



An
Bord
Pleanála

Inspector's Report ABP-313197-22

Development

Construction of a new three storey detached dwelling and retention of 2 car parking spaces, which serve 25 Baggot Street Lower, and associated access arrangements.

Location

25 Fitzwilliam Lane, Dublin 2

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

2966/21

Applicant(s)

Michael Gilbert

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party -v- Decision

Appellant(s)

Michael Gilbert

Observer(s)

None

Date of Site Inspection

9th September 2022

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located mid-way along the southern side of Fitzwilliam Lane, which runs between Fitzwilliam Street Lower, in the east, and Merrion Street Upper, in the west. This Lane serves the rear of properties on both Merrion Square South and Baggot Street Lower and instances of separate properties to the rear of such properties. It is essentially a rear lane to Georgian multi-storey terraced houses in the south-east city centre.
- 1.2. The site itself lies to the north of No. 25 Baggot Street Lower, which is a Georgian four-storey over basement mid-terrace house with a part-two/part-three storey return. This house is presently in use as a solicitor's office with a duplex on the uppermost floors. This site is of elongated form and rectangular shape. It extends over an area of 175.9 sqm and it is presently in use with the remainder of the rear yard to No. 25 as a car park for the users of this property.
- 1.3. Access to the site is from the rear lane, Fitzwilliam Lane, via a vehicular opening in the boundary wall, which is enclosed by roller shutters. Some steelwork remains in-situ in the vicinity of this opening from when a car repair garage existed there. The side boundaries to the site are enclosed by means of walls and the southern boundary is unenclosed at present. To the east lies a row of 4 no. mews dwellings, which exhibit differing designs and all of which are setback from the lane side. Beyond this row lies the ESB's multi-storey car park. To the west lies a single mews dwelling, which is also setback from the lane side. Beyond it lies a yard and then a four-storey block of apartments (top storey largely recessed from the lane side).

2.0 Proposed Development

- 2.1. The works will comprise the following:
 - Construction of a new three storey detached dwelling with a floor area of 162.7 sqm. The proposal includes a covered driveway, 1 no. covered car parking space for new residential unit, bin store, cycle store and entrance to dwelling at ground floor level, living accommodation at first and second floor levels with a new terrace (11.6 sqm) at first floor level to the rear.

- 2 no. car parking spaces will be retained for existing commercial building at 25 Baggot Street Lower and access will be provided through covered driveway and private open space to the rear of new dwelling. New sliding vehicular gate to separate private open space of proposed dwelling for car parking for existing commercial building.
- Elevational alterations to existing boundary wall to Fitzwilliam Lane including the removal of existing brickwork (not original fabric) from on top of the existing random stone boundary wall which will be retained, protected and consolidated as necessary. Existing vehicular entrance width will be retained and fitted with new vehicular gate with pedestrian gate within.
- Other existing boundary walls will be retained, protected and consolidated as necessary.
- All associated site and landscaping works.

2.2. The site at 25 Fitzwilliam Lane was originally part of the curtilage of 25 Baggot Street Lower, which is a protected structure (RPS ref. no. 349). Under the proposal no works on this structure are proposed.

2.3. Under further information, the design of the proposed dwelling was modified insofar as the lane side (northern) elevation would be set back by 0.8m behind the boundary wall at ground and first floor levels and by 2.2m at first floor level. The steel mesh screens originally proposed for the northern and southern elevations would be omitted. Instead, a projecting perforated brick screen would be erected in a position forward of the first floor on the northern elevation and it would extend upwards to correspond with the guard rail, which would enclose a new second floor terrace. Likewise, on the southern elevation, a perforated brick guard rail would enclose the first-floor terrace. The fenestration detailing on both elevations would have less of a vertical emphasis.

2.4. At the appeal stage, the applicant proposes that the rear garden and the access arrangements for the 2 no. retained car parking spaces be separated out. Thus, a contracted garden would be provided on the eastern half of the area to the rear of the proposed dwelling and a dedicated access route to the spaces would be provided in the western half.

