



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314227-22

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<b>Development</b>	Demolition of existing dwelling and the construction of house with associated site works.
<b>Location</b>	Rear of No. 7 Old Mountpleasant, Ranelagh, Dublin 6, with frontage onto Oxford Lane.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	3310/22.
<b>Applicant(s)</b>	Evan O'Donnell.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party.
<b>Appellant(s)</b>	Susan Duffy.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	4 <sup>th</sup> day of November, 2022.
<b>Inspector</b>	Patricia-Marie Young.

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## 1.0 Site Location and Description

- 1.1. 'Rear of No. 7 Old Mountpleasant', the appeal site has a given site area of 168m<sup>2</sup>. It comprises of part of the former rear garden of No. 7 Old Mountpleasant, a period terrace dwelling which is a designated a Protected Structure under the Dublin City RPS that forms part of a terrace group of Protected Structures. Originally the rear garden extended to and was accessed from Oxford Lane, a cul-de-sac lane to the immediate north.
- 1.2. Like the majority of properties to the east and west of No. 7 Old Mountpleasant at some point of time the rear garden area was subdivided. It contains a single storey building which has the appearance of a garage type structure as viewed from Oxford Lane due to the presence of a large roller door. To the rear the structure presents as a dormer structure due to the presence of two dormer windows at roof level. Like the façade addressing Oxford Lane rear of the building is finished in stone. At ground level it contains a rear door with windows on either side with the remaining garden area unkempt.
- 1.3. In the case of other subdivisions to the east and west these are containing garage type structures, however, there are examples of mews type developments to the west.
- 1.4. The appeal site is accessed from Oxford Lane with its Oxford Lane façade situated c25m to the east of this cul-de-sac lanes junction with Oxford Road and Mountpleasant Place. It is also situated c130m by road from the R117, Ranelagh Road, in the city suburb of Ranelagh over 2km from Dublin's city centre, as the bird would fly.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of what is described as an existing dwelling. According to the submitted documentation the floor area to be demolished is 55m<sup>2</sup> and it would appear to be comprised of a 33m<sup>2</sup> ground floor area and 23m<sup>2</sup> attic space.
- 2.2. In addition, planning permission is sought for the construction of a dwelling house with a given floor area of 140m<sup>2</sup> together with all associated site works and services. According to the submitted drawings the proposed dwelling would contain three bedrooms and it would have a two storey built form with a parapet height of 6.45m.

The proposed dwelling would be setback from the public realm of Oxford Lane by 1.800 to 1.805m, its façade addressing Oxford Lane would have a width of 5.971m with the width for the most part being 6.133m due to the irregular rectangular shape of the site which has a variable width. The proposed dwelling would have a depth of 14.629m and a rear garden dept of 10.06m. The rear boundary of the site is given as 6.638m and a proposed bicycle and bin store is proposed in the north easternmost corner of the garden. Additional privacy would be provided by way of a proposed copper beech or equivalent hedge screen along the rear boundary of the site.

- 2.3. The accompanying planning application form indicates that the proposed development would give rise to a plot ratio of 0.83 and a site coverage of 53%.
- 2.4. On the 9<sup>th</sup> day of June, 2022, the applicant's response to the Planning Authority's **further information** was received. This response included a reduction in the internal floor to ceiling height of the proposed dwelling from 2.7m to 2.4m and it sets out that there is no objection from the purported owner of No. 4 Oxford Lane to the original proposal and the revised design includes a setback of the first-floor level as requested by the Planning Authority in their further information request. The revised plans also show the omission of the canopy from the front façade and confirm that the front façade of the existing structure are as depicted in the submitted drawings. Of note, this further information response was not deemed to be significant and as such no new public notices were sought and/or provided.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On the 6<sup>th</sup> day of July, 2022, planning permission was **granted** subject to 10 no. mainly standard conditions. I note the requirements of Conditions No. 8 and 9 which read as follows:

*“8. Notwithstanding the provisions of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended), no extensions, garages, stores, offices or similar structures, shall be erected without the prior grant of planning permission.*

*Reason: In the interests of residential and visual amenity and in order to ensure sufficient private open space be retained for the new dwelling.”*

“9. The applicant shall comply with the following Transportation Divisions requirements:

- (i) *Prior to commencement of development, and on appointment of a main contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.*
- (ii) *The porch canopy shall be omitted.*
- (iii) *The setback area to the front of the development shall be taken in charge by Dublin City Council. Prior to commencement of the development, details of works within the setback area including materials, roads line markings, drainage and public lighting provision shall be agreed in writing with the planning authority. All works will be at the applicant/developer’s expense.*
- (iv) *All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.*
- (v) *The developer shall be obliged to comply with the requirements set out in the Code of Practice.*

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

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The **final** Planning Authority’s Planning Officer’s report is the basis of the Planning Authority decision.

The **initial** Authority's Planning Officer's report concluded with a request for further information on the following matters:

- A reduction in the internal floor to ceiling height is sought.
- Concern is raised that the extensive depth of the proposed dwelling would give rise to overshadowing and overbearing impact on No. 4 Oxford Lane.
- Compliance with Development Plan requirements for mews developments is sought.
- Clarification on the proposed location for the bicycle and bin store is sought. It is also advised that best practice is not to bring bicycles and bins through the property.
- Omission of the front canopy was sought.
- The front façade clarification is sought.

### 3.2.2. **Other Technical Reports**

**Transportation Division:** No objection, subject to safeguards. (Dated: 04/04/2022)

**Drainage Division:** No objection, subject to safeguards. (Dated: 28/02/2022)

### 3.3. **Prescribed Bodies**

3.3.1. None.

### 3.4. **Third Party Observations**

3.4.1. 1 No. Third-Party Observation was received by the Planning Authority during the course of its deliberations. The main concerns raised in this submission correlate with those raised by them in their appeal submission to the Board. This is summarised under Section 6 of the report below.

