



An
Bord
Pleanála

Inspector's Report

ABP-312831-22

Development	Demolition of structures, construction of a two storey apartment building consisting of 2 apartments and all associated site works.
Location	Site to rear of No. 17 Richmond Street North, accessed via St Joseph's Villas, Dublin, 1 D01 T6T2
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3024/21
Applicant(s)	SRM Developments Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	SRM Developments Limited.
Observer(s)	None.
Date of Site Inspection	23.09.2022
Inspector	Fiona Fair

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1.0 Site Location and Description

- 1.1. The site consists of an existing three-storey over basement house situated on the east side of Richmond Street North off North Circular Road, opposite O'Connell's Schools in a Z2-zoned residential conservation area.
- 1.2. The existing house is a two-bay three-storey over basement red brick house, with the front boundary consisting of a railed area above a low plinth wall, and with steps leading down to the basement. The house has a rear single storey extension and a shed behind this, with an area of garden/yard to the side of the extension and shed.
- 1.3. To the rear of the house is a single storey garage, which fronts onto the west side of an existing cobbled laneway, known as St. Joseph's Villas, which includes a number of garages and other mainly one-storey structures, with one two-storey structure further north. A small two storey dwelling (No. 21 Richmond St) is located at the junction of Richmond Street and St. Joseph's Villas, its fronts onto Richmond Street. The rear of houses on Richmond Cottages back onto the eastern side of the lane (Saint Joseph's Villas) at an obtuse angle.
- 1.4. Further north on the east side of the laneway is a small cul de sac which is fronted by two derelict houses and the side of a commercial building.
- 1.5. The site has a stated area of 206.7m². The area of the existing house is not stated, although it is stated that areas to be demolished (i.e. garage and shed) have an area of 63.58m².

2.0 Proposed Development

- 2.1. The development will consist of:
 - The demolition of a single storey garage structure and a single storey outbuilding
 - The construction of a two storey apartment building consisting of:
 - 2 no. one bedroom apartments, including a balcony at first floor level to the front of the proposed property, facing onto St Joseph's Villas.
 - a new boundary wall within the curtilage of No 17 Richmond Street North.
 - together with bicycle storage, bin storage, landscaping, and

- all associated site works and services.

3.0 Planning Authority Decision

3.1. Decision

Refuse Permission for one number reason, namely:

“1. The existing laneway of St. Joseph’s Villas from which the proposed mews development would gain access is currently substandard. Having regard to this, and to the failure to provide an adequate setback from the lane to allow a footpath, it is considered that, pending improvement in access, the proposed development, in itself and in the precedent it would set for further mews dwellings along the lane, would endanger public safety by reason of traffic hazard”.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Initial Report requested Further information with respect to:

1. In relation to the existing house at No. 17 Richmond Street North, which is shown as being part of the site, the applicant is requested to submit the following:

- a) Clarification in relation to the existing use of No. 17, including whether it is in single or multiple occupancy, with floor plans and details of the number of bedspaces.
- b) In the event that the house is subdivided into multiple units, details of any planning permission for this subdivision, together with details of the location of communal open space, bicycle parking and refuse storage for the units.
- c) The applicant is requested to clarify the purpose of the proposed shared walkway and gate leading through from St. Joseph’s Villas to the existing house at No. 17 and to clarify whether any facilities (including communal open space, bicycle parking or refuse storage) would be shared between the proposed development and the existing house.

- d) Accurate figures for the proposed plot ratio and site coverage, based on the total floor area of the existing and proposed development, including the floor area of the existing house at No. 17.
2. The applicant is requested to clarify why permission is being sought for two apartments and not for a single mews house which could provide a more sustainable long term residential use on the site.
 3. The proposal provides for a bedroom window in the north (side) elevation of the proposed development, which would overlook the rear garden of the adjoining house at No. 16 Richmond Street North. In this regard the applicant is invited to propose a design response which would provide adequate natural light to the upper floor bedroom while maintaining privacy to No. 16.
 4. The applicant is requested to demonstrate whether adequate sunlight and daylight can be provided to the living areas to the two apartments, having regard to the proposed provision of a corten steel frame in front of these.
 5. The applicant is requested to respond to the following transportation concerns:
 - a) In order to establish a precedent for potential future development along the laneway and to provide a safe environment for pedestrians, the applicant is requested to submit revised plans demonstrating the provision of a 1.8 metre footpath along the front boundary of the site.
 - b) There are concerns with the restricted space provided for cycle parking. The applicant is requested to submit revised plans detailing the type and design of the proposed cycle parking ensuring that sufficient space is available for the parking of bicycles. This should be secure, conveniently located, sheltered and well lit.
 - c) Due to the restricted nature of the site, the applicant is requested to submit a preliminary Construction Management Plan.