3.0 Planning Authority Decision

3.1. Decision

Following the receipt of further information, permission was refused for the following reasons:

1. *The development, which consists of a two storey development raised above a car parking zone at ground floor, is considered to be overbearing and incongruous and would cause serious injury to the special character of the mews lane and the protected structure with regard to its scale, proportions, massing, height, building depth and building line and is therefore considered to contravene Policy CHC2 (b) and (d) and Policy 16.10.16(e) and (g) of the Dublin City Development Plan 2016 – 2022 and would set an undesirable precedent for similar type development. The proposed development would therefore be contrary to the provisions of the Dublin City Development Plan 2016 – 2022 and not in accordance with the proper planning and sustainable development of the area.*
2. *The mews development does not comply with the Dublin City Development Plan 2016 – 2022, Section 16.10.16 “Mews Dwellings”, in terms of the impact of the retained rear vehicular access to the main frontage premises and not demonstrating safe means of access to and egress from the site which would result in the creation of a traffic hazard. The development would result in a conflict between pedestrian, cyclist and vehicle use and would set an undesirable precedent for similar type development. The mews development would therefore be contrary to the provisions of the Dublin City Development Plan 2016 – 2022 and not in accordance with the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The following further information was requested:

- Revised drawings with respect to:
 - The proposed mews dwelling should be set back on the site in line with the front building line of adjacent mews dwellings.

- The proposed mews dwelling should be two-storey or part two-storey/part three-three storey from the ground up.
- High quality amenity space should be provided to the rear of the proposed mews dwelling.
- Finishing materials should reflect the site's context, i.e., stone, brick, and timber.
- The omission of the two commercial car parking spaces should be considered and the access and parking arrangements for the proposed mews dwelling should be reconsidered, i.e., the dual function of the private open space/ vehicular access/egress would be unacceptable.

3.2.2. Other Technical Reports

- TII: Section 49 Luas line levy requested.
- Dublin City Council:
 - Drainage: No objection, subject to standard conditions, and one requesting that a flood risk assessment be carried out.
 - Transportation Planning: Following receipt of further information, objection raised (see second reason for refusal).
 - Conservation: Following receipt of further information, objection raised (see first reason for refusal).

4.0 Planning History

Site:

- 0359/19: SHEC granted to shadow the proposal (applications 3453/19 and 3677/19 for the proposal were invalidated).
- Pre-application consultation 0092/21 occurred on 1st April 2021.

Adjoining site to the west at No. 24 Fitzwilliam Lane, which is within the curtilage of No. 24 Baggot Street Lower, Dublin 2, a Protected Structure (RPS Ref. No. 348):

- 3430/19: The proposed development comprises demolition of an existing two-storey (74 sqm) dwelling house and its replacement with a new three-storey

over part-basement courtyard house (282 sqm) as well as part-demolition and reconstruction/conservation of the existing ashlar limestone walls bounding the subject site. The proposed gable-ended house comprises the following accommodation: off-street garage, entrance hall, kitchen/dining room, living room, 4 no. bedrooms, 3 no. bathrooms and 1 no. accessible cloakroom, as well as a semi-basement cellar/utility room, an internal courtyard and a first floor balcony to the rear garden. Following a third party appeal, permission was granted by the Board (ABP-306498-20).

5.0 Policy and Context

5.1. National Planning Guidelines

Architectural Heritage Protection

5.2. NIAH

NIAH: No. 25 Baggot Street Lower is identified under reg. no. 50100473 as being of regional importance and of architectural and artistic interest.

5.3. Development Plan

Under the Dublin City Development Plan 2016 – 2022 (CDP), the site is shown as lying within an area of Fitzwilliam Lane zoned Z1, wherein the objective is “To protect, provide and improve residential amenities.” This site adjoins No. 25 Baggot Street Lower, which lies to its south. This property is a protected structure (RPS ref. no. 349), and it lies within an area zoned Z8, wherein the objective is “To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective.” This area is also a Conservation Area.

The Planning Authority’s reasons for refusal cites Policy CHC2 of the CDP:

To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage and will:

...(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...

(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...

Section 16.10.16 addresses mews dwellings as follows:

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 sq.m 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 22 m. 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.*

5.4. Natural Heritage Designations

Portions of Dublin Bay are the subject of European designations.

