



An
Bord
Pleanála

Inspector's Report

ABP-314048-22

Development	Change of use to residential, internal alterations and all associated site works
Location	The rear of 171 Rathgar Road, Rathgar, Dublin 6
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3753/21
Applicant(s)	Leah Moore.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party versus decision.
Appellant(s)	Anne Neary and Conor Farren.
Observer(s)	None.
Date of Site Inspection	09 September 2023.
Inspector	Stephen Rhys Thomas

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1.0 Site Location and Description

- 1.1. The application site is that of a former coach house located at the south-eastern end of number 171 Rathgar Road, an end of terrace nineteenth century house. It is accessed via Rathgar Place a service lane off Rathgar Road which runs along the northern side boundary of 171 Rathgar Road and turns right in a southerly direction along the rear of the site.
- 1.2. The application site has access onto Rathgar Place at the eastern end of the site and along its northern boundary. The character of Rathgar Place is defined by mews buildings that have been renovated and that provide residential accommodation, with some buildings still in use for storage. Much of the original stone wall remains around the boundary of the site, however, concrete blockwork holds up much of the east elevation of the subject mews building. The area is defined by the narrow laneway and pedestrian cut throughs, all well maintained, safe and active.

2.0 Proposed Development

- 2.1. Permission is sought to change the use of the existing 34 sqm mews building to residential use and construct a two storey contemporary extension and the erection of a glazed link between old and new.
- 2.2. After a request for further information the overall scale and massing of the rear extension was reduced, the principal changes include:
 - A reduction from two storey to a single storey rear extension, with changes to the rear amenity space, omission of a glazed link, omission of the courtyard and redefined car parking area.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority issued notification to grant planning permission subject to 15 conditions, all conditions are standard in nature and refer to the technical requirements of the planning authority.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The basis of the planning authority's decision can be summarised as follows:

Report 1

- Residential use is permitted in principle and the proposal to renovate and extend an existing mews building is supported by the development plan.
- The scale of the two storey extension is of concern, a reduction is required to ensure the preservation of the historic character.
- A car parking space in the rear amenity area is not acceptable.
- The report of the Conservation Officer is noted and further information is required.
- In order to address the issues raised above, further information was requested.

Report 2

- Further information was received that responded to each of the issues raised by the planning authority and were deemed to be acceptable, permission recommended.

3.2.2. Other Technical Reports

Conservation Officer – no objections subject to conditions.

Transportation Planning Division - no objections subject to conditions.

Drainage – further information required.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

- 3.4.1. A single observation was received and though supportive of the development in principle, concerns arise from the design, scale, changes to wall and the provision of a mural.

4.0 Planning History

4.1. Site

- 4.1.1. No recent planning history, however, permissions from 2004 refer to renovations to the main house and between 1992 and 1994 permission was granted to renovate the existing store/garage to a dwelling, PA ref 0784/94 and 0642/92 refer.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2022-2028.

The site is located on lands that are zoned Z2 - To protect and/or improve the amenities of residential conservation areas. The principal land-use encouraged in residential conservation areas is housing but can include a limited range of other uses. In considering other uses, the guiding principle is to enhance the architectural quality of the streetscape and the area, and to protect the residential character of the area. Number 171 Rathgar Road is included on the record of protected structures. The historic plot and curtilage include the coach house and the area of the application site.

Relevant policies, objectives and sections of the development plan include:

- BHA1 - Record of Protected Structures
- BHA2 - Development of Protected Structures
- BHA9 - Conservation Areas
- BHA14 - Mews

- BHA22 - Upgrading Environmental Performance
- Section 15.4.2 Architectural Design Quality
- 15.13.5 Mews
- 15.13.5.3 Roofs
- 15.13.5.4 Access
- 15.15.2.2 Conservation Areas
- 15.15.2.3 Protected Structures

5.2. Natural Heritage Designations

5.2.1. None relevant to this site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development, comprising a rear garden house, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party (of 12 Rathgar Place) has appealed the decision of the planning authority, the grounds of appeal can be summarised as follows:

- The demolition of part of the original wall abutting Rathgar Place and replacement with a new opening and metal gate is uncharacteristic of this road. Rathgar Place is not a laneway it is a well used road. The provision of a new entrance along the road could impede traffic. A car parking space should be provided within the existing building/garage, where there is more room to turn in and out. There will be traffic disruption during the construction phase of development.

6.2. Applicant Response

6.2.1. A comprehensive response has been received from the applicant; the relevant points can be summarised as follows:

- Access to the and from the site was carefully considered and the proposed location is the best compromise in terms of acceptable living accommodation, amenity, ease and safety.

6.3. Planning Authority Response

None.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Parking and Access Arrangement
- Appropriate Assessment

7.2. Parking and Access Arrangement

7.2.1. The appellants are supportive of the proposal to renovate and bring into use a mews building at Rathgar Place. In addition, the appellants are satisfied that their initial concerns about the scale of the development and other design aspects of the proposal were taken into account by the planning authority in the recommendation to grant permission. However, the appellants are not satisfied that the vehicular access and car parking space arrangement are positioned in the safest place. The character of the road at this location where people pass by would be adversely impacted upon by the location of a gateway. According to the appellant, a far better location for a car parking space would be from within and on the eastern elevation of the mews building at Rathgar Place, as was the case in the past.

