



An
Bord
Pleanála

Inspector's Report

ABP-314857-22

Development	Construction of extensions and alterations to 2 houses and all associated site works.
Location	1 Pembroke Place and Mews, 2 Pembroke Place, Dublin 2
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4575/22
Applicant(s)	Denis O'Sullivan
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party Appeal
Appellant(s)	Denis O'Sullivan
Observer(s)	Elizabeth O'Brien Dr. Grania Clarke South Georgian Core Residents Association c/o Dr. Kevin Byrne
Date of Site Inspection	27 th October 2023

Inspector

Frank O'Donnell

1.0 Site Location and Description

- 1.1. The subject site is located at no. 1 Pembroke Place and Mews 2, Pembroke Place, Dublin 2. The site is accessed via a Cul-De-Sac laneway (Pembroke Place) which is in turn accessed via a Mews Archway at No. 9 Pembroke Street Upper. The site comprises of an existing three-storey end of terrace townhouse (no. 1 Pembroke Place) and an existing two-storey semi-detached dwelling (Mews 2, Pembroke Place). There is also an existing courtyard space/ parking to the front/ north-west of the two-storey dwelling (Mews 2). The overall site area is stated to measure 128 sqm (0.0128 hectares). No. 1 Pembroke Place has an estimated floor area of 93 sqm, excluding the ground floor garage and an overall height of 9.1 metres (excluding roof garden railings). Mews 2 has an estimated existing floor area of 82 sqm and an overall height of 7.2 metres.
- 1.2. The site is located entirely within a Conservation Area and is estimated to be within 8 metres to the south-west of Fitzwilliam Square and Environs Architectural Conservation Area (ACA). The site is also immediately adjacent to the west of Kingram House located at Kingram Place, which is listed as a Protected Structure (RPS Ref. No. 4261). Kingram House/ Kingram Place is also listed under the National Inventory of Architectural Heritage (NIAH), ref. no. 50930321.
- 1.3. The site is positioned close to the centre of an urban block which fronts onto Fitzwilliam Square South/ Fitzwilliam Square to the north, Pembroke Street Upper to the west, Lesson Street Lower to the south and Fitzwilliam Place further to the east. The general area and surrounding streets are defined by Georgian Terraces and numerous Protected Structures.
- 1.4. There is an existing 6 storey (5 storey over undercroft) red brick office building located c.25 metres to the south-east of the subject site. The building to the immediate south-east adjacent to the subject site is estimated to have a maximum height of 13.9 metres to top of roof plant screening.

2.0 Proposed Development

- 2.1. The proposed development comprises of the construction of extensions and alterations to 2 no. existing dwellings. The proposed development will result in an increase in height for No. 1 Pembroke Place from 9.1 metres (excluding roof garden railings) to 13.8 and an increase in floor area from approximately 93 sqm to approximately 181 sqm. The proposals for Mews 2 will result in an increase in height from 7.2 metres to 13.8 metres and an increase in floor area of 6 sqm from 82 sqm to 88 sqm.
- 2.2. The works proposed at no. 1 Pembroke Place, include the following:
- A Third and Fourth Floor Extension to provide additional habitable accommodation and a roof garden.
- 2.3. The works proposed at Mews 2, Pembroke Place, include the following:
- At Ground Floor Level:
 - The Installation of an internal Stair Access to serve the upper floor of Mews 2.
 - The installation of a Lift Access/ Lift Shaft and Storage Unit within the curtilage of Mews 2, to serve no. 1 Pembroke Place.
 - A flat roof extension at the existing courtyard/ car parking area the front of the dwelling to provide additional living accommodation.
 - Relocation of the main entrance to the south-west elevation of the dwelling which partly comprises of a natural stone wall.
 - At First Floor Level:
 - The Installation of an internal Stair Access and a shower room.
 - The installation of a Lift Shaft, a Storage Unit and wardrobe within the curtilage of Mews 2, to serve no. 1 Pembroke Place.
 - At Roof Level:
 - The installation of a Lift Shaft, a Storage Unit and wardrobe within the curtilage of Mews 2, to serve no. 1 Pembroke Place.