5.5. EIA Screening

Under Items 10(b)(i) and (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2022, where more than 500 dwelling units would be constructed or where urban development would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere, the need for a mandatory EIA arises. The proposal is for the development of 1 dwelling on a site with an area of 0.01759 hectares. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant begins by describing the site and its location. He also summarises the planning history of the neighbouring site at No. 26 Fitzwilliam Lane, and sets out three examples of cases, which he contends provide precedent for his proposal. These cases are summarised below:

- 4039/20: Site to the rear of Nos. 46/48 Pembroke Road, which are protected structures: Proposal would entail the construction of 2 two-storey mews dwellings with a covered vehicular access between them to retained car parking spaces to the rear of the protected structures: Permission granted.
- 4398/16: Site to the rear of No. 17 Upper Mount Street, which is a protected structure: Proposal would entail the change of use of two-storey commercial building to a mews dwelling with a covered vehicular access to 3 car parking spaces to the rear of the protected structure: Permission granted.
- 4433/17: Site to the rear of 60 Northumberland Road, which is a protected structure: Proposal would entail the construction of a part two-storey/part three-storey mews dwelling with a vehicular access to the side that would

serve 4 car parking spaces to the rear of the protected structure: Permission granted.

The applicant then proceeds to respond to each of the reasons for refusal.

First reason

- The proposal would be 162mm lower than the existing mews dwelling at No. 26 Fitzwilliam Lane and 1142mm lower than the proposed/permitted mews dwelling at No. 24 Fitzwilliam Lane.
- Due to setbacks at first and second floor levels from the lane side, the proposed mews dwelling would appear as part two-storey/part three-storey. Consequently, they would be setback from the front building line of the proposed/permitted mews dwelling at No. 24 Fitzwilliam Lane.
- A perforated brick screen would be erected in a position forward of the first floor and part of the second floor on the front elevation. From the lane side this screen would “read” as being the highest element of the mews dwelling and yet it would be 478mm lower than the eaves of the proposed/permitted mews dwelling at No. 24 Fitzwilliam Lane.
- The scale and mass of the proposed/permitted mews dwelling at No. 24 Fitzwilliam Lane would be greater from the lane side than the scale and mass of the currently proposed mews dwelling on the site. The Planning Authority’s critique of the proposal on these aspects is incomprehensible.
- References to the eaves height of the existing mews dwelling at No. 26 Fitzwilliam Lane overlook to acknowledge the mansard roof type in this dwelling, which adds to its bulk and so is akin to a third storey. Likewise, the Planning Authority disregards the presence of a substantial three-storey apartment building with a recessed fourth storey, further to the west of the site, and the excessive presence of a multi-storey car park further to the east. Within this context, the proposal would be far from being an incongruous addition to the streetscape.
- The siting of the proposal would be appropriate as it would accompany that of the proposed/permitted mews dwelling at No. 24 Fitzwilliam Lane, which would abut the lane side, too. Furthermore, the applicant’s AHIA established

that the historic mews dwelling on the site would have been so sited on the site.

- The applicant's analysis of the southern side of Fitzwilliam Lane established that, notwithstanding the variety of sizes and designs of buildings, they nearly all abut the lane side. In this respect, Nos. 26 – 28 are the exception. Within this context, and given the recent precedent established by proposed/ permitted mews dwelling at No. 24 Fitzwilliam Lane, the siting of the proposal would be appropriate.

Second reason

- The applicant explains that the need to maintain vehicular access to two car parking spaces to the rear of No. 25 Baggot Street Lower arises from a long lease arrangement with the occupiers of this property. If the current proposal is refused because of the need to maintain this access, then the site is likely to remain undeveloped until the long lease expires. In these circumstances, this proposal would allow the development of the site to provide a much-needed mews dwelling in an attractive manner with a high standard of amenity.
- While at the application stage it was envisaged that the proposed rear garden would be shared with the vehicular access, at the appeal stage a revised proposal has been submitted whereby the rear garden would be separate from the vehicular access. A contraction in its area would result, but CDP standards would still be met once the areas of the first and second floor terraces are allowed for.
- Any concerns over the lack of vehicular turning facilities need to be balanced against the fact that the site at present accommodates parking for seven cars, while under the proposal this would reduce to three, i.e., the two commercial spaces and the one resident's space.

6.2. Planning Authority Response

Section 48 and 49 conditions requested.

