



An
Bord
Pleanála

Inspector's Report ABP-316141-23

Development	Retention of modifications to previously approved development and associated works.
Location	26 Raglan Lane, Ballsbridge, Dublin 4, D04 A0C9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3008/23
Applicant(s)	Mary Jo Looby and Colin Kelleher
Type of Application	Retention
Planning Authority Decision	Grant Permission
Type of Appeal	First and Third Party
Appellants	Mary Jo Looby and Colin Kelleher Maggie Cavil & John Cavil Daire Hogan
Observers	Joe McCauley on behalf of Geraldine Noonan Eoin McGonigal

Downey Planning on behalf of Peter
Priestley

Garrett McGann

Date of Site Inspection

22nd June 2023

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site on a stated area of 198 sq m consists of a three-storey mews house, no.26, located on the western side of Raglan Lane, Dublin 4. Raglan Lane is located to the south of Elgin Road and north of Clyde Road and there is a mews house on each site which would have originally formed part of the rear gardens of the houses on Wellington Road, to the west.
- 1.2. The nature of the mews houses along Raglan Lane is such that there is generally no common design, and the houses vary in height. Most are two storeys though three storey units are found in the form of attic space conversions to habitable use through the introduction of dormer windows etc.
- 1.3. The subject house is located behind a stone wall with gates providing access to the site. Although the house is set back from the lane, there is a covered structure to the front, and which occupies a large proportion of the space between the house and the front boundary.

2.0 Proposed Development

The applicant is for the retention of the following modifications to the permitted development under PA Ref. 3729/21:

- A reduction of 800 mm in height of a bicycle store to the front of the house
- An increase in the building/ house height by 450 mm
- A set back of 450 mm of the second-floor level from the front of the house
- An increase in the size of the rooflights on the main house and the single storey element to the front
- The repositioning of solar panels at roof level
- The removal of zinc frames to the approved mansard roof
- Modifications to the internal layout, including the location of walls, revised stair design and an increase in the floor to ceiling height of the kitchen.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to conditions, which are generally standard. Condition no. 2, the subject of this appeal, states the following:

For clarity, this permission excludes any reduction in the permitted separation between the second-floor level and the rear boundary as a result of the increase in the setback from the front of the house at second floor level, as this has not been adequately described in the public notices. Any such reduction should be the subject of a separate application for permission Planning Authority Reports.

3.1.1. Planning Reports

The Planning Authority Case Officer's report reflects the decision to grant permission for the proposed development. The elements submitted for retention were considered to be relatively minor and would have no undue adverse impact on the character of the house/ adjoining area and would not adversely impact on the residential amenity of adjoining properties. Reference was made to the repositioning of the second-floor level, such that it is closer to the western boundary and which is not adequately described in the public notices, and which would require a new planning application.

3.1.2. Other Technical Reports

Engineering Department – Drainage Division:

No objection subject to recommended condition in relation to surface water drainage.

Transportation: No report received.

3.1.3. Prescribed Bodies Reports

Irish Water: No report received.

3.1.4. Objections/ Observations

A total of six thirty party observations were received and I have summarised them as follows:

- Concern about the description of the proposed development and contradictions with what was proposed/ constructed on this site.
- Difficult to assess what is proposed from the submitted drawings/ documentation.
- Insufficient information has been provided with the application, in terms of dimensions and potential impact on adjoining properties.
- The Z2 zoning seeks to protect the character of the area and the proposal does not do so and is out of character with the existing area. The development would have a negative impact on the existing mews houses and the character of the area.
- The proposal is 840 mm higher than the permitted development and therefore impacts on the skyline of Raglan Lane.
- General concern about the height of the unit proposed for retention.
- Negative impact on residential amenity in terms of loss of sunlight and daylight. An assessment was undertaken by Digital Dimensions in support of the letter of objection by M. Cavil and J Cavil.
- Potential for overlooking of adjoining properties leading to a loss of privacy.
- Also, a loss of privacy through the use of flat roof sections of the house contrary to the approved permission.
- Permitting this development would set an undesirable precedent for similar development in the area.
- Potential for light pollution from the 'slot' rooflight.
- The solar panels may negatively impact on adjoining protected structures through negative visual impact.