- 2.4. The proposed external finishes include painted render for the proposed single storey flat roof extension to match the exterior of Mews 2, Pembroke Place and Copper Sheet Cladding to the exterior of the proposed upper floor extensions to no. 1 Pembroke Place and the exterior of the proposed lift shaft/ storage areas above Mews 2, Pembroke Place. It is also proposed to provide a glazed balustrade and glazed lobby to structural detail at roof garden level.
- 2.5. The overall height of the proposed works measures 13.8 metres. This is shown to be in keeping with the established height of the parapet wall of the existing building located to the rear south-west against which the proposed roof garden is sited.
- 2.6. No. 1 Pembroke Place comprises of 3 no. floors and, excluding the ground floor garage, which has an estimated floor area of 13.5 sqm, has an estimated floor area of 93 sqm. As per the submitted existing section drawing, the roof garden is shown to be accessed via internal stairs at third floor level. The roof garden is enclosed on three sides by vertical timber post and rail fencing to an estimated height of c. 1.4 metres. The 2 no. adjacent properties at No. 2 & 3 Pembroke Place do not have roof gardens in place.
- 2.7. Mews 2, Pembroke Place comprises of 2 no. floors and has an estimated floor area of 82 sqm.
- 2.8. The combined floor area of the proposed development is stated to measure 293.03 sqm.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Decision to Refuse permission on 21/09/2022 for the following reasons:

1. *The proposed development, which is within a Conservation area, along a mews laneway and close to Protected Structures, is considered over scaled and disproportionate at this location. The proposed vertical extensions, which traverse across both properties, do not integrate, match, or complement the existing buildings in terms of design narrative and are likely to have detrimental visual impact on the subject site and the surrounding context. The*

proposal would be contrary to Section 11.1.5.6, 11.1.5.4 and Policy CHC4 of the Dublin City Development Plan 2016-2022, would constitute an overdevelopment of the subject site and would create a precedent for similar type undesirable development. The proposal would be contrary to the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.

2. *The proposed development does not appear to have regard to the historic wall and archway which appear to indicate an intention to remove or demolish this feature from the subject site. The removal or demolition of what appears to be a historic wall and archway would not be considered acceptable, in the interests of best conservation practice and would be considered a significant contravention to Section 11.1.5.6, 11.1.5.4 and Policy CHC4 of the Development Plan. The proposal would create a precedent for similar type undesirable development, would be contrary to the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Planner** considered that the subject site is within a Conservation area and along a Mews laneway and close to Protected Structures, the proposed development is considered over scaled and disproportionate, particularly as it also encroaches upon the roof of No.2 Pembroke Place.
- The Planner further considered that the proposed vertical extensions, which traverse across both properties, do not integrate, match, or complement the existing building in terms of design narrative and are likely to have detrimental visual impact on the subject site and the surrounding context. The proposed vertical extensions, which traverse across both properties, do not integrate, match, or complement the existing building in terms of design narrative and are likely to have detrimental visual impact on the subject site and the surrounding context. Overall, the proposal would constitute an

overdevelopment of the subject site and would create a precedent for similar type undesirable development, such as roof top extensions to the adjoining terrace of properties along Pembroke Place.

- The proposed development does not appear to have regard to the proposed wall and archway which may signify an intention to remove or demolish this feature from the subject site. The removal or demolition of what appear to be a historic wall and archway would not be considered acceptable, in the interests of best conservation practice.
- Accordingly, the Planner recommended that planning permission be REFUSED for 2 no. reasons. This recommendation was endorsed and a Decision to Refuse Permission was made on 21/09/2023.

3.2.2. Other Technical Reports

- The **Drainage Division** raise no objection to the proposed development subject to 3 no. standard conditions.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

- Grania Clarke
- Kevin Byrne on behalf of South Georgian Core Residents Association
- Paul Lynch
- Elizabeth O'Brien

4.0 Planning History

4.1. Planning History on the subject site

- **5570/07 (Appeal Ref. No. PL 29S 227163)**: Applicant: Edward O'Flaherty. Planning permission for an extension on the roof consisting of 42sqm of accommodation including a bedroom, storage, ensuite bathroom and external spiral stairs to roof garden. The external finishes will consist of 'Rhein zinc'

cladding to the east elevation, cedar cladding, cedar louvres, glazing and 'Rheinzinc' cladding to the north elevation to Pembroke Place, cedar cladding to the west elevation and a sand cement finish with opaque glazed window to the south elevation facing Kingram House. A stainless-steel balustrade is proposed at roof garden level to a total height of 12.17m above the road level on Pembroke Place. The proposed development will also consist of infilling the existing top floor bedroom balcony with glazing and metal cladding over to match existing. Permission was **GRANTED** on 30/07/2008 subject to 3 no. conditions. This permitted development was not carried out.

- **1572/98 (Appeal Ref. no. PL29S.107943):** Applicant: Mr. Jim Crotty. Permission for Demolition of three derelict, terraced, two storey pitched roof dwelling houses; and erection of three terraced three storey dwelling houses with flat roofs over. Permission was **GRANTED** on 18/12/1998 subject to 7 no. conditions.