6.3. **Observations**

None

6.4. **Further Responses**

None

7.0 **Assessment**

7.1. I have reviewed the proposal under the Architectural Heritage Protection Guidelines, the Dublin City Development Plan 2016 – 2022 (CDP), relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use, zoning, and planning history,
- (ii) Conservation and mews policy,
- (iii) Residential standards and amenity,
- (iv) Traffic, access, and parking,
- (v) Water, and
- (vi) Appropriate Assessment.

(i) Land use, zoning, and planning history

7.2. The site is currently in use as a yard that provides car parking for the frontage property at 25 Baggot Street Lower. This property comprises a four-storey over basement mid-terrace Georgian house, which is in use as a solicitor's office with a duplex above. It is a protected structure (RPS ref. no. 349).

7.3. Under the proposal, the rear (northern) portion of the yard would be developed to provide a three-storey, two-bed/four-person mews dwelling with a covered/open driveway to the central and southern portions of the yard. The central portion would be laid out to provide a rear garden with the driveway running through it to the southern portion, where 2 no. car parking spaces would continue to be provided. At the appeal stage the layout of the central portion has been amended so that the

eastern half would provide the rear garden and the western half would provide the open driveway.

- 7.4. Essentially, the proposal is for the construction of a mews dwelling. The site lies within an area that is zoned Z1, sustainable residential neighbourhoods, wherein residential use is permissible in principle. Accordingly, this proposal would be acceptable from a land use perspective. (The footprint of the frontage property lies within an area that is zoned Z8 Georgian Conservation Areas).
- 7.5. Under the CDP, the indicative plot ratio and site coverage factors for Z1 range between 0.5 – 2.0 and 45% - 60%, respectively. The proposal would exhibit a plot ratio of 0.92 and a site coverage of 64%. Clearly, the former factor would be well within the indicative range, while the latter would exceed its range marginally. Given the city centre location of the site and the nature of the proposal, i.e., a mews dwelling, I do not consider that this excess would warrant objection.
- 7.6. The site historically accommodated a mews dwelling that abutted the lane side. It is unclear when this dwelling was demolished. Since then the site has accommodated a car repair garage, as evidenced by steelwork that remains in-situ and its concrete surface. The existing yard is used in its entirety as a car park in connection with the frontage property. During my site visit, 3 no. cars were parked up and on Google Maps (2022) 5 no. parked cars are evident. I have been unable to confirm whether the existing use of the yard as a car park for the frontage property is authorised for planning purposes.
- 7.7. I conclude, under the CDP's zoning of the site, the proposed residential use would be acceptable from a land use perspective. I also conclude that the planning status of the current use of the site as a car park for the frontage property is unclear.

(ii) Conservation and mews policy

- 7.8. The site lies within the historic curtilage of the frontage property at 25 Baggot Street Lower. The applicant has submitted an Architectural Heritage Impact Assessment (AHIA) of the site. This Assessment acknowledges that there was, in the past, a mews dwelling on the site. It also comments on the original boundary walls to the site, which are composed of calp limestone with flush pointing, and which remain largely in-situ. Under the proposal, some brickwork, which has been added to the rear (lane side) wall, would be removed. Otherwise, these walls would be retained.

- 7.9. The site is presently in use as a car park, which serves the users of the frontage property at 25 Baggot Street Lower, which is a protected structure (RPS ref. no. 349). (This property is also identified in the NIAH under reg. no. 50100473 as being of regional importance and of architectural and artistic interest). The site then continues to serve this protected structure and so the relationship that the proposed mews dwelling would have with it needs to be assessed.
- 7.10. The rear (northern) elevation of the protected structure faces the site. This elevation comprises the main rear elevation of the Georgian house, which is composed of four storeys over basement, and an ancillary rear elevation to the part-three/part-two storey return. The main rear elevation is rendered, and it has a projecting chimney breast with an accompanying half gable element at roof level and three bays of windows. The ancillary rear elevation has a large window at first floor level. The design of the return differs from that of the main house insofar as it is timber framed with rendered panels. Its first floor projects slightly from the ground floor along its western side elevation and its double pitched roof has a hipped end.
- 7.11. The proposed mews dwelling would be sited 25.3m to the north of the main rear elevation and 16.8m to the north of the subsidiary rear elevation. The rear elevation of this mews dwelling would be setback above ground floor level by a further 2.1m. As revised, under further information, it would be finished in brick with large floor-to-ceiling height fenestration, under a flat roof, which would be similar in height to the part-three storey element of the existing return. The overall design would be contemporary in feel incorporating as it would rectangular forms and features. The front lane side elevation would be set behind the boundary wall and the first and part of the second floors would be set behind a perforated brick screen. It, too, would have large floor-to-ceiling height fenestration.
- 7.12. The site from the perspective of Fitzwilliam Lane lies within a row of mews dwellings.
- To the east, lie three attached mews dwellings of differing size and design. The nearest, at No. 26, has a mansard roof which contains a second floor, the one at No. 27 appears to have a converted roofspace, and the one at No. 28 is of simple two-storey form under a double-pitched roof. These dwellings are sited, consistently, in a setback position from the lane side. They have a descending height profile away from the site and No. 26 has a partially