7.2.2. The applicant has responded to the grounds of appeal and disagrees that living accommodation should be turned over to car parking. The applicant asserts that careful consideration was given to the best location for a car parking space with safe access and egress, whilst at the same time providing quality living accommodation. The applicant concludes that after the submission of further information and given the recommendation of the planning authority to grant permission, the current layout is the best and optimal use of the site.

7.2.3. There is no objection in principle to the proposed change of use from a former mews building to an independent dwelling unit within the plot of 171 Rathgar Road having regard to its inclusion on the record of protected structures. Its historic curtilage includes the original coach house at the eastern end at the rear adjacent to the Rathgar Place. There is no objection to the proposed conversion of the coach house into an independent dwelling unit in internal layout and accommodation to be

provided, in addition to a revised single storey extension. The proposal is consistent with the principles of sustainable development and historic building conservation in providing for a small dwelling unit and for adaptation for contemporary habitable use and scope for continued maintenance of the structure in good repair.

- 7.2.4. The single issue for the appellant is that the position of the vehicular entrance and resultant car parking space along the northern boundary of the site and along Rathgar Place, a narrow road that is used frequently, could present a traffic hazard. In addition, the opening of a new entrance and its gateway treatment would upset the character of the road and this is not welcomed. The appellant suggests that a better location for a car parking space is within the historic mews as it was once the case.
- 7.2.5. In terms of the position of the vehicular entrance to the site and consequent parking space, I note the overall layout changed as a result of further information. The initial courtyard parking space has been relocated westwards to abut the ESB substation. However, in terms of the general proposal to make an access from the northern boundary this remains the same and is acceptable to the planning authority. There is no suggestion that a traffic hazard would result from the turning movements involved in accessing and egressing the site. I observe that Rathgar Place is a narrow laneway and the planning authority also note the configuration of the this public space that is taken in charge. The configuration of the laneway encourages careful vehicle movements, and the road space is shared between all other users, vehicles, bicycles and pedestrians. I note the appellant's issues that they raise with regard to how Rathgar Place is described and in this instance, laneway or road are acceptable terms, in essence the route provides access to dwellings to all forms of urban transport. I am satisfied that the position of a new vehicular entrance along the northern boundary of the site is entirely acceptable and will present no adverse traffic impacts.
- 7.2.6. With reference to the appellants contention that the car parking space should be provided within the mews building as was the case in the past. The development plan supports the refurbishment and bringing into use former mews buildings provided that certain design principles are followed and good conservation techniques are used, policy BHA14 refers. It is the case that careful remodelling of the subject mews and the design of its extension were carried out by a competent

person and the input of the Council's Conservation Officer were incorporated into the finalised proposal. In my view it would be inappropriate to use the historic mews for car parking when the provision of residential accommodation is far more sustainable. I note that the current development states that car free mews developments may be permitted in certain circumstances where there are specific site constraints and where alternative modes of transport are available, section 15.13.5.4 of the development plan refers. In my view, the current site could just be such a location and the need for a car parking space at all, could have been considered in the original design proposal. However, in this instance, a car parking space has been proposed, it is acceptable to the planning authority in terms of traffic safety and the preservation of private amenity space and so I am satisfied that permission should be granted as notified by the planning authority.

7.2.7. In relation to the construction phase of the development, I have observed the narrow nature of Rathgar Place and the difficulties that might be encountered during any construction activity, large or small. Therefore, it would be advisable to attach a condition that provides the basis to ensure the avoidance of conflict between construction traffic/activities and traffic/road users, particularly pedestrians, during construction works.

7.3. Appropriate Assessment.

7.3.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

8.1. Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the pattern and character of existing development in the area, the design and scale of the development proposed, and the provisions of the Dublin City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in accordance with the zoning objective for the site, would not detract from the visual amenity of the area, and would not seriously injure the residential amenity of surrounding properties and would not endanger public safety or convenience by reason of traffic generation or otherwise. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 18th day of May 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.

Reason: In the interest of clarity.

2. Prior to commencement of development all items set out by bullet point and detailed in the sixth condition of the Council's Conservation Officer's Report dated the 9th of June 2022 shall be submitted for the written agreement of the Planning Authority.

Reason: In order to protect the amenity, setting and curtilage of the Protected Structure at 171 Rathgar Road and to ensure that the proposed works are carried out in accordance with best conservation practice.

3. (i) All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(ii) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.

(iii) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.

(iv) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

Reason: In order to protect the amenity, setting and curtilage of the Protected Structure at 171 Rathgar Road and to ensure that the proposed works are carried out in accordance with best conservation practice.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The developer shall enter into water supply and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. All necessary measures shall be taken by the Developer and Contractor to avoid conflict between construction traffic/activities and traffic/road users, particularly pedestrians, during construction works.

Reason: In the interest of the proper planning and sustainable development of the area.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Stephen Rhys Thomas
Senior Planning Inspector

11 September 2023