4.2. Planning History on the adjacent site to the immediate north-east of Mews 2, Pembroke Place

- **2412/15:** Applicant: Mr. Kevin Bardon. Permission for relocation of vehicular access door / entrance and new separate pedestrian entrance door. Permission was **GRANTED** on 23/06/2015 subject to 5 no. conditions.

5.0 Policy Context

5.1. Development Plan

5.1.1. Dublin City Council Development Plan 2022 to 2028.

The subject site is zoned 'Z6 Employment/ Enterprise', the relevant zoning objective for which is:

'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation.'

The site is located within a Conservation Area and is adjacent to an Architectural Conservation Area.

Relevant Chapters and Sections within the Development Plan, include the following:

Chapter 11 relates to Built Heritage and Archaeology.

- *Section 11.5 relates to Built Heritage and Archaeological Policies and Objectives.*

- *Section 11.5.2 relates to Architectural Conservation Areas.*

Policy BHA7, as set out in Section 11.5.2, relates to Architectural Conservation Areas.

- *Section 11.5.3 relates to Built Heritage Assets of the City.*

Policy BHA9, as set out in Section 11.5.3, relates to Conservation Areas and reads as follows:

'BHA9

Conservation Areas

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

- 1. Replacement or improvement of any building, feature, or element which detracts from the character of the area or its setting.*
- 2. Re-instatement of missing architectural detail or important features.*
- 3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.*
- 4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
- 5. The repair and retention of shop and pub fronts of architectural interest.*

6. *Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.*

7. *The return of buildings to residential use.*

Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications, and will promote compatible uses which ensure future long-term viability.'

Policy BHA10, as set out in Section 11.5.3, relates to Demolition in a Conservation Area and reads as follows:

'BHA10

Demolition within a Conservation Area

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 where such loss would also contribute to a significant public benefit.'

Policy BHA14 and Objective BHAO5, as set out in Section 11.5.3, relate to Mews and reads as follows:

'BHA14

Mews

To promote the redevelopment and regeneration of mews lanes, including those in the north and south Georgian core, for sensitively designed, appropriately scaled, infill residential development, that restores historic fabric where possible, and that removes inappropriate backland car parking areas.'

'BHAO5

Mews

To prepare a best practice design guide regarding appropriate mews development in the city, including for the north and south Georgian cores.'

Chapter 14 relates to Land Use Zoning. Section 14.7.6 of the Plan relates to Employment/Enterprise – Zone Z6 and provides specific guidance.

The subject site is zoned 'Z6 Employment/ Enterprise', the relevant zoning objective for which is:

'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation.'

The subject lands do not form part of the Strategic Development Areas referenced in Chapter 6 (City Economy and Enterprise) of the Plan but form part of the remaining Z6 zoned lands in the City.

Residential development is not identified as a use which is either 'Permitted in Principle' or 'Open for Consideration' under this Z6 Employment/ Enterprise zoning objective.

Chapter 15 relates to Development Standards. The following Sections are of relevance to the subject proposals:

- *Section 15.4 - Key Design Principles.*
- *Section 15.5 - Site Characteristics and Design Parameters*
- *Section 15.8 - Residential Development*
- *Section 15.9 - Apartment Standards*
- *Section 15.11 - House Developments*
- *Section 15.12 – Standards for Other Residential Typologies*
- *Section 15.13 – Other Residential Typologies*
- *Section 15.15 – Built Heritage and Archaeology*
- *Section 15.18 – Environmental Management*
- *Volume 2: Appendices*
 - *Appendix 3 - Achieving Sustainable Compact Growth Policy for Density and Building Height in the City*
 - *Appendix 6 - Conservation*
 - *Appendix 16 – Sunlight and Daylight*

- *Appendix 18 – Ancillary Residential Accommodation*

5.2. Ministerial Guidelines

- 5.2.1. *Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, (DOHLGH, 2022).*
- 5.2.2. *Urban Developments and Building Heights, Guidelines for Planning Authorities, 2018*
- 5.2.3. *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, (Cities, Towns & Villages), 2009.*
- 5.2.4. *Architectural Heritage Protection Guidelines for Planning Authorities, 2011.*

5.3. Guidelines (Non-Statutory)

- 5.3.1. *Quality Housing for Sustainable Communities Guidelines, 2007.*

5.4. Natural Heritage Designations

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

5.5. EIA Screening

- 5.5.1. The proposed development is not within a class where EIA applies.

6.0 The Appeal

6.1. Grounds of Appeal

- The decision of the Planning Authority to Refuse permission is the subject of a First Party Appeal. The Appellant refers to a previously permitted development at the subject site, ref. no. 5570/07, which was subsequently upheld at appeal by an Bord Pleanála (Appeal Ref. no. PL 29S.227163). The Appellant considers that this previous application is similar to the current proposals.
- Whilst seeking to defend the proposed development as presented under the subject application, the applicant has presented an alternative design

proposal, as set out in Section 1.1.3 of the Appeal, which is based on a reduced scale/ extension.