The subsequent report notes the revised drawings and response to FI. However, ultimately, it refers to the updated transportation report and recommends refusal of permission, solely, due to the substandard width of the laneway, (the requested set back of 1.8m has not been provided and the laneway is only 4.2m wide in front of the site).

3.2.2. Other Technical Reports

- Drainage: No objection subject to conditions.
- Transportation:

Report notes that the site includes a domestic garage which is accessed from a laneway providing rear access to Richmond Street North and Richmond Cottages; access to the proposed development will be from the laneway, which is a cul-de-sac ranging in width from 4.1m to 5m (4.2m in front of the site); the laneway has no footpaths and does not provide through access; no other residential uses have their main access from the lane; given the potential for conflict with vehicles and the potential for future residential developments along the lane, a safe pedestrian environment would be required and revised plans would therefore be required providing a 1.8m setback to allow a footpath in front of the proposed development; no car parking is proposed; the site is in car parking area 2 where a maximum of one car parking space per dwelling is required; no rationale has been submitted for the lack of parking; however, having regard to the proximity to the city centre and availability of public transport in the vicinity, together with the restricted nature of the site and the type of development proposed, this is considered acceptable; two cycle parking spaces are proposed at ground floor level; however, the area appears restricted and further details would be required in relation to the design and type of cycle parking proposed to ensure that sufficient space is provided; a construction management plan would also be required; recommend seeking additional information.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland: Report notes that the site is within area of Section 49 Luas Cross City levy scheme; unless exempt, request that a levy condition be attached to any grant of permission.

3.4. Third Party Observations

None received.

4.0 Planning History

None pertinent to the site.

5.0 Policy Context

5.1. Development Plan

Under the current Dublin City Development Plan (2016-22) the site has zoning objective Z2 – ‘to protect and/or improve the amenities of residential conservation areas’.

Relevant planning policies for residential development are set out under Sections 5 (Quality Housing) and 16 (Development Standards) within Volume 1 of the Development Plan. Under Policy QH1 of the Development Plan, the Planning Authority will have regard to various Ministerial Guidelines, a number of which are listed in Section 5.1.1 below. Policy SC13 of the Plan promotes sustainable densities with due consideration for surrounding residential amenities. Policy QH25 of the Plan encourages the re-introduction of residential uses into the historic areas of the city.

Section 14.8.2 of the plan notes that residential conservation areas are areas which have extensive groupings of buildings and open spaces with an attractive quality of architectural design and scale, such that special care is required in dealing with development proposals which affect structures in the areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works which would have a negative impact on the amenity or architectural heritage of the area. The principal land use is housing but a limited range of other uses can be permitted. In this case there would be no change to the existing residential use on the site, which is in keeping with the zoning objective.

The indicative plot ratio for sites with this zoning objective is between 0.5 and 2.0 while indicative site coverage is 45%.

Section 11.1.5.4 of the plan notes that conservation areas have been designated in recognition of their special interest or unique historic and architectural character and important contribution to the heritage of the city. Designated conservation areas include extensive groupings of buildings or streetscapes and associated open

spaces, including parts of the medieval city, the Georgian cores and the city quays, rivers and canals. The special interest and value of these areas is in their historic and architectural interest and in their design and scale. All of these areas therefore require special care in terms of development proposals affecting both protected and non-protected structures. The planning authority will seek to ensure that development proposals within conservation areas complement the character of the area, including the setting of protected structures, and comply with development standards.

Policy CHC4 of the plan is to protect the special interest and character of all of 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, where possible. Development in conservation areas should not harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the conservation area, or involve the loss of traditional historic or important building forms, features and detailing, including roofscapes, shopfronts, doors, windows and other decorative detail.