covered driveway, which affords access to a car parking area to its rear. No. 28 abuts the ESB's multi-storey car park.

- To the west lies a detached gable-fronted mews dwelling at No. 24. Beyond it lies the front yard to a two-storey office used by an architectural practice. This yard is used for car parking. No. 24 abuts a four storey (top storey is largely recessed) modern apartment building.

7.13. The Planning Authority's first reason critiques the proposal with respect to its relationship with the protected structure to the rear and the mews dwellings on either side. (These relationships are depicted in the applicant's drawings nos. PL-FI-P-103 and 101 dated 03/02/2022). It states that the proposal would be overbearing and incongruous and so it would result in serious injury to the special character of the protected structure and mews lane. Specifically, the scale, proportions, massing, height, building depth and building line are identified as being at fault. Consequently, Policy CHC 2 (b) and (d) would be contravened: these items relate to the need for development that would both be sensitive to the protected structure and that would, complement its special character. Section 16.10.16 (e) and (g) would be contravened, too: these items relate to the need for development to complement the character of mews lanes, to be innovative in their response to sites, while being informed by established building lines and plot widths, and to ensure that parking occurs in either garages, forecourts, or courtyards.

7.14. Under further information, the applicant was requested to set back the proposed mews dwelling so that it would align with the existing row of mews dwellings to the east. The applicant responded by drawing attention to the following factors:

- The historic mews dwelling on the site abutted the lane side,
- The proposed/permitted replacement mews dwelling at No. 24 would abut the lane side (3430/19 and ABP-306498-20), and
- An analysis of the southern side of Fitzwilliam Lane (cf. drawing no. PL-FI-P-100 dated 03/02/2022) shows that the majority of the buildings abut the lane side.

Accordingly, the applicant contended that the siting of the proposed mews dwelling was appropriate both from conservation and streetscape perspectives.

- 7.15. Under further information, the applicant did modify the design of the proposed mews dwelling. Thus, the front and rear elevations were reworked. The former elevation was graduated to achieve a clear set back from the lane side at second floor level and, with the specification of a perforated brick screen, a softer and more discrete presence than originally envisaged. The latter elevation was likewise respecified with a brick finish and the use of a perforated brick guard rail to enclose the first floor terrace.
- 7.16. The applicant draws attention to the similarity in height between the proposed mews dwelling and the part-three storey return to the protected structure, the existing mews dwelling with a mansard roof to the east, and the proposed/permitted three-storey mews dwelling to the west. He contends that within its immediate context the mews dwelling would not appear out of scale. Likewise, its design, as modified, would be innovative and yet respectful of its setting.
- 7.17. During my site visit, I observed the vertical emphasis of the rear elevation of the protected structure and to a lesser extent that of its return. The proposed mews dwelling would be sited in the northern portion of the accompanying rear yard. The intervening space would ensure that existing and proposed buildings would be clearly separate and distinguishable. The modified design of the mews dwelling would ensure it would be an unmistakably modern and yet proportionate and respectful addition to the setting of the protected structure.
- 7.18. During my site visit, I also observed that the southern side of Fitzwilliam Lane is composed of a disparate array of old and new buildings and so there is no established pattern or template for new development. That said the current proposal would be constructed within the existing historic boundaries of the site and so it would reflect the existing urban grain of the Lane. The extent of its footprint would parallel that of the mews dwelling proposed/permitted for the adjoining site to the west, while the two mews dwellings would be clearly distinguished by their differing forms, i.e., the current proposal would have a flat roof while the one to the west would have a double pitched roof with a gabled elevation to the lane side.
- 7.19. I conclude that the proposal would be an appropriate addition to the site within the context of the adjacent protected structure and streetscape of Fitzwilliam Lane.