6.1.1. Grounds of Appeal

- Design/ conservation considerations. The site is not within a statutorily protected Architectural Conservation Area. The site is located within a Conservation Area.
- Both design proposals are sympathetic to and integrate with the surrounding area and are not contrary to the objectives of the Development Plan.
- The design approach submitted under the subject application is similar in scale to that previously permitted, aside from the additional extension across Mews 2 Pembroke Place.
- The proposal to provide a lift to provide better access for people with disabilities or mobility impairments and the resultant slight increase in scale for the proposed extension/ design modifications is justified and is also supported by Objective SN30 of the previous Development Plan (2016 to 2022), which is *'to promote sustainable neighbourhoods which cater to the need of persons in all stages of their lifecycle, i.e. children, people of working age, the elderly, people with disabilities.'*
- In further support of the proposed development, reference is made to Section 16.8 of the previous Development Plan (2014 to 2022) which states *'An important element in achieving sustainability in the design of residential units is the ability of the design to accommodate decreased mobility as residents may acquire some level of mobility impairment through accident, or inevitably through old age.'*
- The Applicant refers to the Development Plan and the stated need therein for flexibility with regards to the use of protected structures and in making them accessible to people with disabilities, whilst respecting their architectural integrity. The Applicant contends that development in Conservation Areas requires flexibility and that the proposed original design, which looks to improve access for those with disabilities or mobility impairments, is also respectful of the surrounding architectural integrity of the area.

- The Applicant's Alternative Vertical Extension is discussed in Section 1.1.3 of the Appeal. In Response to the Council's Reason for refusal with regard to the proposed vertical extension, the Applicant, while maintaining their case for the original design proposal, is willing to propose a redesign and requests the consideration of same by the Board.
- The Applicant considers that the Planners primary concern is that the original design traverses across both properties and as a result does not integrate or complement the existing buildings.
- Under the Alternative Vertical Design proposal, the Applicant now proposes to omit the lift, lobby, and storage components of the plans, and reduce the footprint of the extension so as it no longer traverses onto Mews 2, Pembroke Place. The Applicants' revised proposals are presented in Figure 3 of the Appeal submission.
- The Applicant considers the revised proposals to be more symmetrical than the original design and states that this proposal is almost identical to that granted by Dublin City Council Ref. 5570/07 and An Bord Pleanála (Appeal Ref. No. 29S.227163). Considering that a similar extension has been previously granted, the Applicant contends that the argument that the development would create a precedent does not apply. The Applicant has provided supporting floor plans for the said Alternative Vertical Design proposal which are put forward for the consideration of the Board.
- The Applicant contends that the vertical extension of the revised design and that of the original proposal increases residential amenity/ innovative architectural style. The extension will fit neatly along the existing roofline and abut Kingram House. Reference is made to the Design Statement and the findings of same regarding the existing surrounding architectural styles and formats including multiple storey buildings and four storey Georgian Terraces over basements on Pembroke Street Lower. The Applicant contends that the proposed vertical extension is in line with the existing pattern of development in the area and provides additional habitable and residential amenity space on an infill site, promoting a compact city approach.

- Retention of existing Historic Archway. Applicant is happy to retain the existing archway. The Applicant confirms that the proposed development will not include the demolition or removal of an historic archway or wall and therefore does not conflict with the interests of conservation best practice.
- Reference is made to the revised design proposals. The proposals indicate the retention of the archway and the relocation of the main entrance doorway into the centre of the archway. The Applicant considers this to be an innovative design approach. The Applicant references other archway retention works in the vicinity which the Applicant considers to be a much poorer attempt to introducing sensitive design that is mindful of the Georgian Architecture.
- The Applicant contends, as a result of the revised design proposals, that the development, with regards to reason for refusal no. 2, is not a contravention of Section 11.1.5.6, 11.1.5.4 and Policy CHC4 of the Development Plan but instead ensures that a positive contribution is made to the character and distinctiveness of the area.
- The Applicant further contends that the revised proposals represent an innovative architectural response to the site and will positively contribute to the streetscape and will improve the existing residential amenity.

6.2. Planning Authority Response

- The Planning Authority request that the Board uphold their decision. If permission is granted, the Planning Department request that a condition requiring the payment of a Section 48 development contribution be applied.