## 4.0 **Planning History**

### 4.1. **Site**

**P.A. Ref. No. 2082/21:** Planning permission was **refused** for a development consisting of the alterations to existing terraced dormer house of area c.55m<sup>2</sup> increasing ridge height to first floor with flat roof creating a two-storey house and a

two-storey extension to the rear of existing and two storey extension of area c.85m<sup>2</sup> all on a site at the rear of No. 7 Old Mount Pleasant, Dublin 6, on a separate site fronting onto Oxford Lane, for the following stated reasons:

*“1. Having regard to the siting, massing, roof form and appearance of the proposed extensions to the existing building, and to the planning permissions granted for other mews dwellings in the laneway, it is considered that the proposed development would appear incongruent to the emerging character of this mews lane, and harmful to the setting of adjacent protected structures. The proposed development would, therefore, by itself and by the precedent it would set for similar development, seriously injure the amenities of the local area, contrary to the City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.*

*2. The proposed mews development does not comply with the Dublin City Development Plan 2016 – 2022, Section 16.10.16 ‘Mews Dwellings’, in terms of width of the existing laneway. The proposed laneway is of a substandard width for a mews laneway, service and emergency access has not been demonstrated and the development would result in increased pedestrian, cyclist and vehicle use and conflict. The development would set an undesirable precedent. The proposed development would, therefore, be contrary to the City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.*

*3. Having regard to the extent of the application site boundary, and lack of detail submitted relating to the separation of the site from the host dwelling, No. 7 Old Mountpleasant, it has not been demonstrated that the proposed development would retain adequate private amenity space to serve the occupiers of No. 7 Old Mountpleasant. The proposed development would therefore, by itself and by the precedent it would set, be contrary to the provisions of Chapter 16 of the Dublin City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.”*

Decision date: 19<sup>th</sup> day of March, 2021.

#### **4.2. In the Vicinity**

**P.A. Ref. No. 3127/14:** Oxford Lane, Rear of No. 5 Old Mount Pleasant, Protected Structure, Ranelagh, Dublin 6.

Planning permission was **granted** for the demolition of a single storey shed structure and the construction of a 2 storey, 3-bedroom dwelling with first floor balcony to rear with off street parking space, roof solar panels and rooflight. Provision of a new set back boundary wall with vehicular and pedestrian entrance off Oxford Lane together with all associated site, drainage, and landscaping works.

According to the documentation with this application the site area this application related to was given as 196m<sup>2</sup>; the demolition gross floor area was 50m<sup>2</sup>; the proposed dwelling was 127m<sup>2</sup>; the plot ratio would be 0.65 and the site coverage would be 35%.

In addition, according to the drawings submitted with this application the proposed dwelling would have a height of 6.719m, a setback of 6.165m with this setback providing for off street car parking, the depth of the dwelling would be 10m and the depth of the rear garden would be 7.5m.

Decision date: 16<sup>th</sup> day of January, 2015.

## 5.0 Policy & Context

### 5.1. National

- Project Ireland 2040 - National Planning Framework (NPF).
- Housing for All - A New Housing Plan for Ireland, 2021.
- Climate Action Plan, 2021.
- National Development Plan, 2021 to 2030.

5.1.1. **Ministerial Guidance:** The following Section 28 Ministerial Guidelines and other national policy documents are relevant:

- Architectural Heritage Protection Guidelines for Planning Authorities, 2011.
- Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007.
- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009.
- Urban Design Manual: A Best Practice Guide, 2009.
- BRE Guide: ‘Site layout Planning for Sunlight and Daylight’, 2011.

- Design Manual for Urban Roads and Streets, 2019 .

## 5.2. Regional

### 5.2.1. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES), 2019 to 2031.

## 5.3. Local

- 5.3.1. The Dublin City Development Plan, 2022-2028, came into effect on the 14<sup>th</sup> day of December, 2022, under which the site is zoned 'Z2'. The stated zoning objective for such land is: *"to protect and/or improve the amenities of residential conservation areas"*.
- 5.3.2. Chapter 2 of the Development Plan sets out the core strategy.
- 5.3.3. Chapter 3 of the Development Plan deals with climate action.
- 5.3.4. Chapter 5 of the Development Plan deals with the matter of quality housing and sustainable neighbourhoods.
- 5.3.5. Section 11.5.1 of the Development Plan relates to Protected Structures.
- 5.3.6. Policy BHA1 of the Development Plan contains a number of sub policies relating to the Record of Protected Structures and Protected Structures. It sets out that development will conserve and enhance protected structured and their curtilage and under sub policy (a) *"ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011)"*.
- 5.3.7. Policy BHA2(c) of the Development Plan sets out that the Planning Authority will seek to ensure that new development does not adversely impact the curtilage or the special character of protected structure(s).
- 5.3.8. Section 11.5.3 of the Development Plan deals with the matter of built heritage assets. In relation to 'Z2' Residential Conservations Areas it sets out that these are areas that have recognised conservation merit and importance. It further sets out that they warrant protection through zoning and policy application.
- 5.3.9. Policy BHA9 of the Development Plan sets out that it is the policy of the Council to protect their special interest and character of residential conservation areas as well as

ensure that development within or affecting a Conservation Area must contribute positively to its character and distinctiveness as well as take opportunities to protect and enhance the character.

- 5.3.10. In relation to demolition in a conservation area Policy BHA10 of the Development Plan sets out that: *“there is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area, except in exceptional circumstances”*.
- 5.3.11. Policy BHA14 of the Development Plan sets out that the Council will seek: *“to promote the redevelopment and regeneration of mews lanes”*.
- 5.3.12. Section 14.7.2 of the Development Plan deals with Residential Neighbourhoods (Conservation Areas) – Zone ‘Z2’ states that: *“the general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area”*. This section of the Development Plan also sets out that: *“the principal land-use encouraged in residential conservation areas is housing”*.
- 5.3.13. Chapter 15 of the Development Plan sets out the development management standards.
- 5.3.14. Section 15.13.5 of the Development Plan deals with mews developments.
- 5.3.15. Volume 4 of the Development Plan contains the Record of Protected Structures.