4.0 Planning History

PA Ref. 3729/21 refers to a January 2022 decision to grant permission for the demolition of an existing two storey house and glass conservatories, site clearance and the construction of a 235 sq m two-storey dwelling house with a mansard roof and attic level accommodation, with one off street courtyard car parking space from Raglan Lane, a rear landscaped garden and enclosed terraces to the rear and to the

front of the proposed mews building, relocated vehicular access and new vehicular automated access gate onto Raglan Lane, along with all associated site works including landscaping and services formerly within the curtilage of a protected structure.

Condition no. 3 states 'The access doors to the front and rear second-floor terraces shall be replaced with windows and the proposed terraces shall not be used as amenity areas.

PA Ref. 2499/20 refers to a September 2020 decision to grant permission for the demolition of the existing front porch and rear conservatory, external removal works to the roof, side and rear elevations and front boundary removal works together with minor internal removal works to the existing two-bedroomed dwelling, to allow for the construction of a ground floor extension to the front and rear, including balcony to rear, side extension at ground and first floor level to the existing dwelling and internal alterations providing an additional bed space, giving a total of three bedrooms, all with associated landscaping, alterations to the existing front boundary wall with alterations to the existing vehicular and pedestrian gates and entrance together with all necessary site development works.

5.0 Policy and Context

5.1. Dublin City Development Plan 2022 - 2028

- 5.1.1. The subject site is zoned Z2 - Residential Neighbourhoods (Conservation Areas) with the objective 'To protect and/or improve the amenities of residential conservation areas'. Section 14.7.2 of the development plan provides further detail on such areas and states:

'Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. A Zone Z2 area may also be open space located within or surrounded by an Architectural Conservation Area and/or a group of protected structures. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both

protected and non-protected. 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. Chapters 11: Built Heritage and Archaeology, and Chapter 15: Development Standards, detail the policies and objectives for residential conservation areas and standards, respectively. Volume 4 of this plan contains the Record of Protected Structures.

The principal land-use encouraged in residential conservation areas is housing but can include a limited range of other uses. In considering other uses, the guiding principle is to enhance the architectural quality of the streetscape and the area, and to protect the residential character of the area’.

- 5.1.2. Section 11.5.3 ‘Built Heritage Assets of the City’ under chapter 11 provides further details on Z2 lands and states that they ‘do not have a statutory basis in the same manner as protected structures or ACAs, they are recognised as areas that have conservation merit and importance and warrant protection through zoning and policy application.
- 5.1.3. Designated Conservation Areas include extensive groupings of buildings, streetscapes and associated open spaces and include (parts of) the medieval/walled city, the Georgian Core, the 19th and 20th century city, and the city quays, rivers and canals. The special interest/value of Conservation Areas lies in the historic and architectural interest and the design and scale of these areas. Therefore, all of these areas require special care in terms of development proposals. The City Council will encourage development which enhances the setting and character of Conservation Areas’.
- 5.1.4. Residential Standards Section 15.11 of the Development Plan provides details on internal layout and space standards for new houses. Private open space for houses is usually provided by way of private gardens to the rear of a house, with a minimum standard of 10 sq m of private open space per bedspace normally being applied with 5 - 8 sq m in inner city locations, and up to 60 - 70 sq m of rear garden area generally considered sufficient for houses in the city. The development plan allows for standards to be relaxed on a case-by-case basis subject to a qualitative analysis of the relevant development. Rear gardens/ private amenity areas should be screened from public areas and be able to provide safe/ secure play areas for

children, be suitably overlooked from the window of a living area or kitchen, have robust boundaries, and should not back on to public roads or public amenity spaces.

5.1.5. In terms of Mews Development, Section 15.13.5 of the development plan sets out standards for such proposals. The plan considers mews dwellings as an integral part of backland development across the city, typically accessed via existing laneways or roadways serving the rear of residential developments. Traditional and/or high quality contemporary architectural design for mews buildings will be considered for new developments and proposed materials should respect the existing character of the area and utilise a similar colour palette to that of the main structure. building line. Section 15.13.5.3 states that the roof profile for mews buildings should be simple and in keeping with the character of the area. All pitched roofs should run parallel with the mews lane with no ridge lines running perpendicular to the lane. Section 15.13.5.4 states that parking provision in mews lanes, where provided, may be in off-street garages, forecourts, or courtyards, subject to conservation and access criteria.

5.2. **Guidelines**

- Architectural Heritage Protection - Guidelines for Planning Authorities (2011, DoAHG)

5.3. **Natural Heritage Designations**

None.