6.3. Observations

6.3.1. A total of 3 no. Observations were received from the following:

- Dr. Grania Clarke, No. 5 Pembroke Place, Dublin 2.
- Elizabeth O'Brien, 8 Pembroke Street & 8 Pembroke Place, Dublin 2.
- South Georgian Core Residents Association, C/o Dr. Kevin Byrne, (Chair), 64 Powerscourt, Dublin 2.

6.3.2. All of the 3 no. Observations support the decision to the Planning Authority to Refuse Planning Permission and request that the decision be upheld. The main issues raised in the 3 no. submissions, can be summarised under the following main headings:

- Design, Scale and Layout:
 - Lack of justification for proposed lift/ internal design layout is not reflective of catering for persons with a mobility impairment.
 - Overdevelopment/ 100% Site Coverage/Previous permission has lapsed/ Current proposal is three times the size at 92 sqm.
 - Inappropriate size, scale, and height for a Mews Lane
 - Loss of Courtyard
 - Conflict with Mews Development Guidance in the Development Plan
 - Inappropriate scale, massing, height, roof treatment and amalgamation of 2 no. buildings

- Architectural Conservation:
 - The proposal is not within an ACA but within a Conservation Area. The same rules apply.
 - The stone wall on the ground floor will be demolished.
 - The proposals conflict with DCC Plan in respect of the protection of the special interest and character of Dublin's Conservation Areas. Policy CH3 of the DCCDP, 2016 to 2022 is quoted.
 - Mews lane at Pembroke Place acts as a buffer between the modern office developments in the area and the proximate protected structures and historic conservation area.
 - Proposal does not make a positive contribution to the urban fabric of the area and detracts from the setting of the protected structures and the achievement of a unified, integrated Mews Lane.

- The Applicants revised proposals/ slightly altered plans do not sufficiently address the deficiencies of the original proposals or the grounds for DCC's refusal of planning permission.
- Residential Amenity:
 - General impact of the proposed development on the local environment/ established residential amenity for local residents.
 - Loss of residential amenity for Mews 2 due to the amalgamation of Mews 2 into No. 1 Pembroke Place
 - Impact on the shared surface of the Mews laneway, eg. Bins/ bicycle storage etc particularly for Mews 2.
- Impact on Businesses
 - General impact of the proposed development on local businesses on the Mews lane
- Parking/ Traffic Impacts:
 - Loss of Car Parking Space
 - Traffic Impacts during construction
- Precedent:
 - If permission is granted it will set the precedent for the adjoining building to extend to a similar height of five storeys.
- Zoning:
 - The Z6 zoning designation is not reflective of the established residential use. Other remaining 2 no. buildings on east side of Pembroke Place are zoned Z1.

7.0 Assessment

7.1. Introduction

- 7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and having

inspected the site, and having regard to relevant local/ regional/ national policies and guidance, in my opinion, the substantive issues in this appeal are as follows:

- Principle of Development
- Architectural Conservation
- Design, Scale and Layout
- Other issues
 - Material Contravention
 - Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The former Dublin City Council Development Plan, 2016 to 2022, was in force at the time of the Planning Authority's decision issued on 21/09/2022. Under that said Plan the subject site was zoned Z6 Employment/ Enterprise and was ascribed the following zoning objective, i.e., *'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation'*. Under the said former Plan, 'Residential' use is identified as a use which is 'Open for Consideration' on lands zoned Z6.
- 7.2.2. Under the current Plan, which came into effect on 14th December 2022, 'Residential' use is not listed as a use which is either 'Permitted in Principle' or 'Open for Consideration' on lands zoned 'Z6 Employment/ Enterprise'. As such, the proposed 'Residential' use represents a 'non-conforming' use.
- 7.2.3. Section 14.3.1 of the Plan states that *'there will be a presumption against uses not listed under the permissible or open for consideration categories in zones Z1, Z2, Z6, Z8, Z9, Z11, Z12 and Z15.'*
- 7.2.4. Section 14.6 of the Plan relates to non-conforming uses and states:

"Throughout the Dublin City Council area there are uses that do not conform to the zoning objective for their area. All such uses, where legally established (the appointed day being 1 October 1964) or where in existence longer than 7 years, shall not be subject to proceedings under the Planning and Development Act 2000 (as amended) in respect of the continuing use. When extensions to, or improvements of, premises accommodating such uses are

proposed, each shall be considered on their merits, and permission may be granted where the proposed development does not adversely affect the amenities of premises in the vicinity and does not prejudice the proper planning and sustainable development of the area.”

7.2.5. The subject proposal is assessed in further detail below having regard to the above test, i.e., *whether or not the proposal adversely affects the amenities of premises in the vicinity and whether or not it will prejudice the proper planning and sustainable development of the area.*

7.3. Architectural Conservation

7.3.1. Owing to the Mews location of the Appeal site within a Conservation Area, the adjacent Protected Structure to the immediate north, the proximity to Fitzwilliam Square and Environs Architectural Conservation Area (ACA) and the presence of features of architectural conservation value, it is my opinion, that any significant development on the subject site needs to have due regard to the sensitivities of the site, its setting, and surroundings.