#### **5.4. Natural Heritage Designations**

- 5.4.1. The site is not located within any designated site. The closest Natura 2000 sites are the South Dublin Bay SAC (Site Code: 000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which are located c3.1km to the north east of the site at their nearest point.

#### **5.5. EIA Screening**

The subject appeal does not relate to a class of development which requires mandatory EIA. Having regard to nature, scale, and extent of the development, together with the brownfield serviced nature of the site and its setting, 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**

6.1.1. The Third-Party grounds of appeal can be summarised as follows:

- The proposed development in terms of its design does not overcome the reasons for refusal for a similar 2-storey dwelling on this site in 2021.
- The Development Plan seeks a unified approach to mews lane development and also seeks that they complement the character of the existing lane and main building. The proposed development does not achieve this.
- The flat roof is out of character with existing buildings on this lane.
- The site fronts onto Oxford Lane. This lane is substandard in nature and its capacity to safely accommodate the proposed development is questioned.
- Zero parking provisions is a marked departure from precedent in this area.
- There is inadequate car parking in this area to deal with existing car parking needs.
- The site forms part of what was once the back garden of their home, No. 7 Old Mountpleasant, which is a Protected Structure. The deep plan, the height, the scale of the proposed dwelling would adversely impact on the setting of this Protected Structure and other Protected Structures in its vicinity.
- Previously provided mew developments at No.s 5, 8 and 9 are setback at first floor level.
- The proposed development is contrary to the zoning objective of the site and its setting which seeks to protect and/or improve the amenity of the residential conservation area.
- Reference to the existing structure as a house is misleading and inaccurate. The existing structure has no planning permission to be used as a dwelling.
- The majority of structures on Oxford Lane are sheds and garages.

- Concern is raised in relation to the working hours.
- The Board is sought to overturn the decision of the Planning Authority.

## 6.2. Applicant Response

6.2.1. The First Party response can be summarised as follows:

- The setback at first floor level and the rear return of No. 7 Old Mountpleasant meets the standard required.
- The Development Plan does not preclude flat roof structures and/or a contemporary design approach for residential developments like this.
- The proposed development is compliant with relevant planning provisions.
- The proposed design is contemporary one respectful of the surrounding height context and streetscape character.
- A unified approach to mews development could only occur where all landowners were party to an agreed plan. Given that mews development has already occurred to this lane there is no need for a unified approach.
- The subject lane has an established precedent for mews development.
- The setback from the lane proposed improves lane access.
- The Development Plan also permits in certain circumstances car free mews development and there are alternative modes of transport available in this area.
- Traffic free zones in the vicinity of schools are encouraged.
- The design avoids the mews dwelling from being overbearing in its context.
- The existing boundary wall and hedge already provides screening between the Protected Structure and the proposed mews.
- The appellant has not submitted any evidence that supports that the dwelling has not been in continuous use since pre-1963.
- It is requested that the Board uphold the Planning Authority's decision.

### 6.3. Planning Authority Response

6.3.1. None received.

## 7.0 Assessment

### 7.1. Preliminary Comment

7.1.1. I consider that the main issues in this appeal case are:

- Principle of the Proposed Development
- Concerns in relation to the Existing Structure
- Built Heritage Impact
- Residential Impact
- Access
- Parking
- Other Matters Arising

7.1.2. The matter of '*Appropriate Assessment*' also requires examination.

7.1.3. I propose to examine the above broad headings in turn in my assessment below and I consider that the proposed development does not give rise to any other substantive planning issues, with this area having capacity to absorb the additional demands for potable water as well as foul drainage subject to standard safeguards including those that deal with the matter of surface water.

7.1.4. Prior to commencing this assessment I firstly note that the original application has been revised by the applicant by way of their further information response.

7.1.5. This was submitted to the Planning Authority on the 9<sup>th</sup> day of June, 2022, and in my view resulted in qualitative improvements to the proposed development that was originally sought. Principally by way of the reduction in floor to ceiling height in order to achieve a reduction in the dwellings overall height. This reduction in height would result in the proposed dwelling being visually less overbearing in its setting. In particular, relative to No. 7 Old Mountpleasant, a Protected Structure, which originally included the subject site as part of its original curtilage. With it providing private open

space amenity for the original occupants of this period dwelling as well as access onto Oxford Lane.

- 7.1.6. In addition, the first-floor level of the proposed dwelling depth has been reduced. This change provides additional lateral separation between opposing windows of No. 7 Old Mountpleasant and the period terrace properties that it forms part of. Thus, reducing the potential for adverse visual and residential impacts to arise by way of overbearing through to undue perception of these historic properties being overlooked.
- 7.1.7. Moreover, in terms of the properties on either side of the proposed dwelling this amendment also reduces the level of overshadowing and diminishment of sunlight that would arise from the proposed development when compared to that arising from the original proposal.
- 7.1.8. In turn this to would minimise the potential of the proposed dwellings to give rise to undue residential amenity impacts by way of overshadowing/loss of daylight. With these properties having modest in width plots.
- 7.1.9. Based on the above considerations I propose to examine the proposed development as revised by the applicant's further information response.

## **7.2. Principle of the Proposed Development**

- 7.2.1. By way of this application permission is sought for the demolition of what is described as an existing dwelling and also the construction of a dwelling together with all associated site works. The proposed development is located within an area subject to the 'Z2' (Residential Conservation Areas) zoning objective under the Dublin City Development Plan, 2022-2028, which has a stated objective of protecting and/or improving the amenities of residential conservation areas. The general principle of residential development is accepted within this zoning objective, notwithstanding, the site itself forms part of what was historically the original curtilage of No. 7 Old Mountpleasant. Of relevance this adjoining property and the adjoining as well as neighbouring properties on either side of it are similarly designated under the Development Plan's Record of Protected Structures (RPS). This record is set out under Volume No. 4 of the said Plan.
- 7.2.2. The Development Plan defines protected structure as: "*a structure which the local authority considers to be of special interest from an architectural, historical,*