6.0 **The Appeal**

6.1. **First Party Grounds of Appeal**

The applicants have appealed condition no. 2 as included in the grant of permission and have made the following points:

- The description in the public notices was clear as to what was proposed. If there was uncertainty, then the application should have been invalidated, or addressed by way of a further information request.
- Note that a number of observations were made, therefore the public notices functioned as intended.

- It is considered the Planning Authority assessed the development as described in the public notices and no confusion arose.
- No issues of concern were raised by the Planning Authority in relation to this aspect of the development.

6.2. **Third Party Grounds of Appeal**

Two third party appeals were made against the decision of Dublin City Council, and I have summarised them as follows:

- The development provides for a three-storey house, even though originally only a two-storey unit was proposed.
- Attic level was never considered to be an additional floor on this house.
- No objections were made to the original application, but a number of objections were made to the current application due to the scale, nature and the height of the development provided here.
- The house is overbearing on adjoining properties.
- The house was to be 8.64 m, as permitted, however the house is between 9.48 m and 9.81 m on the southeast side.
- The kitchen is higher than was permitted.
- Contiguous elevations are incorrect/ misleading.
- Concern about the impact of the development on sunlight and daylight received by adjoining houses. Assessment provided by Digital Dimensions in support of the appeal.
- A number of procedural and validity issues are raised in the appeal.

6.3. **Observations**

A number of observations were received, and comments are similar to those raised in the original application.

A submission was made by the applicant, prepared by Tom Phillips and Associates seeking to address issues raised in the third-party appeals. In summary, the alterations, approved by the Planning Authority are minor works that do not impact

on the visual amenity or character of the area, nor impact on the residential amenity of adjoining properties. IES have been employed to address issues raised in relation to impact on sunlight and daylight. No issues of concern are raised.

6.4. Planning Authority Response

No additional comments made.

7.0 Assessment

7.1. A first party appeal against condition no.2 of the decision to grant permission and two, third party appeals against the decision of Dublin City Council have been made. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Nature of the development
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- First Party Appeal
- Other Issues
- Appropriate Assessment Screening

7.2. Nature of the Development

7.2.1. The proposed development refers to an application for the retention of modifications to an approved house at no. 26 Raglan Lane, Dublin 1. The principle of a house has been approved under PA Ref 3729/21 by Dublin City Council. The Z2 zoning that applies to this site does not preclude the extension of houses though the Z2 zoning and relevant policy of the development plan requires that such development be carried out in a way that is sympathetic to the existing character of the area.

7.2.2. The works that are proposed for retention include the following:

- A reduction of 800 mm in height of a bicycle store to the front of the house
- An increase in the building/ house height by 450 mm. This is primarily a change at second floor level from what was originally permitted.

- A set back of 450 mm of the second-floor level from the front of the house
- An increase in the size of the rooflights on the main house and the single storey element to the front
- The repositioning of solar panels at roof level
- The removal of zinc frames to the approved mansard roof
- Modifications to the internal layout, including the location of walls, revised stair design and an increase in the floor to ceiling height of the kitchen.

7.2.3. The primary issues of concern raised in the third-party appeals refer to the external alterations to this house and those which impact on the visual character of the house and impact on existing residential amenity. The removal of the zinc frames to the mansard roof were not raised as a significant issue of concern and this alteration can be considered to be acceptable at this stage. The internal alterations are acceptable in themselves, though clearly any increase in height may impact on the height of the house/ extension and needs further consideration, which the following sections of this report will do.

7.3. Design and Impact on the Character of the Area

7.3.1. The Dublin City Development Plan 2022 – 2028 provides for a significant amount of guidance and policy for the development of mews housing and as stated the principle of a house was approved under PA Ref. 3729/21. The footprint of the unit to be retained is similar to that of the original permission. There is a modest increase in the depth of the rear garden by 200 mm.

7.3.2. A setback of 450 mm is proposed at second floor level. The Planning Authority have queried the nature of this element of the development, and it was raised in the appeals/ observations. I have no issue with the description and nature of the alteration. The issue of validation/ public notice description was accepted by the Planning Authority. I do not consider the description to be misleading and any confusion over this element of the development can be clarified by assessing the submitted plans. The second floor is set back by 450 mm, and I am satisfied that this element of the development does not negatively impact on the visual amenity and character of the area.