(iii) Residential standards and amenity

- 7.20. While the proposed mews dwelling would have an entrance hall and stairs at ground floor level, the remained of it would at first and second floor levels. Two-bed/four-person accommodation would be provided over a floor area of 162.7 sqm. This mews dwelling would be orientated on a north north-east/south south-west axis. It would have floor-to-ceiling glazed fenestration in its corresponding front and rear elevations. Habitable rooms would be laid out in the northern and southern portions of the floor areas with accompanying ancillary spaces in the central portions.
- 7.21. Under the modified design of the proposal submitted as further information, the first floor southern terrace (12 sqm) would be supplemented by a second floor northern terrace (7.7 sqm). Under the proposal submitted at the appeal stage, the rear garden would contract from a full width one with an area of 49 sqm to a half width one with an area of 25 sqm. In total 44.7 sqm of dedicated private open space would serve the proposed mews dwelling. Under CDP standards each bedspace should be accompanied by 10 sqm of private open space and so a minimum of 40 sqm should be provided. The proposal would exceed this standard.
- 7.22. The separation distances cited under the second heading of my assessment would be sufficient to ensure an acceptable standard of amenity for an urban location. Likewise, the specification of 1.8m high perforated brick sides to the first floor terrace would ease the relationship between this outdoor space and the existing rear garden to the mews dwelling to the east and the proposed first floor terrace and rear garden to the proposed/permitted mews dwelling to the west. Undue overlooking and loss of privacy would thereby be averted.
- 7.23. I conclude that the proposal would provide a satisfactory standard of amenity to future occupiers of the mews dwelling and, conversely, it would be compatible with the amenities of the area.

(iv) Traffic, access, and parking

- 7.24. At present the site forms the northern and central portions of a yard, which is in use for the purpose of providing car parking spaces for the frontage property at No. 25 Baggot Street Lower. The applicant advises that up to 7 no. cars are parked in this yard, which is accessed off Fitzwilliam Lane via a vehicular entrance that is enclosed by means of roller shutters.

- 7.25. During my site visit, I observed that the yard appears to have been the subject of its current use for an appreciable period of time. I also observed that Fitzwilliam Lane is subject to double yellow lines on either side of its carriageway, while Baggot Street Lower has on-street parking, which is subject to pay and display requirements from 07.00 – 19.00 on Mondays to Saturdays. The multi-storey car park on Fitzwilliam Lane is used exclusively by the ESB and so it is not open to the public.
- 7.26. Under the proposal, the applicant would retain 2 no. car parking spaces for the frontage property in the southern portion of the yard. He would also provide 1 no. car parking space on the site to serve the proposed mews dwelling. As originally submitted, the route to the 2 no. car parking spaces would have entailed crossing the rear garden to this mews dwelling. Under further information, the Planning Authority expressed concern over the dual function of the rear garden as an amenity space and a means of vehicular access. It requested that the 2 no. car parking spaces be omitted thereby averting the need for the said means of access. The applicant responded by stating that these spaces were the subject of an obligation under a long lease and so he was not in a position to omit them. The Planning Authority proceeded to refuse his proposal, which under the second reason for the same cites the risk that the dual use would lead to conflict and so create a traffic hazard. At the appeal stage such use would now be averted by the separation of the rear garden from the means of access.
- 7.27. The Planning Authority's second reason for refusal also cites Section 16.10.16 of the CDP, which addresses mews dwellings. Item (h) of this Section states the following:
- 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.*
- 7.28. Generally, the Planning Authority seeks to discourage car borne commuting by restricting the provision of workplace car parking spaces in locations where convenient access to public transport exists. The site is an example of such a location. That said the site forms the major portion of a yard that presently provides parking for up to 7 no. cars for the frontage property. Whether such parking is authorised or not is unclear. However, it is not the subject of any enforcement enquiry and so it is likely to continue in the absence of the proposal. In these

circumstances, the prospect of 2 no. spaces would contribute to downwards pressure on car borne commuting.