*archaeological, artistic, cultural, scientific, social or technical point of view. In relation to a protected structure, the meaning of the term 'structure' refers to the interior and exterior, including all fixtures and fittings which form part of the structure, unless otherwise determined by the Conservation Section. It also refers to land lying within the curtilage of the structure, any other structures lying within that curtilage, their interior and exterior and all fixtures and features which form part of that structure, unless otherwise determined by the Conservation Section".* This definition is consistent with Architectural Heritage Protection Guidelines for Planning Authorities

- 7.2.3. Under the applicable RPS No. 7 Old Mountpleasant is provided protection for the house and its railings to the front (RPS Ref. No. 5541).
- 7.2.4. Development Plan Policy BHA2(b) sets out that the Council will ensure that protected Structures will be protected from any works that would negatively impact upon the special character and appearance of a Protected Structure.
- 7.2.5. In addition, Under Policy BHA2(d) of the Development Plan that the Council will ensure that development any development in the setting of Protected Structures are sensitively sited and designed. As well as that they are appropriate in terms of their scale, mass, height, density, layout, and materials. As such it is incumbent on the applicant for the proposed development sought under this application that the information provided demonstrates that the proposed development would not be inconsistent with this said Development Plan policy.
- 7.2.6. In addition to this, the Development Plan sets out specific policies for mews type developments like that proposed under this application under Section 15.13.5.
- 7.2.7. Moreover, Policy BHA14 of the Development Plan sets out that the Council will seek: *"to promote the redevelopment and regeneration of mews lanes"* subject to them being sensitively designed and appropriately scaled.
- 7.2.8. These local planning provisions are relevant given that Oxford Lane is a cul-de-sac lane that served the rear of a group of period properties that address Old Mountpleasant and at its junction with Oxford Road where I observed that a number of mews type dwellings are present.
- 7.2.9. Further, having regard to the site's planning history, i.e. P.A. Ref. No. 2082/21, I consider it is also incumbent that any application for a dwelling on the subject site

demonstrates that the reasons for refusal of permission for a development consisting of the alterations to an existing roof structure to increase its ridge height in order to accommodate a first floor level of the subject structure so that it could accommodate and function as a two storey mews dwelling are addressed and can be overcome.

7.2.10. For clarity the refusal reasons for P.A. Ref. No. 2082/21 can be summarised as follows:

1) The proposed development would give rise to adverse visual amenity impacts on the mews lane and to the Protected Structure in a manner that would be contrary to local planning provisions.

2) The width of the laneway was considered to be substandard to cater for the proposed development and that the proposed development, if permitted would give rise to an undesirable precedent.

3) Inadequate provision of private amenity space and in turn substandard residential amenities.

7.2.11. Based on the above considerations whilst I am satisfied that the general principle of the proposed development is acceptable having regard to local, regional, and national planning provision that seek compact development and sustainable climate resilient densification of serviced urban land at appropriate locations this conclusion however is subject to safeguards, including but not limited to the above built heritage and planning history site concerns raised above. Alongside demonstrating that the proposed development is consistent with all relevant site planning provisions, standards and guidance at a location that is sensitive to change.

### **7.3. Concerns in relation to the Existing Structure on Site**

7.3.1. The appellant as part of their appeal submission to the Board raises concerns that the existing structure for which demolition is sought is not and has not been used as a dwelling as is presented by the applicant in this application. They contend that it has not been used as such for the time in which they have occupied their property and question that it was ever used for such a purpose.

7.3.2. The functional and/or established residential use of the structure for demolition under this application is not raised as an issue by the Planning Authority. Having regard to the Planning Officer's report and the planning history of the site it would appear that

the Planning Authority have accepted that this structure was considered to be an established dwelling unit.

- 7.3.3. In support of this structures established use as a dwelling unit this application is accompanied by a sworn affidavit by the applicant.
- 7.3.4. However, no robust evidence supports that this can unequivocally be accepted as a truth based fact on the basis of the information provided and available in relation to this structure.
- 7.3.5. At the time of my inspection of the site I observed that the appeal site was unkempt and that it does not have the appearance of being in active and/or recent functional use as a residence. The subject structure contains no post box; no indication of a meter box; it has no Eircode; there is no provision for the storage of waste by occupants to the rear; through to, the available views of the rear elevation and of the rear windows do not show any evidence of the interior space being in active or recent residential use.
- 7.3.6. Further, the side rear eastern boundary adjoining the rear garden of No. 8 Old Mountpleasant has been removed with some of the waste associated with on-going works to this adjoining property appearing to be added to the discarded items present in the rear of the appeal site.
- 7.3.7. Irrespective of this concern, as considered in the previously in this assessment, the appeal site forms part of a larger residential conservation area of zoned land where the principal of residential development, including densification in the form of mews development, being deemed to be generally acceptable, subject to safeguards.
- 7.3.8. As such I am satisfied that the removal of this structure in order to facilitate residential development, subject to safeguards, is acceptable irrespective of whether or not it has established residential use as an independently functioning and not abandoned dwelling unit.

#### **7.4. Built Heritage Impact**

- 7.4.1. Since permission was refused by the Planning Authority under P.A. Ref. No. 2082/21, in part for reasons relating to adverse built heritage impact, the local planning provisions have changed by way of the recent adoption of the Dublin City Development Plan, 2022-2028. Under this Development Plan the site and its setting retain their 'Z2'

land use zoning and there are no changes to the Protected Structure designation of No. 7 Old Mountpleasant. There is also no change to the Protected Structure status of period properties within the visual setting of the site as well as no additions to the Record of Protected Structures within the visual setting of the site.