- 7.3.3. The issue of an increase in the height of the house was raised in the appeals/ observations. The Planning Authority had no specific concern about the increase in height of the house by 450 mm. The increase is such as not to give rise to any adverse impact in terms of overshadowing leading to a loss of daylight. I note the details provided by the applicant in the IES report and the orientation of the house is such that the private amenity areas of the adjoining houses would not be adversely impacted. The primary private amenity spaces for these houses is to their west and the orientation of the sun is such that there would be no noticeable impact on late morning or evening sunlight to these amenity spaces. I note that the footprint of the house to the north, no 24, covers most of that site to the west and therefore the impact on its amenity space would not be noticeable. Private amenity space is generally considered to be the area of garden behind the rear of the house, though I accept that mews type houses may function differently.
- 7.3.4. The increase in height is not significant as to adversely impact on the visual character of the area. The originally permitted development allowed for an increase in height and for a three-storey house on this site. This unit was always going to be one of the taller units on Raglan Lane and I consider that the relatively modest increase in height by 450 mm to be acceptable. The setback of this floor by 450 mm has a beneficial impact, though modest, in that the sense of height is reduced when standing in the lane.
- 7.3.5. The reduction in the height of the bicycle store/ store to the front of the house does not have a negative impact on the visual amenity/ character of the area.

7.4. Impact on Residential Amenity

- 7.4.1. I have already commented on the impact of the development on daylight and sunlight received by adjoining properties. Any impact is unlikely to be noticeable and will be similar to that permitted under PA Ref. 3729/21. The applicant has engaged IES to prepare a report and I note the contents of this report and no issues of concern are raised.
- 7.4.2. I do not consider that the development, as proposed for retention, will impact on neighbouring properties through increased overlooking leading to a loss of privacy. The issue of overlooking was considered under the original application and the nature of the development is such that there is no increase in potential overlooking

through the introduction of additional windows etc. The revisions to the proposed rooflights are considered to be acceptable.

- 7.4.3. The Planning Authority had no objection to the revisions to floor to ceiling heights and I would agree with this assessment. The internal alterations are acceptable, and I do not see how they would impact negatively on the adjoining properties.

7.5. First Party Appeal

- 7.5.1. The applicant has appealed condition no. 2 as attached to the decision issued by the Planning Authority. This relates to the set back by 450 mm at second floor level. I have already considered this in my report, and I have no objection to this element of the development. This is clearly stated in the public notices, and which direct interested parties/ and the Planning Authority to the submitted plans and elevations. The submitted details indicate that there is an increase in the setback from that originally proposed and I am satisfied that this is acceptable.

- 7.5.2. There is no need therefore to retain condition no.2 or similar in any grant of permission. Sufficient details are provided to assess this element of the development and as suggested by the applicant, the public in the form of the third-party appellants and the observers commented on the proposed development and this aspect in particular.

7.6. Other Issues

- 7.6.1. The revisions to the solar panels are considered to be acceptable. These are at roof level and should not impact on adjoining properties. Comment was made that they may impact on protected structures in the area, I do not accept this. The development does not adjoin any structure that is listed under the Record of Protected Structures (RPS) and I do not consider that the nature/ location of the solar panels would adversely impact on any curtilage associated with a listed building on the RPS.

- 7.6.2. It is considered that the setting of the houses on Wellington Road is actually strengthened by the mix and variety of house on the western side of Raglan Lane. The mews houses provide for a mix of design, though with a strong emphasis on contemporary architecture as is the case with no. 26 Raglan Lane. The houses on Wellington Road are clearly of an earlier period and the mix of house types provides

for a distinctive character to this area, whilst also ensuring the protection of those houses that are on the RPS.

7.7. Appropriate Assessment Screening

- 7.7.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. The development proposed for retention is acceptable in terms of the Z2 that applies to this site, and I am satisfied that the development will not adversely affect the residential and visual amenities of the area. I recommend that permission be granted subject to the following conditions and reasons.
- 8.2. I am satisfied that condition no.2 as issued by Dublin City Council can be omitted as it is clear what this element of the development is, and it is clearly stated in the public notices.

9.0 Conditions

1.	The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Reason: In the interest of clarity.
2.	The development shall comply with the conditions of the parent permission under PA Ref. 3729/21, save as may be amended by this grant of permission. Reason: To clarify the scope of the permission.

3.	<p>The flat roofs in the setback areas above first floor level to the front and rear of the house shall not be used as amenity space and shall only be accessible for the purposes of emergency access and/ or essential maintenance.</p> <p>Reason: In the interest of residential amenity and clarity.</p>
4.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
5.	<p>The extended house shall be used as a single dwelling unit.</p> <p>Reason: In the interest of clarity.</p>

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

Paul O'Brien

Inspectorate

26th June 2023