7.3.2. The Appeal submission and the Applicant’s amended design proposals are noted.

7.3.3. The initial design proposals, which include a copper sheet clad vertical lift shaft connecting the ground floor of No.1 Pembroke Place to the proposed third and fourth floor/ roof garden and which is contained within the curtilage and extended from the roof space of Mews 2, in my opinion, represents an inappropriate and insensitive modern design intervention.

7.3.4. Little regard appears to have been given in the initial proposal, for example, to the character and setting of the Mews 2 building and its curtilage along a Mews Lane and within a Conservation Area or the potential impacts of same upon the character and setting of the adjacent Protected Structure and Architectural Conservation Area.

7.3.5. The Applicant’s justification for the design approach and vertical extension is based on a previously permitted application, which is stated to be of similar scale and design, planning reg. ref. no. 5570/07 (Appeal Ref. No. PL29S.227163), and to provide better access for people with disabilities or mobility impairments.

7.3.6. The previously permitted development did not include a lift shaft within the curtilage of Mews 2 and is therefore irrelevant to the Applicant’s design case for this element

of the proposed development. The second part of the Applicant's justification for the proposed lift shaft, i.e., to provide better access for people with disabilities or mobility impairments may represent the Applicant's own justification for these said works but it does not appraise or serve to suitably address the overall architectural conservation impacts of such a proposal.

- 7.3.7. The proposed works also include the construction of the said lift shaft within the Mews 2 dwelling at ground and first floor level and the resultant reconfiguration of this said dwelling to accommodate same, including a new ground floor extension over the existing Mews Courtyard.
- 7.3.8. It is unclear as to the full extent of existing historic fabric within the said Mews Dwelling, which may be lost as a result of the proposed works. At the very least, the existing roof profile will be permanently altered with the addition a lift shaft as proposed.
- 7.3.9. It is noted that the lift shaft element is omitted from the alternative design proposals presented by the Applicant as part of the Appeal submission. In my opinion, the proposed lift shaft element and the associated external design treatments are at odds with the setting and character of the area and represent an insensitive and inappropriate modern design intervention. This element of the proposed development should be refused.
- 7.3.10. Under planning reg. ref. no. 5570/07 (Appeal Ref. No. PL29S.227163), permission was granted for an extension to No. 1, Pembroke Place, at third floor and roof level (in the form of a roof garden). The overall height of the permitted extension extended 3.9 metres above that of the existing structure. This permitted extension was not constructed. A roof garden has instead been constructed at the existing roof level (third floor). There is no record of a planning application pertaining to same.
- 7.3.11. The current proposals for No. 1 Pembroke Place include permission to construct an extension at third floor level and to provide a roof garden at fourth floor level. Both the initial proposal and the amended proposal submitted as part of the appeal include a glazed lobby to structural detail at the proposed roof garden level and propose an overall height above the existing structure of 5.25 metres, i.e., 1.35 metres above that of the previously permitted development.

- 7.3.12. It is stated in the Inspectors Report attached to appeal ref. no. PL29S.227163, that the wider locality is a designated Conservation Area. There is no reference to the adjacent Architectural Conservation Area (ACA) but the adjacent Kingram House (Protected Structure) to the north is referenced. Condition no. 1 of the decision to Grant permission under the said appeal required that the previously proposed 'Rhein zinc' cladding be omitted and replaced with a copper cladding.
- 7.3.13. The Fitzwilliam Square and Environs Architectural Conservation Area document is indicated to have been adopted on 07/12/2009 and therefore postdates the above appeal decision. In addition, a new Development Plan is in force, and this includes relevant policies and objectives in relation to, for example, Built Heritage Assets within the City including Conservation Areas and Buildings of Heritage Interest including Mews and Vernacular Buildings (Section 11.5.3 & Policies BHA9, BHA10, BHA11 & BHA14 & Objective BHA05), Architectural Conservation Areas (Section 11.5.2 & Policies BHA7 & BHA8) and Mews Developments (Section 15.13.5).
- 7.3.14. Having regard to the proposed development as initially presented and to the amended proposals presented as part of the Appeal submission, both of which include a ground floor single storey extension to the front courtyard area of the original Mews lane and having regard to the absence of any apparent supporting Conservation expertise on behalf of the Applicant, I am satisfied that the proposed development would result in a negative impact upon the setting and character of the area, the Mews Lane setting, the adjacent Architectural Conservation Area, the Conservation Area itself and the adjacent Protected Structure. The proposed development should therefore be refused.