- 7.4.2. Notwithstanding these similarities with the previous Dublin City Development Plan, 2016-2022, it is of note that the planning policy provisions for development at built heritage sensitive locations like this and for mews development have become more robust under the recently adopted Development Plan.
- 7.4.3. In tandem with the core strategy and the Development Plan policies supporting the densification of appropriate serviced suburban land, including those in proximity like this site is to good public transportation links, services, and amenities.
- 7.4.4. Section 15.4.2 of the Development Plan sets out that all development proposals shall respect Dublin's heritage and local distinctiveness and enriches the city environment: "*through its design, use of materials and finishes, development will make a positive contribution to the townscape and urban realm*". It further sets out that all development should: "*respond creatively to and respect and enhance its context*" and it identifies one of the key considerations being that the design of new development should contribute positively to the cityscape and urban realm, the settings of Protected Structures.
- 7.4.5. In relation to the existing structure on site, by way of this application, its demolition is sought and its replacement with what is essentially a flat roofed two storey structure setback from the lane side edge of Oxford Lane and setback at ground floor level just over 10m from the existing rear boundary between it and No. 7 Old Mountpleasant.
- 7.4.6. Whilst forming part of the original historic curtilage of No. 7 Old Mountpleasant this structure is not a historic mews and/or coach house building. It is not of any particular architectural merit that would warrant or justify its retention.
- 7.4.7. I therefore raise no specific objection to its demolition given that the removal of this structure would facilitate densification of suburban land including by way of mews development. With this conclusion being supported by Policy BHA14 of the Development Plan which sets out that the Council: "*promotes the redevelopment and regeneration of mews lanes*". Subject to them being sensitively designed and appropriately scaled.

- 7.4.8. Further, by way of Section 15.13.5 of the Development Plan which sets out the Development Plan's Development Management Standards for mews development.
- 7.4.9. In this regard, I note that the site, the building, and spaces thereon are no longer an integral part of No. 7 Old Mountpleasant as a result of the subdivision that has occurred of the rear curtilage of this period property which effectively has substantially reduced its private open space amenity. It has also severed the original functional relationship between the subject site's parcel of land with the rear of No. 7 Old Mountpleasant and thus its functional use or otherwise by the occupants of this Protected Structure. Further, it has also severed vehicle/pedestrian connectivity for occupants of this property onto Oxford Lane. A lane that is predominantly fronted by garages and containing both pedestrian and vehicle entrances.
- 7.4.10. Whilst Section 15.13.5 of the Development Plan has a presumption against the removal of historic structures within the curtilage of Protected Structures and addressing onto mews lanes the subject structure for which demolition is sought is legible from the public realm and within its visual setting as a much more recent built layer of no architectural or other merit that would support its retention.
- 7.4.11. In my view its unkempt appearance, particularly within the visual context of adjoining and neighbouring Protected Structure, does not positively contribute to its visual amenities of its setting, including the residential conservation area streetscape scene of Oxford Lane.
- 7.4.12. As such any development of this site and/or active reuse including appropriate upkeep has the potential to improve this current situation.
- 7.4.13. What is of concern is in relation to potential period original built structures on the site is that it would appear that along the western boundary the site that there is a period brick boundary treatment present.
- 7.4.14. It is unclear from the documentation provided with this application how it is to be safeguarded during the course of any demolition and construction works.
- 7.4.15. It is also unclear if any reinstatement works are proposed to it.
- 7.4.16. Further the applicant does not demonstrate that they have the consent of the adjoining property owner/s for any structural interference to it, its removal through to any

incorporation and/or oversailing of the property to the west, i.e., No. 6 Old Mountpleasant, a Protected Structure.

- 7.4.17. I also note that there is no consent for any oversailing and encroachment of the eastern side boundary. With the drawings appearing to suggest that the width of the replacement dwelling throughout is such that it would likely be constructed onto and in the case of the property to the west modestly infringing into the site area associated with this property.
- 7.4.18. I am therefore not convinced that the proposed development, if permitted, would not give rise to oversailing of property outside of which the applicant has legal interest or the consent for.
- 7.4.19. In relation to this concern, in the interest of safeguarding and protecting built heritage structures of interest, I recommend that the Board should it be minded to grant permission for the development sought under this application that it considers imposing an appropriately worded condition that protects and ideally seeks the maintenance to best accepted conservation standards the aforementioned historic wall along the western boundary. This is on the basis that it is a surviving period feature of merit associated with the Protected Structures of No. 6 and 7 Old Mountpleasant. With such features adding built heritage interest to the site's residential conservation area setting.
- 7.4.20. I also recommend that the matter of oversailing/encroachment on land outside of which the applicant has demonstrated a legal consent should also be dealt with by way of an appropriately worded condition. Such a condition should require the side elevations of the proposed dwelling including its associated foundations to be contained within the site area and be of a width that does not compromise, include or oversail land outside of the red line area. In addition, I recommend that an advisory note that reiterates Section 34(13) of the 2000 Planning and Development Act (as amended) as a precaution. For clarity I note that this section of the said Act states that a person is not entitled solely by reason of a permission to carry out any development.
- 7.4.21. In relation to the proposed two storey dwelling, I consider that the relationship of the proposed development and the appeal site in the context of No. 7 Old Mountpleasant, other Protected Structures within the site's visual setting of the site as well as with the

residential conservation area is mainly a visual relationship and that potential for adverse impact is similarly so. With any development in this context required under Section 15.3.5 to be respectful and appropriate in its context.

- 7.4.22. Section 15.13.5.1 of the Development Plan, in relation to the design and layout of mews development, advocates and supports a unified approach where consensus between all property owners has been agreed. This section of the Development Plan sets out that this unified approach framework is the preferred alternative to individual development proposals. This application does not form part of a unified approach for the development of Oxford Lane to accommodate mews development. Notwithstanding this, Section 15.13.5.1 of the Development Plan also sets out that individual proposals will also be considered on a case-by-case basis.
- 7.4.23. It is also of note that mews dwellings are present to the immediate west of the site and there appears to be a residential structure in a commercial complex of buildings at the very end of Oxford Lane. The dwelling structures that are present on the cul-de-sac lane have a variety of built forms and appearances.
- 7.4.24. The proposed design and layout does, however, seek to harmonise with the more recent mews insertion to the rear of No. 5 Old Mountpleasant in terms of its more contemporary design approach, built form, height, massing, scale through to palette of materials. With this design and layout approach being largely consistent with the guidance set out in the Development Plan for mews developments.
- 7.4.25. This approach is consistent with Section 15.13.5.1 of the Development Plan which includes requiring such developments being of contemporary design, be respectful to existing character of the area and utilising a similar colour palette to that of the main structure. The latter is evident in my view by the use of brick in the front which is a material that harmonises with the historic boundary treatment previously discussed. As well as the more recent mews dwelling to the rear of No. 5 Old Mountpleasant and being in an area where brick is one of the main building materials that characterises envelopes of historic building stock in this residential conservation area setting.
- 7.4.26. Further to the rear, a light weight contemporary palette of materials is proposed with this including render plaster finish for the main rear elevation. A material that I consider is sensitive to the rear of No. 7 Old Mountpleasant as well as is respectful of the palette of materials that are present to the rear of neighbouring period properties.