National Inventory of Architectural Heritage

The existing house is not a protected structure, but is listed in the National Inventory of Architectural Heritage (NIAH) which assigns it a regional rating, of architectural interest. It is stated that the house was constructed in the 1820s as one of a terrace built for professional classes, which later became tenement dwellings. Although it has lost a number of original features, the house is considered to be important to the integrity of the overall group, retaining proportions and restrained detailing typical of the period and enhancing the historic streetscape.

Mews Dwellings

The standards for mews dwellings are set out in Section 16.10.16 of the development plan. Potential mews laneways should have a minimum width of 5.5m

(or 4.8m where no verges or footpaths are provided) and all mews laneways are considered to be shared surfaces.

Appendix 5 of the development plan sets out further standards for roads and footpaths.

In this regard Section 5.1 allows the planning authority to adopt a flexible attitude in relation to restricted road widths over short lengths where no other practicable solution is possible; however, this does not apply where it is not possible to provide an access of sufficient width to comply with safety and engineering requirements. Private open space should be provided to the rear of the each mews house, with the depth of the open space for the full width of the site to generally not be less than 7.5m unless this is demonstrably impractical to achieve. Where a 7.5m depth of private open space is provided the minimum requirement of 10m² per bedspace will not be applied. If the main house is in multiple occupancy, the amount of private open space remaining should be sufficient to meet the open space requirements for all units. A minimum separation of 22m should be provided between opposing rear windows. This may be relaxed if it is not possible to achieve due to site constraints; however, in such cases, innovative and high quality design will be required to ensure privacy and provide an adequate setting and amenity space for both the main house and the mews dwelling.

The planning authority also actively encourages developments which take a unified approach to the development of residential mews lanes with consensus between all owners. Developments are normally confined to two storeys although in some circumstances three-storey buildings incorporating apartments are considered acceptable. New buildings should complement the character of both the existing building and the mews lane in relation to scale, massing, height, building depth, roof treatment and materials, while the design should represent an innovative architectural response to the site, informed by established building lines and plot widths. One off street parking space should be provided for each mews dwelling, by way of garages, forecourts or courtyards.

Apartment Standards

The floor area standards for new apartments are currently set out in the DOEHLG document – ‘Sustainable Urban Housing: Design Standards for New Apartments’ (December 2015, updated 2018).

The minimum floor area for a studio apartment is 37m², for a one-bedroomed apartment is 45m², for a two-bedroomed apartment is 73m² and for a three-bedroomed apartment is 90m². In developments of 10 units or more, the majority of all units must exceed the minimum floor area by 10%. Studio apartments must be included in the total, but are not calculable as units that exceed that the minimum by at least 10%. In certain circumstances, a two-bedroomed, three-person apartment with a minimum floor area of 63m² may be permitted.

At least 33% of units should be dual aspect in more central and accessible, and some intermediate, locations, defined as on sites near to city or town centres, close to high quality public transport or in SDZ areas, or where it is necessary to ensure good street frontage and subject to high quality design. Where there is a greater freedom in design terms, such as in larger apartment developments on greenfield or standalone brownfield regeneration sites where requirements like street frontage are less onerous, it is an objective to have a minimum of 50% dual aspect apartments, while any three-bedroomed apartments should ideally be dual aspect. Living spaces in apartments should provide for direct sunlight for some part of the day. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect units below the 33% minimum on a case-by-case basis, subject to overall design quality in other regards.

In relation to unit mix, apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios), while there is no minimum requirement for apartments with three or more bedrooms.

In the case of developments of less than ten units there is no restriction on dwelling mix, other than to ensure that no more than 50% of units are studio type units.

Private open space of 4m² per unit is required in the case of studios, 5m² per unit for one bedroomed, 7m² for two-bedroomed and 9m² for three-bedroomed apartments. A further 4m² of communal open space per unit is required in the case

of studios, 5m² per unit in the case of one bedroomed apartments, 7m² for two-bedroomed apartments and 9m² for three-bedroomed apartments. A minimum depth of 1.5m is required for balconies. Internal storage of 3m² is required for studio and one-bedroomed apartments, 6m² for two-bedroomed apartments and 9m² for three bedroomed apartments with individual storage rooms not to exceed 3.5m².