7.4. Design, Scale and Layout

- 7.4.1. The proposed development as initially presented and although not proposed in the submitted plans could potentially facilitate the future amalgamation of the Mews 2 with No. 1 Pembroke Place. It is accepted however that this is not proposed. As per stated in Section 15.13.5.1 of the Development Plan in relation to the form and layout of new Mews Developments, '*the amalgamation or subdivision of plats on mews lanes will generally not be encouraged.*'
- 7.4.2. Mews 2 has an approximate floor area of 82 sqm and is shown to include 3 no. bedrooms at first floor level. The proposed single storey ground floor extension into

the existing Mews Courtyard area to the front of Mews 2 is indicated to measure 20 sqm. The proposed development, with the inclusion of the proposed lift shaft within the curtilage of Mews 2 and together with the said ground floor extension, would result in a reduced number of bedrooms within the property from 3 no. to 2 no. bedrooms with an approximate increased combined floor area of 88 sqm, i.e., an approximate floorspace increase of 6 sqm.

- 7.4.3. The recommended aggregate bedroom floor area for a 2 bed/ 4 person/ 2 storey house, as set out in the non-statutory *Quality Housing for Sustainable Communities Guidelines, 2007*, is 25 sqm. The proposed aggregate bedroom size is estimated to be below this minimum standard.
- 7.4.4. No. 1 Pembroke Street is a 3-storey dwelling which includes a roof garden and forms part of a terrace of dwellings. No's 2 and 3 Pembroke Place are of the same design as No. 1 but exclude a roof garden. In addition to the roof garden, the dwelling is served by a small area of private open space in the form of a recessed balcony to the front of the building at second floor level. The overall terrace comprises 7 no. dwellings in total including the 2 no. Mews dwellings to the north and 4 no. other dwellings further to the south-west. No's 1 to 6 Pembroke Place face north-west onto Pembroke Place.
- 7.4.5. Excluding the ground floor garage, No. 1 Pembroke Place has an estimated existing floor area of c. 93 sqm and includes 3 no. bedrooms. With the addition of a third floor, which is shown on the amended floor plans to have a stated proposed floor area of 37.23 sqm and the glazed lobby at roof garden level, which has a stated floor area of 11.27 sqm, the proposed combined floor area of the amended proposal is estimated to be 140.5 sqm.
- 7.4.6. All existing dwellings within the subject terrace do not extend above 3 storeys in height. Mews 1 and 2 dwellings are both 2 storey structures, Kingram House (Protected Structure) is a two-storey structure and the remaining structures at Pembroke Place, which include a mix of residential and commercial uses, similarly do not extend beyond 3 storeys in height.
- 7.4.7. The adjacent office building to the rear/ south-east is estimated to have a maximum parapet height of 11 metres (24,515 mm parapet level) and it is against this side wall that the existing roof garden is positioned, see Existing Front Elevation Drawing

(Drg. No. 22S-002/02). This existing parapet level is consistent with that shown on Cross Section Drawing BB (Drg. No. 1130.PL.009 & PL.009A) and CC (Drg. No. 1130.PL.010 & PL.010A), i.e, SL: 24,520 mm.

- 7.4.8. There is an existing roof plant louvre screen at roof level on the said adjacent office building. The louvre is estimated to be set back a minimum of 1 metre from the parapet wall although this does not appear to be reflected in the abovementioned Cross Section Drawings. The top of the existing louvre screen is shown to have a relative level of 26,240 mm and the maximum height of the louvre screen is therefore estimated to be 12.65 metres.
- 7.4.9. A higher roof level of 27,300 mm is shown on the same drawings behind the louvre screen. This would appear to relate to the top of existing roof plant as opposed to being a physical part of the adjacent building. It is this level of 27,300 mm which appears to be presented as the established building height although it is accepted that there is a note pertaining to same which refers to existing roof plant louvre screen.
- 7.4.10. By way of comparison, the top of the proposed glazed lobby at roof garden level is shown to be 120 mm higher with a level of 27,420 mm, which equates to an overall height of 13.8 metres.
- 7.4.11. Neither the existing parapet wall nor the said louvre screen are readily visible from street level to the front of No. 1 Pembroke Street.
- 7.4.12. As illustrated on the Proposed Front Elevation Drawing (Drg. No. 1130. PL.011) and the alternative Proposed Front Elevation Drawing (Drg. No. 1130. PL011.A) the proposed third floor and roof level extensions will be significantly higher than the adjacent residential properties and, in particular, Mews 1 and 2 and No's 2 & 3 Pembroke Place.
- 7.4.13. In my opinion, this increase in height will serve to result in the subject property being out of character with the prevailing dwelling format in the immediate area, i.e., a maximum of 3 stories and, in particular, that of the immediately adjacent properties at Mews 2 and No's 2 & 3 Pembroke Place. Furthermore, the proposed extensions, if permitted, will result in an overbearing effect on the said properties, the relatively low-rise nature of the surrounding area at Pembroke Place and, in particular, the

established low-rise structures to the immediate west on the opposite side of Pembroke Lane.