- 7.29. The applicant has submitted three examples of mews dwellings proposals that were permitted by the Planning Authority wherein the continuation of rear parking for frontage property was accepted. One of these examples, 4398/16 for a site to the rear of 17 Upper Mount Street and off Stephen's Lane has parking and access arrangements that are comparable to the current proposal and so it constitutes a precedent for the same.
- 7.30. The applicant acknowledges that access to the 2 no. car parking spaces would entail a reversing manoeuvre, as the opportunity to turn around on-site would not exist. Such manoeuvres would be in excess of 25m, and they would entail passing through covered and open sections of driveway. The former section would entail some potential for conflict with the occupiers of the proposed mews dwelling, while under the appeal stage amendment, the latter section would not.
- 7.31. I note that the reversing manoeuvres in question would, on a daily basis, be small in number and the potential for conflict would be correspondingly slight. I note, too, that such manoeuvres occur at present to the site, as they do from other sites along Fitzwilliam Lane, e.g., the adjoining site at No. 26, where the mews dwelling with a mansard roof has a covered driveway leading to parking to the rear from the frontage property at No. 26 Baggot Street Lower. In these circumstances, I take the view that regular users of the Lane would be aware of the pattern of vehicle manoeuvres along it and so any attendant hazard would, in practice, be slight.
- 7.32. I conclude that the proposal would secure a net reduction in vehicular manoeuvres to and from the site and so, in these circumstances, it would not result in any increase in traffic hazard along Fitzwilliam Lane. I conclude, too, that this proposal, as revised at the appeal stage, would remove the concern attendant upon the use of the rear garden as a means of access, too.

(v) Water

- 7.33. Under the proposal, the mews dwellings would be connected to the public water mains and the public combined sewer in Fitzwilliam Lane.
- 7.34. The Planning Authority's drainage consultee raised no objection, subject to conditions that would require the specification of SuDS methodologies and provision

for separate drainage connections in the future. A flood risk assessment is also requested, although the need for such is not self-evident, as the OPW's flood maps do not show the site as being the subject of any identified flood risk.

7.35. I conclude that the proposal would not raise any water issues.

(vi) Appropriate Assessment

7.36. The site is not in or beside any European site. It is a fully serviced urban site. Under the proposal, this site would be developed to provide a mews dwelling. No Appropriate Assessment issues would arise.

7.37. Having regard to the nature, scale, and location of the proposal, and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposal 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

That permission be granted.

9.0 Reasons and Considerations

Having regard to the Architectural Heritage Protection Guidelines, the Dublin City Development Plan 2016 – 2022, and the pattern of development in the area, it is considered that, subject to conditions, the proposal would be permissible in principle under the Z1, sustainable residential communities, zoning of the site. The siting and design of the proposed mews dwelling would complement both the adjacent frontage property at 25 Baggot Street Lower, which is a protected structure, and the streetscape of Fitzwilliam Lane. This mews dwelling would provide a satisfactory standard of amenity to future occupiers, and it would be compatible with the amenities of the area. The proposed retention of 2 no. car parking spaces to serve the users of the frontage property would lead to a reduction in vehicular manoeuvres to and from the site and any attendant hazard. No water or Appropriate Assessment issues would arise. The proposal would, therefore, accord 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 dated the 3rd day of February 2022 and by the further plans and particulars received by An Bord Pleanála on the 1st day of April 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>The proposed development shall be amended as follows:</p> <p>(a) A methodology for the removal of the brick courses from the top of the rear boundary wall to the site and any treatment of the stonework thereby exposed.</p> <p>(b) The height and design of the new means of enclosure proposed for the rear garden and the gate to the area beyond within which the 2 no. retained car parking spaces would be laid out.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of good conservation practice and visual and residential amenity.</p>
3.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed mews dwelling and all the external finishes to accompanying surfaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>

4.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays 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 construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
8.	<p>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 the proposed mews dwelling without a prior grant of planning permission.</p> <p>Reason: In order to afford the Planning Authority the opportunity to control any future development in the interests of conservation and residential amenity.</p>

9.	<p>The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City (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 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>
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</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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Hugh D. Morrison
Planning Inspector

20th September 2022