Section 16.10.3 of the development plan also states that 10% of the site area should be reserved for public open space (i.e. amenity space which is publicly accessible and contributes to the city's network of public spaces). While this should normally be located on site, it is noted that in some instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity; this would include cases where it is not feasible, due to site constraints, to locate the space on the site, or where the needs of the population would be better served by the provision of a new park elsewhere in the vicinity. It is stated that, in such cases, financial contributions may be proposed towards the provision and enhancement of open space and landscape in the locality, as set out in the Dublin City Council Parks Programme.

5.1.1. Planning Guidelines

The following planning guidance and strategy documents are relevant:

- Design Manual for Urban Roads and Streets (DMURS) 2019
- National Planning Framework (NPF) – the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040;
- Urban Development and Building Heights Guidelines for Planning Authorities (2018);
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2018);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (2009)

5.2. Natural Heritage Designations

None Relevant.

5.3. EIA Screening,

- 5.3.1. Having regard to the nature of the proposed development comprising demolition of structures, construction of a two storey apartment building consisting of 2 apartments and all associated site works, in an established urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- A First Party Appeal has been submitted by Gravis Planning on behalf of the applicants SRM Developments Limited. It is summarised as follows:
 - The Council in its assessment of the application has acknowledged that the provision of much-needed residential accommodation at this location would be in keeping with the zoning objective “Z2” and would help to animate the lane. It has previously resisted the loss of habitable dwellings on the laneway, citing their streetscape and passive surveillance value and encouraging their renovation.
 - The Council has also acknowledged the proposals compliance with relevant design guidelines, its use of appropriate materials and the need for good quality 1 bed accommodation in this area.
 - Notwithstanding this it has chosen to refuse permission on the basis of the ‘substandard’ nature of the laneway and the lack of setback from the established building line to provide a footpath which, it considered results in this car free proposal endangering public safety by reason of traffic hazard.
 - While the Council does not specify the ‘substandard’ element of the laneway in its refusal reason, from a review of the transportation departments report it appears to be the width of the laneway which is of concern, and the fact it falls below the City Development Plan (CDP) standards for ‘Mews Dwellings’.

- The Council has not cited any Development Plan policy within its refusal reason and based on the Planning Officers report and on the aforementioned Transportation Planning Divisions comments – has had no regard to the application of the Design Manual for Urban Roads and Streets (DMURS) in reaching its decision.
- The application of DMURS is mandatory in Urban Areas – a point emphasised in Policy Objective MT045 of the CDP 2016 – 2022.
- The cobbled laneway from which the development would be accessed provides an ideal shared surface and a safe pedestrian environment.
- In accordance with DMURS the total carriageway width on local shared surface streets such as this should not exceed 4.8m. the proposed development satisfies this. The set-back envisaged by the Council in its RFI would result in a total width well in excess of the maximum requirement under DMURS.
- The proposal will deliver good quality infill development to a highly sustainable and underutilised site in the north inner city. In doing so it will help to bring life back to this historic urban laneway, improving the streetscape and increasing passive surveillance and setting a positive car free precedent for future development.
- The reason for refusal is not justified.
- The Council's approach to the access issue is contrary to DMURS requirements.
- There is precedent in numerous lanes around Dublin for narrower laneway width or equivalent width.
- The design approach is cognisant of the heritage value of the laneway as part of a residential conservation area, has sought to minimise interventions to the established building line or impact upon cobbled surface.
- The design has evolved in response to the Councils request for further information, primarily through the introduction of a roof light for the first floor unit, and the amendment of the corten steel frames to be sliding, adjustable

screens. Both changes are considered positive in terms of residential amenity and privacy.