- 7.4.27. Section 15.13.5.1 of the Development Plan also states that: “*the distance between the opposing windows of mews dwellings and of the main houses shall ensure a high level of privacy is provided and potential overlooking is minimised*”. Of relevance Section 15.11.4 of the Development Plan sets out that: “*at the rear of dwellings, there should be adequate separation between opposing first floor windows*”. It further sets out that: “*traditionally, a separation of about 22m was sought between the rear first floor windows of 2-storey dwellings but this may be relaxed if it can be demonstrated that the development is designed in such a way as to preserve the amenities and privacy of adjacent occupiers*”.
- 7.4.28. In this case the proposed design slightly exceeds the required 22m separation distance between it and the opposing first floor windows of No. 7 Old Mountpleasant rear return.
- 7.4.29. This level of separation distance therefore is consistent with the requirements of the Development Plan and whilst the provision of a more substantial two storey dwelling to the rear of No. 7 Old Mountpleasant will result in a change of context.
- 7.4.30. The level of overlooking that would arise from the proposed development is not in my view inconsistent with what normally arises in such suburban locations like this.
- 7.4.31. In relation to private open space amenity to the rear of the mews building, I note that No. 7 Old Mountpleasant on the basis of all available information has been subdivided to the rear for a significant period of time. It is also outside of the applicant’s legal interest. In relation to the proposed dwelling the submitted drawings indicate that it would contain three bedrooms and that within the reduced rear garden area a bicycle and bin store is proposed. Whilst concerns were raised by the Planning Authority in relation to this provision given that there is no independent access to the rear garden area proposed. Thus, the bins and bicycles would have to be moved through the internal living space of the proposed dwelling which is not ideal. Notwithstanding, the site is confined and even with the provision of this bin/bicycle store to the rear the private amenity space meets the quantitative standards of Section 15.11.3 of the Development Plan, i.e., it exceeds 60 sq.m.
- 7.4.32. In this regard for clarity I note Section 15.11.3 sets out “*a minimum standard of 10 sq. m. of private open space per bedspace will normally be applied*” and “*generally, up to 60-70 sq. m. of rear garden area is considered sufficient for houses in the city*”.

- 7.4.33. It also sets out that a single bedroom represents one bedspace and a double bedroom represents two bedspaces. According to the submitted drawings at first floor level one single bedroom is proposed and two double bedrooms. Thus, five bedspaces in total, and requiring a minimum standard of 50 sq.m.
- 7.4.34. Section 15.13.5.2 of the Development Plan sets out: *“that they should complement the character of both the mews lane and main building with regard to scale, massing, height, building depth, roof treatment and materials”*. In it sets out that the: *“height of mews building should not negatively impact on the views from the main property”* and that: *“development will generally be confined to two-storey buildings”*.
- 7.4.35. In relation to the proposed mews dwelling whilst it is two storey in height and appearance when viewed from the public realm as well as from the rear of properties to the north of it, including No. 7 Old Mountpleasant. According to the submitted drawings it has a height of 5.842m addressing Oxford Lane. A height that matches the adjoining structure to the west, despite it being setback 1.8m from the lane side edge and front building line of this adjoining structure which echoes the original building line of properties adjoining the northern side of Oxford Lane. The rear façade also has the same given height though it extends at ground floor level c9m from the rear elevation of the existing structure with a modest step back at first floor level in a southerly direction. Whilst this height is not subservient to the rear return of No. 7 Old Mountpleasant and the rear returns of adjoining as well as neighbouring properties to the immediate north it is notwithstanding subservient to the height of the main rear elevation of these period terrace properties.
- 7.4.36. Further the height is more modest to that of the modern mews lane to the rear of No. 5 Old Mountpleasant and neighbouring mews property to the west of the site. The height in my view is more harmonious with the period dwelling located on the north eastern side of Oxford Road and Oxford Lane’s junction.
- 7.4.37. Overall, I do not consider that the two-storey built form in terms of its height and overall built form to be visually overbearing in its context. I also consider that it is subservient to No. 7 Old Mountpleasant and the period terrace group it forms part of. The 5.842m height is also not out of character with structures present along Oxford Lane or within its visual setting.

- 7.4.38. Section 15.13.5.3 of the Development Plan states that the: “*roof profile for mews buildings should be simple and in keeping with the character of the area*”. The appellant in this appeal case considers the flat roof structure to be out of character with the area. I consider that the incorporation of a flat roof structure in the design of the proposed dwelling allows it be more subservient built form and height. With this also having positive outcomes of lessening the level of overshadowing and visual overbearance that could otherwise arise from this structure having a hipped, mono-pitched, or other form of roof structure shape that characteristically require additional height, mass, and volume.
- 7.4.39. I note that the Development Plan under Section 15.13.5.3 does not preclude the use of flat roof structures for mews dwellings nor is the use of a flat roof, one that is out of context with the more contemporary design approach chosen for the mews dwelling proposed.
- 7.4.40. Having regard to the above considerations, alongside the requirement of Policy BHA2(d) of the Development Plan which seeks to ensure that development any development in the setting of Protected Structures is sensitively sited and designed. As well as that they are appropriate in terms of their scale, mass, height, density, layout, and materials. Together with the development standards set out under Section 15.13.5 of the Development Plan through to the residential conservation land use zoning which seeks to protect and/or improve the amenities of residential conservation areas, I am satisfied that the proposed mews dwelling is consistent with these local planning policy provisions and that it would not give rise to any significant diminishment and/or erosion of the built heritage and/or visual context of the site residential conservation area setting as well as the setting of Protected Structures in its immediate vicinity, in particular No. 7 Old Mountpleasant.
- 7.4.41. I also consider that the spirit and intent of these local planning provisions and guidance on the matter of conservation areas and Protected Structures are also consistent with the Section 28 Ministerial Guidelines set out in the Architectural Heritage Protection Guidelines for Planning Authorities.
- 7.4.42. Based on the above consideration, therefore, the proposed development would not give rise to diminishment of the residential conservation area and/or Protected Structures in its vicinity.

