objectives is a significant feature in the city's green infrastructure and public visual and recreational amenity resource with the streetscapes overlooking it from either side are prominent in views along the public road and along the canal side paths.
- 7.5. The depth relative to the depth of the permitted dwellings at approx. seventeen metres is not insignificant in terms of extent of mass to the top of the first floor and second floor. With possible future infill of the remaining site for which mews lane development has neither is existing or has a grant of of planning permission visual conspicuousness and obtrusiveness in views the south west and south east are not a major concern. Nevertheless, the dwelling would have a significant projection beyond the northern, inner building line of the existing mews dwellings and it arguable that the proposed development would set present for haphazard development in footprint and form.
- 7.6. Historically coach houses their stable yards and entrance arches on the frontage of rear access lanes at eighteenth and nineteenth century properties followed an orderly pattern across the plots characterised by a rigid building line at front overlooking a stable yard and the entrance and, at the rear overlooking gardens and

facing towards the rear elevation windows in the original dwelling. Irrespective of whether there is little or no remaining historic fabric surviving, it is desirable that these features be retained, having regard to the 'Z2' zoning objective and those for mews lane developments within the CDP which encourage a coherent approach.

- 7.7. With regard to the second floor/attic level there is a similar argument with regard to the desirability of orderly and relative homogeneity in mews lane development at Lullymore Terrace. The roof profile and upper levels of the facades and features above the ground floor are prominent in medium to longer range views. These elements have additional prominence in views towards Lullymore Terrace from vantage points at higher levels, on the opposite side of the Grand Canal along Parnell Road and the bridge at Donore Avenue within the public realm.
- 7.8. It is noted that a south facing roof terrace off the main living and kitchen dining accommodation at first floor level, similar to the terraces at the block of four mews dwellings is included within the design for the proposed dwelling.
- 7.9. The second-floor roof profile which is dominated by the large terrace balcony with access from the bedroom accommodation at this level is in stark contrast to the simple profile from ridge to eaves in the front elevation of the existing block of four mews in which lighting is provided through rooflights.
- 7.10. The point made in the appeal as to the benefit in terms of avoidance of overlooking from roof level windows and a balcony as is contended in respect of the existing mews dwellings by way of the attic level south facing windows and terrace is noted but this is not a consideration that justifies favourable consideration.
- 7.11. Finally, the modifications required would result in a reduction in the size of the proposed internal accommodation and omission of the two attic level bedrooms, the development as modified under condition No 3 delivers a viable dwelling with a high quality habitable accommodation, (with scope for consideration of a second bedroom in substitution for the snug shown at ground floor level) and generous external space in the form of the first floor south facing terrace and the private garden space. In this regard, it is not accepted that the required modification should be set aside on grounds the modifications render the quantum and quality of the accommodation within the proposed dwelling to be substandard.

7.12. Environmental Impact Assessment Screening

Having regard to the nature of the proposed development and its location in a serviced inner suburban area removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.13. Appropriate Assessment Screening.

Having regard to the location and to the nature of the proposed development in a serviced inner suburban area in the city, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1.1. It can be concluded that there are no material considerations with regard to the current proposal, the planning context, or to planning policy, that would warrant a reversal of the decision to include the requirement for medications to the proposed development set out under Condition No 3 attached to the grant permission. In view of the foregoing, it is recommended that the planning authority decision be directed to attach Condition No 3.

9.0 Reasons and Considerations

Having regard to existing and permitted development in the area and to Dublin City Development Plan, 2016-2022 according to which the site location is within an area subject to the zoning objective Z2 "*To protect and or improve the amenities of residential conservation areas.*" (Residential neighbourhoods / Conservation Areas and to the provisions for Mews Lane development in Section 16. 10.6 thereof, it is considered that the proposed attic/second floor and balcony terrace would be visually obtrusive and conspicuous and out of character with the established roof profiles for existing and permitted mews development on Lullymore Terrace which overlook the Grand Canal Conservation Corridor and that the dwelling depth which encroaches the established building line of existing mews development would result

in a haphazard form of mews lane development. As a result, these elements of the proposed development would seriously injure and detract from the visual amenities of the Grand Canal Conservation Corridor and the integrity and architectural character of Lullymore Terrace and, would set undesirable precedent for further similar development within areas subject to similar zoning and specific objectives and standards. As a result, the proposed development would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy

Senior Planning Inspector

17th April, 2022.