- A further amendment is proposed in the first party appeal. It is now proposed to set the development back 0.6 from the front building line with the laneway. This would bring the laneways shared surface width up to the maximum 4.8m permissible under DMURS. The applicant is happy to provide further detail of this option should the Board consider it appropriate.
- There is lack of flexibility – in providing for mews development the proposed development differs from a typical mews development.
- The ambient or design speed of the laneway is < than 10kph, as the laneway is relatively short (extends 40m from south end to acute right arm turn and 60m to the northernmost end) there is no reasonable scope for vehicular traffic to accelerate to higher speeds.
- The existing laneway width is in excess of the minimum required for fire service vehicles under the Building Regulations Technical Guidance Document B (Fire Safety)
- The Stephen Reid Consulting Traffic report submits that the ambient low vehicular speeds passing the sites frontage to the junction with Richmond Cottages would be conducive with a shared use with occasional pedestrian activity on the laneway, both existing or as proposed if the development under appeal were to occur.
- The City Development Plan clashes with DMURS
- DMURS compliant design for a shared surface is a maximum of 4.8m width, with no allowance for allowing any extra 0.7m width as per DCC suggestion. There is a clear and obvious reason that the entire width is supposed to be a shared surface.
- It is now proposed to create a set back of the existing site boundary wall to increase the width at the frontage to 4.8m, which would ensure that the privacy sliders and features such as outward opening windows or downpipes would be inside the existing wall line and not project into the shared space of the laneway.

- The appeal is also accompanied with a planning statement. (Raises no new issues).
- The appeal is also accompanied with the response to a request for further information relating to 3024/21 and the Transportation Department Report, in response to the RFI.

6.2. **Applicant Response**

- None relevant

6.3. **Planning Authority Response**

- None received.

6.4. **Observations**

- None received.

6.5. **Further Responses**

- None received.

7.0 **Assessment**

7.1. **Introduction:**

- 7.1.1. There are no third party submissions or observations to the subject proposal. Based on the planning authority report and assessment of the proposal under the provisions of the Dublin City Development Plan 2016-2022, I am satisfied that the redevelopment of the appeal site for residential purposes would comply, in principle, with the “Z2” zoning objectives for this site and would promote the regeneration of this inner-urban infill brownfield site.
- 7.1.2. It is notable that the PA in their assessment of the application has acknowledged the provision of much-needed residential accommodation at this location which it states would help to animate the lane. The PA have previously resisted the loss of habitable dwellings on the laneway, citing their streetscape and passive surveillance

value and encouraging their renovation. The PA has also acknowledged the proposals compliance with relevant design guidelines, its use of appropriate materials and the need for good quality one bed accommodation in this area.

7.1.3. The subject proposals would also support policy QH25 of the Development Plan by reintroducing residential uses into an historic area of the city. As per the Guidelines for Sustainable Residential Development and policies QH7, QH8 and SC13 of the Development Plan, the acceptability or otherwise of the proposed development requires the proposals to respect and integrate with the surrounding character and to have due consideration for the protection of surrounding residents, households and communities. Revised drawings were submitted with the appeal, setting the front building line back by 0.6 m and increasing the width of the laneway to the front of the site to 4.8m, the proposal was also subject to a detailed further information request as set out in section 3.2.1 of this report above.

7.1.4. 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. I consider the principal issues pertaining to the application before the Board are as follows:

- **Reason for Refusal (Carriageway Width & Access Arrangement)**
- **Design Amendment Proposed at Appeal Stage & First floor bedroom window.**
- **Other Issues**
- **Appropriate Assessment (AA)**

7.2. Reason for Refusal (Carriageway Width & Access Arrangement)

7.2.1. Planning permission was refused for one number reason, namely:

“The existing laneway of St. Joseph’s Villas from which the proposed mews development would gain access is currently substandard. Having regard to this, and to the failure to provide an adequate setback from the lane to allow a footpath, it is considered that, pending improvement in access, the proposed development, in itself

and in the precedent, it would set for further mews dwellings along the lane, would endanger public safety by reason of traffic hazard”.