- 7.4.14. The subject site has a stated site area of 0.0128 hectares (128 sqm). The total floor area of proposed development (i.e., new and retained) is stated in q. 10 d) i) of the planning application form to measure 293.03 sqm. The proposed plot ratio is stated in q. 10 g) to be 0.436 and the proposed site coverage is stated to be 100%.
- 7.4.15. Plot Ratio is calculated by dividing the gross floor area of a building (in this case 293.03 sqm) by the site area (128 sqm). The proposed plot ratio is estimated to measure 2.29. An indicative Plot Ratio range of between 1.5 and 2.0 is recommended in Conservation Areas, as per Appendix 3 of the Development Plan. A proposed Plot Ratio of 2.29 is considered excessive given the location of the subject site within a Conservation Area. The guidance set out in Appendix 3 of the Plan does not present any justifications for an increased Plot Ratio in this scenario.
- 7.4.16. Site Coverage represents the percentage of the site covered by building structures excluding public roads and footpaths. As per Appendix 3 of the Development Plan, an indicative Site Coverage of 45% to 50% is recommended in Conservation Areas. The proposed Site Coverage of 100% far exceeds the recommended/ indicative Site Coverage and the Guidance does not present any justifications for an increased Site Coverage in this scenario.
- 7.4.17. Having regard to the foregoing, I am satisfied that the proposed development, by reason of the proposed increase in height relative, in particular, to adjacent residential buildings, together with the excessive Plot Ratio and Site Coverage, will result in an excessively scaled and inappropriate form of development.
- 7.4.18. In addition, together with the inappropriate overdevelopment of the site, the proposed development by reason of the loss of an existing car parking space, which is likely to lead to additional parking on the existing narrow Mews lane and the lack of any dedicated space on the site for the storage of waste, is such that this will serve to impact negatively upon the existing residential amenity of the area and will set an undesirable precedent for similar proposals into the future. Permission should be refused.
- 7.4.19. Having regard to the above, I am satisfied that the proposed development, as initially proposed, and as amended as part of the Appeal submission, will adversely affect

the amenities of premises in the vicinity, including residential amenity, and will prejudice the proper planning and sustainable development of the area. Permission should be refused.

7.5. Other issues

7.5.1. **Appropriate Assessment**

7.5.2. Having regard to the nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

8.1. I recommend that permission be refused for the following reasons.

9.0 **Reasons and Considerations**

1. The proposed development, as presented, would materially contravene the 'Z6 Employment/ Enterprise', zoning of the site, as set out in the Dublin City Development Plan 2022 – 2028, which seeks *'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation'*, as it would serve to adversely affect the amenities of premises in the vicinity, including residential amenity, would set an undesirable precedent for similar proposals in the immediate area and would therefore, as a result, prejudice the proper planning and sustainable development of the area.
2. The proposed development, which is within a defined Conservation Area, positioned along a Mews Laneway and proximate to existing Protected Structures and to Fitzwilliam Square and Environs Architectural Conservation Area (ACA), represents an over scaled and disproportionate form of development. The proposed vertical extensions, which traverse both properties do not integrate, match, or complement the existing buildings in terms of design narrative and are likely to have a detrimental visual impact on the subject site and the surrounding site context. The proposal would be contrary to Section 11.5.3, Section 11.5.2 and Policy BHA9 of the Dublin City

Development Plan, 2022 to 2028 and would constitute overdevelopment of the subject site. The proposal would be contrary to the provisions of the Dublin City Development Plan, 2022 to 2028 and the proper planning and sustainable development of the area.

3. The proposed development, as presented, which is located within a Conservation Area, will result in an overdevelopment of the site by reason of excessive plot ratio and site coverage, as per recommendations contained in Section 15.5.6 (Appendix 3, Table 2) of the Dublin City Development Plan, 2022 to 2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Frank O'Donnell
Planning Inspector

1st December 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-314857-22		
Proposed Development Summary	Construction of extensions and alterations to 2 houses and all associated site works.		
Development Address	1 Pembroke Place and Mews, 2 Pembroke Place, Dublin 2		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	√	
	No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No	√		
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Conclusion
		Comment (if relevant)	
No	√		No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____ \