## 7.5. Residential Impact

- 7.5.1. In relation to other potential residential amenity impacts on properties in vicinity of the proposed development I am of a view that any grant of permission should include standard safeguards that deal with the nuisances that arise from demolition and construction phases of the proposed development.
- 7.5.2. It is standard practice for a condition to be imposed that requires the written agreement of a demolition and construction management plan that would deal with these phases. Given the confined and restricted site area alongside the proximity of the site to established residential properties through to the substandard nature of Oxford Lane and the fact that traffic associated with these phases of the development could potentially give rise to significant inconveniences for residents and landowners that are entirely dependent upon Oxford Lane for access to their property. The latter is the case for properties to the east of the site.
- 7.5.3. In addition, appropriate conditions should be included to deal with construction hours, damage to Oxford Lane, dust, noise and the management of waste. I consider such conditions are required to safeguard and protect the amenities of the area through to ensuring any damage to the public domain is dealt with and that no undue obstruction arises for users of Oxford Lane.
- 7.5.4. Further, I consider that the orientation of the site and the proposed design by virtue of its height, mass, depth, volume is such that it would give rise to overshadowing of the properties to the east and west of the proposed dwelling. Notwithstanding, the depth of the two storey structure is similar to other mews developments to the west of the site.
- 7.5.5. In addition, the height of the overall structure at below 6m as revised by way of the applicants further information together with the flat roof over minimises and reduces the level of overshadowing that would arise.
- 7.5.6. Moreover, the properties to the immediate east and west contain generous private amenity space lengths that would still give rise to qualitative amenity for their occupants.
- 7.5.7. In addition, an appropriately worded condition that requires the side elevations of the proposed dwelling addressing the adjoining properties to the east and west by way of

the inclusion of a qualitative external treatment should be imposed. With the view of such a condition addressing the visual homogeneity and blankness of these side elevations as they present to these adjoining properties alongside as viewed within the immediate visual setting which includes a number of Protected Structures. Such a condition would improve the visual overbearance of the proposed dwelling when observed from these properties and the visual setting of Protected Structures which it would form part of.

7.5.8. Whilst the documents with this application do not include a detailed overshadowing/daylight analysis of the existing and proposed situation. Notwithstanding, given that the proposed development has a design and layout that is consistent with the pattern of mews development that has occurred already on Oxford Lane to the west of the site, the revised designs reduction in overall height to less than 6m which is not a height that could be considered as unduly excessive as well as is a height that is reflective of the existing structure on the site and other structures addressing Oxford Lane through to is not as high as the most recent mews development permitted to the rear of No. 5 Oxford Lane. Alongside the need for mews developments to set themselves back to achieve at least 5.5m carriageway width in keeping with Development Plan requirements. Having regard to these factors and in this context I consider that the level of overshadowing that would not be out of context with the pattern of development at this location.

7.5.9. In relation to the residential amenities of future occupants the internal room sizes accord with general design standards and as said the private amenity space as well as the lateral separation distance between opposing first floor windows meets the Development Plan required standards.

7.5.10. I therefore concur with the Planning Authority in this case that the proposed dwelling if permitted would not give rise to any undue residential amenity concerns that would support or warrant its refusal of permission.

## 7.6. **Access and Parking**

7.6.1. The appellant raises concern in relation to the capacity of Oxford Lane to accommodate the vehicular access and car parking generated by the proposed development.

- 7.6.2. The proposed development includes a 1.8m setback from the edge of the lane's public carriage. The proposed development does not propose any car parking within the site, relying on the location of the site being in close proximity to a number of public transport modes, including the Ranelagh Luas stop and several bus routes including those present along Ranelagh Road. I also note that the area is well served by cycle lanes and I observed that there is a heavily reliance on on-street car parking by many residential properties in the immediate area of the site. This appears to have placed a heavy demand upon the resident permit/pay and display public on-street car parking that is available in the vicinity of the site. I also observed car parking on double yellow lines in the immediate vicinity of Oxford Lane's junction with Oxford Road.
- 7.6.3. The development proposes to provide onsite bicycle storage to the rear of the site. No off-street car parking is proposed to meet the car parking needs for occupants of the proposed dwelling and I note that No. 7 Old Mountpleasant is a dwelling that is also not served by way of any on-site off-street car parking provision.
- 7.6.4. In addition, the proposed dwelling is essentially the fifth property on the northern side of Oxford Lane and more historic mews type development, i.e., No. 13 Oxford Lane, which is the first built structure on this side of the lane has a similarly restrictive width along its lane side frontage as the existing situation of the site. Where the existing structure on site is purported to have an established and unabandoned use as a dwelling unit served by no on-site car parking provision.
- 7.6.5. Section 15.13.5.4 of the Development Plan, in relation to access and parking provision in mews lanes, sets out 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. It sets out that each development will be assessed on a case-by-case basis.
- 7.6.6. This is further reiterated under Appendix 5, Section 4.3.8 of the Development Plan. Which I note also requires that potential mews laneways must provide adequate accessibility in terms of private vehicular movements, emergency vehicles and refuse vehicles.
- 7.6.7. In this regard Section 4.3.8 of the Development Plan requires a minimum carriageway of 4.8m in width and a 5.5m where no verges or footpaths are provided which is the case in Oxford Lane. The proposed 1.8m setback results in the proposed dwelling, if

permitted as proposed, having a width of c5.6m along its Oxford Lane elevation. This would effectively improve Oxford Lane, which is a type of lane that is considered under local planning provisions to be a shared surface. This width in my view would improve the accessibility of the lane and establishes a more appropriate in width lane carriage way that adds to the positive precedent in increasing the width of Oxford Lane should future residential developments be sought further along it.