- 7.2.2. The first party submit that while the Council does not specify the ‘substandard’ element of the laneway in its refusal reason, from a review of the transportation department’s report it appears to be the width of the laneway which is of concern, and the fact it falls below the City Development Plan (CDP) standards for ‘Mews Dwellings’, I concur with this opinion.
- 7.2.3. The laneway which forms St. Joseph’s Villas is a cul de sac and is assessed from Richmond Cottages, a one-way west bound street from Richmond Cottages North to Richmond Street North. Traffic using the one-way street is light and it is submitted in the traffic and transportation report which accompanies the appeal, appears to be related to local access to / from the local area. This observation is reasonable in my view. The laneway ranges between 4.2 m and 4.25m in width in the vicinity of the site frontage, to the junction with Richmond cottages (the one-way street). It has a traditional cobblestone finish which extends across the width of the laneway between the walls. The building side wall of No. 21 Richmond Cottages forms the edge of the laneway. The Traffic and Transportation report submits that the ambient or design speed of the laneway is < than 10kph, as the laneway is relatively short (extends 40m from south end to acute right arm turn and 60m to the northernmost end) there is no reasonable scope for vehicular traffic to accelerate to higher speeds.
- 7.2.4. No car parking provision is proposed for the two apartments, i.e. no vehicle turning access manoeuvres are required, while storage for 4 bikes is proposed. The site location is within walking and cycling distance of the city centre amenities and the type of apartment units proposed accords with the recommendations in the Sustainable Urban Housing Standards for New Apartments, Dec 2020. I agree with the first party that there are an increasing element of people who do not want or need to own a car and therefore parking provision is not a factor for them, particularly when there are good options for public transport, walking and cycling and this is bolstered by car clubs such as GoCar, which are readily available in this area.
- 7.2.5. The standards for mews dwellings are set out in Section 16.10.16 of the development plan. It states:

“Potential mews laneways should have a minimum width of 5.5m (or 4.8m where no verges or footpaths are provided) and all mews laneways are considered to be shared surfaces.

Appendix 5 of the development plan sets out further standards for roads and footpaths.

In this regard Section 5.1 allows the planning authority to adopt a flexible attitude in relation to restricted road widths over short lengths where no other practicable solution is possible; however, this does not apply where it is not possible to provide an access of sufficient width to comply with safety and engineering requirements...”

7.2.6. I note that the planners report acknowledges in their assessment that “in providing for two apartments, the proposed development differs from a typical mews development, and it would therefore not be necessary to require compliance with all requirements for mews developments”.

7.2.7. The applicant argues that the maximum width that is recommended for shared surface streets under DMURS is 4.8m. Section 4.4.1 of DMURS states:

“The total carriageway width on local streets where a shared surface is provided should not exceed 4.8m”.

7.2.8. The first party argue that the PA failed to apply flexibility under the CDP when applying standards on carriageway widths to short distances. That this failure to consider any flexibility is confusing in light of the acknowledgement that the proposed development differs from a typical mews developments.

7.2.9. I tend to agree that the PA’s approach to the access issue is contrary to DMURS requirements. That there is precedent in numerous lanes around Dublin for narrower laneway width or equivalent width. That the design approach is cognisant of the heritage value of the laneway as part of a residential conservation area, has sought to minimise interventions to the established building line or impact upon cobbled surface. I note the submission that the existing laneway width is in excess of the minimum required for fire service vehicles under the Building Regulations Technical Guidance Document B (Fire Safety).

7.2.10. The traffic hazard concern appears to be based on potential conflict between pedestrians and vehicles. That the width, improvement in access and the set back

required is to provide a footpath. This is not necessary, as the existing laneway width is in accordance with DMURS requirements for shared surfaces. Also the CDP standards for 'mews laneways' acknowledge, "footpaths need not necessarily be provided."

- 7.2.11. I have had regard to the traffic and transportation report carried out by Stephen Reid Consulting, indicating the ambient or design speed of the laneway, section 4.4 Carriageway Conditions of DMURS (2019) and the situation on the ground observed during my site visit. Cognisance is also had to the CDP requirements and overall I am of the opinion that flexibility is warranted in this case. It will stand on its own assessment and not give rise to a negative precedent. This cobbled historic laneway is quiet and lightly used by local traffic, there is evidence of vacancy, dilapidation and general decay of buildings in the general area. I note the setting back of the building line by a further 0.6m (which results in a minor reduction in floor area of the apartments) and which results in an increase in the width of the laneway to the front of the subject site to 4.8m.
- 7.2.12. Given the foregoing I consider that the proposed development is suitable with reference to local road conditions and would not give rise to a traffic hazard.
- 7.2.13. A balanced and flexible approach is required. The proposed development will deliver good quality infill development to a highly sustainable and underutilised site in the north inner city. I agree that it will help to bring life back to this historic urban laneway, improving the streetscape and increasing passive surveillance, and setting a positive car free precedent for future development.

7.3. Design Amendment Proposed at Appeal Stage & First Floor Bedroom Window.

- 7.3.1. The design has evolved in response to the PA's request for further information, primarily through the introduction of a roof light for the first floor unit, a 2 tier bicycle stand with capacity for 4 bikes and the amendment of the corten steel frames to be sliding, adjustable screens.
- 7.3.2. It is now proposed to create a setback of 0.6m of the existing site boundary wall to increase the width at the frontage to 4.8m, which would ensure that the privacy

sliders and features such as outward opening windows or downpipes would be inside the existing wall line and not project into the shared space of the laneway.

- 7.3.3. The set back to ensure no encroachment occurs to the laneway, bicycle parking and the amendments to the corten steel frames are considered positive in terms of residential amenity and privacy. However, I consider that the proposal to provide natural light to the bedroom of the upper floor unit by means of a rooflight is not acceptable in terms of residential amenity to future occupants. This matter can, however, be overcome by way of condition and compliance. I recommend that should the Board agree with my recommendation to grant planning permission that a condition be attached that requires an alternative means to provide natural light, such as an angled window to the first floor bedroom.

7.4. Other Issues

- 7.4.1. I note the submission from Transport Infrastructure Ireland: Report notes that the site is within an area of Section 49 Luas Cross City levy scheme; unless exempt, request that a levy condition be attached to any grant of permission.
- 7.4.2. The Luas Cross City Supplementary Development Contribution Scheme - St. Stephen's Green to Broombridge Line - Supplementary Development Contribution Scheme sets out that residential development is subject of a contribution of €2000 per unit. The subject site is just within the delineated boundary of the Scheme Map.
- 7.4.3. While I consider this levy harsh in light of current housing need, urban regeneration of this dilapidated lane and overall planning gain of the development for two one bedroom apartments at this location, there appears to be no exemption available.
- 7.4.4. The Scheme is effective in respect of planning applications lodged with Dublin City Council from the 4th of April 2017, where a development contribution is applicable under this Scheme. The Scheme will apply for a period of 30 years.

7.5. Appropriate Assessment

- 7.5.1. The appeal site is not within or adjoining any Natura 2000 site. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed

development would 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. I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the land-use zoning objectives for the site, as set out in the Dublin City Development Plan 2016-2022, to the nature, scale and design of the proposed development and the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would appropriately introduce a residential use onto this inner-city site, would be acceptable in terms of design, height and scale of development, would provide a suitable level of amenity for future occupants, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of access and laneway width and without excessive hindrance to neighbouring properties and would comply with the provisions of DMURS 2019, the Dublin City Development Plan 2016-2022, the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 21st December 2021 and subsequently to An Bord Pleanala on the 22nd February 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, the developer shall submit a revised plan and elevation drawing for insertion of an angled window to the first floor bedroom, facing the rear garden of No. 16 Richmond Street North, for the written agreement of the planning authority.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>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.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements. In particular:</p> <p>(a) gates shall be inward opening and shall not open onto the public laneway;</p> <p>(b) the roads and traffic arrangements serving the site (including connections and making good) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense;</p>

	<p>(c) the materials used in any roads / surfaces provided by the developer shall comply with the detailed standards of the planning authority for such road works;</p> <p>(e) cycle parking shall be in situ prior to the occupation of the development.</p> <p>Reason: In the interests of traffic safety and in the interest of sustainable transportation.</p>
5.	<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 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.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
6.	<p>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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>The developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site works and repair any damage to the public road arising from carrying out the works.</p> <p>Reason: In the interests of orderly development.</p>

8.	<p>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.</p> <p>Reason: In the interest of public health.</p>
9.	<p>The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution in respect of The Luas Cross City Supplementary Development Contribution Scheme - St. Stephen's Green to Broombridge Line - in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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</p>

	<p>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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>
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Fiona Fair
Senior Planning Inspector

29/09/2022