7.6.8. In this situation the introduction of an on-site car parking space would arguably result in impact on the volume of the proposed dwelling and with this potentially a larger structure on site which in turn has the potential to give rise to more impacts on the residential and visual amenity of its setting. Upon completion and occupation, the site is as said located where there are good public transport options and where parking is required there is despite the heavy demand upon it on-street publicly provided on-street car parking spaces within easy walking distance.

7.6.9. In addition, the applicant indicates that the area is served by a refuse company that allows for curb side collection of refuse sacks as an alternative to bringing bins through the house.

7.6.10. While I fully accept the concerns of the Third Party in this appeal case and I would concur with them that the ability of the lane to accommodate further vehicular activity is limited. With this consideration based on the lack of setbacks of structures particular to the west of the site. Notwithstanding, having regard to the following factors:

- The existing structures reliance solely on Oxford Lane.
- The limited potential increase in vehicular movements that would arise from the proposed dwelling upon occupation.
- The proximity of the site to the Oxford Lane and Oxford Road junction.
- The low-speed environment of the lane.
- The established use of this junction, albeit its restricted sightlines to the north for vehicle access as well as egress.
- The controlled and available public car parking in easy reach of the site.
- The cul-de-sac nature of Oxford Lane, its modest length and the number of properties accessed from it.

Together with the improved width that would arise to the front of the site from the proposed dwelling's setback and the removal of the obstruction of the canopy to the front as originally proposed under the revised design. With this amendment resulting in additional improvement to the shared surface of Oxford Lane, its useability and functionality. I do not consider the lack of car parking and the other traffic safety considerations arising from the proposed development are such that they would warrant refusal of permission in this case.

7.6.11. In terms of the demolition and construction traffic, should the Board be minded to grant permission, I recommend that a condition requiring the preparation and submission of a Demolition and Construction Management Plan for the written agreement of the Planning Authority be imposed. The condition should be appropriately worded so that the plan shall provide details of intended construction practice for the development, including traffic management and access as well as parking of vehicles during these two phases.

7.6.12. Having regard to the above considerations I am satisfied that the principle of no car parking provision on site is acceptable in this case and I note that the Transportation Planning Division of Dublin City Council raised no objection in this regard, subject to compliance with safeguards which can be satisfactorily dealt with by way of an appropriately worded condition.

## **7.7. Other Matters Arising**

7.7.1. **Development Contribution:** Under the current Dublin City Council Section 48 Development Contribution Scheme, the proposed development is liable to pay a financial contribution.

7.7.2. **Future Development on Site:** Should the Board be minded to grant permission I recommend that it include a condition limiting future development on site save for that permitted with a prior grant of permission in the interest of safeguarding the private amenity space to the rear for a dwelling of this size.

## **7.8. Appropriate Assessment**

7.8.1. Having regard to the nature, scale and extent of the proposed development, its location in a serviced urban area, and the separation distance to any 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 permission be **granted**.

## 9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Dublin City Development Plan, 2022-2028, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. 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 further information submitted to Planning Authority on the 9th of June, 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. The side elevations and foundations of the proposed dwelling shall be setback from western and eastern boundary. In addition, the period brick wall on the western boundary of the site shall be safeguarded during demolition and construction works. Revised drawings showing these amendments alongside detailing the external treatment of both elevations and works to repair and reinstate missing sections of the redbrick wall shall be submitted to the Planning Authority for their

written agreement prior to the commencement of any works on site. The treatment of the side elevations particularly at first floor level shall include appropriate qualitative detailing and finishing to ensure that they do not present as blank and poorly resolved elevations in terms of appearance within their visual setting.

**Reason:** In the interests of safeguarding the visual, residential, and built heritage amenity of the area.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling.

4. The demolition and construction phases of the proposed development shall be managed in accordance with a Demolition and 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 traffic management and access, hours of working, noise management measures, dust management measures, protection of site boundary measures, off-site disposal of demolition and construction waste storage of materials including measures taken to deal with hazardous materials.

**Reason:** In the interests of public safety and residential amenity.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

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

**Reason:** In the interest of public health.

7. The applicant shall comply with the following Transportation Divisions requirements:

- (i) The setback area to the front of the development shall be taken in charge by Dublin City Council. Prior to commencement of the development, details of works within the setback area including materials, roads line markings, drainage and public lighting provision shall be agreed in writing with the planning authority. All works will be at the applicant/developers expense.
- (ii) The porch shall be omitted from the front façade addressing Oxford Lane.
- (iii) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- (iv) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

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

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

9. 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.

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

10. The site development works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during demolition and construction works as well as in the interests of orderly development.

11. The planning authority shall approve the naming of the proposed dwelling in order to avoid confusion with similar names and numbering in other locations. In this regard the developer shall submit a minimum of 2 names and include details of the criteria such as having regard to local history, heritage and/or cultural associations, consultation with An Post, as well as evidence of due diligence undertaken to ensure that there is no duplication with existing names in the city.

**Reason:** In the interests of orderly naming and numbering of dwelling units within the city, to enhance urban legibility and to ensure no confusion for emergency service vehicles.

12. 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.

**Advisory Note:**

The applicant/developer is advised that Section 34(13) of the Planning and Development Act, 2000, as amended, states that: *'a person shall not be entitled solely by reason of a permission under this section to carry out any development'* and, therefore, any grant of permission for the subject proposal would not in itself confer any right over private property to carry out development.

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Patricia-Marie Young  
Planning Inspector

1<sup>st</sup> day of February, 2023.