



An
Bord
Pleanála

Inspector's Report ABP 318625-23

Development	Planning permission for the demolition of the existing garden shed and construction of a new detached two-storey mews dwelling with all associated site and landscaping works
Location	Site to the rear garden of the existing dwelling at 19 Hollybrook Road, Clontarf, Dublin 3, D03 YE09
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB1129/23
Applicant	Paula McCarthy
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party
Appellants	David and Hilary Van Dessel
Observers	None
Date of Site Inspection	2 nd May 2024
Inspector	Trevor Rue

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1.0 Site Location and Description

- 1.1. The application site is located about 3 kilometres to the north east of Dublin City Centre. It is part of the curtilage of a two-storey semi-detached redbrick dwelling which fronts on to the western side of Hollybrook Road, a residential street in Clontarf.
- 1.2. The site, with a stated area of 110.3 square metres, comprises an eastern portion of the back garden of the property, together with a single-storey shed which has a pitched roof. The shed, with a depth of 7.45 metres and a ridge height of 4.7 metres, abuts the boundaries of the neighbouring properties, 18 and 20 Hollybrook Road.
- 1.3. The existing dwelling is served by a pedestrian-only entrance from Hollybrook Road, where there is on-street parking. The shed is accessed via a roller garage door from a laneway which runs to the rear of the Hollybrook Road properties. Where it adjoins the application site, the laneway is 3.835 metres wide.
- 1.4. The laneway is about 300 metres in length. About 90 metres of the northern section is 7 metres wide and includes a footpath. That section of the laneway is known as Hollybrook Mews. The rest of the laneway, to the rear of 1 to 27 Hollybrook Road inclusive, varies in width and condition. The application site is about 120 metres to the south of the wider section of the laneway.
- 1.5. Several of the Hollybrook Road properties have vehicular entrances and garage structures adjoining the rear laneway. To the west of the laneway there is a residential apartment development known as Brooklawn.

2.0 Proposed Development

- 2.1. The proposal consists of the following elements:
 - demolition of the existing garden shed;
 - erection of a detached two-storey, one-bedroom, two-person mews dwelling, contemporary in design with a pitched roof on an east-west orientation and secondary sections to front and rear, and a mix of materials including selected brick, selected smooth render and screening fins/battens;
 - installation of skylights on the north-facing and south-facing roof planes and solar panels on the south-facing roof plane;

- provision of a garden area at ground-floor level accessed off the proposed bedroom as well as a balcony facing the laneway and a rear terrace above the bedroom, both accessed off the proposed first-floor living space; and
- construction of a pedestrian and vehicular entrance from the laneway and an off-street car port with a setback to facilitate widening the lane to 5.5 metres.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 9th November 2023, Dublin City Council decided to grant permission subject to 10 conditions.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. A planning officer's report was produced on 14th April 2023 and, following the submission of further information by the applicant, it was updated on 7th November 2023. These reports provided the reasoning for the authority's decision.
- 3.2.2. The planning officer's assessment may be summarised as follows:
- The proposed use is permissible under the Development Plan zoning. As there is a history of backland mews-style development in Hollybrook Road, the proposal is acceptable in principle.
 - While the Council encourages a unified approach to the development of residential mews lanes, consensus is difficult to achieve. The overall scale and height of the proposed mews dwelling would be consistent with the recently permitted dwellings to the rear of Nos. 17 and 25. The proposed brick and render finish would be generally in keeping with other mews developments on the laneway and could create some degree of commonality.
 - The proposed east-west orientation of the pitched roof (alongside that proposed to the rear of No. 13) would be a new feature in the developing streetscape. Inadvertently, a varied roofscape across plots of a similar width might create

architectural interest on the laneway. The design, finish, scale and height of the proposed mews dwelling are appropriate to this backland location.

- The proposed development, being located well away from the existing dwelling's presentation to the street to the east, would not materially impact on the visual amenities of the Hollybrook Road Architectural Conservation Area (ACA). However, the boundary walls and railings and front gardens to properties on Hollybrook Road contribute towards the special architectural and historic interest of the street. It is proposed that the existing dwelling would lose its access from the laneway. The planning authority would be reluctant to permit a vehicular entrance to the front of the property.
- The target floor areas for a one-bedroom dwelling and width of individual rooms set out in Section 5.3 of the Department of the Environment, Heritage and Local Government's 2007 publication "Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities" would be substantially exceeded. While storage areas are not specifically indicated, there would be ample room within utility and living spaces and elsewhere in the dwelling for storage. The dwelling would have sufficient private open space in terms of area and quality.
- In the context of the mews development to the rear of Hollybrook Road, there is some acceptance that there will be some interim amenity impacts until such times as neighbouring mews sites are developed in a similar manner. A reasonable balance has to be struck between these competing concerns.
- At the request of the planning authority, the applicant prepared a daylight analysis, which indicates that the proposed development, following amendment, would comply with Building Research Establishment (BRE) standards. A sunlight assessment also demonstrates compliance with the BRE standard. It is considered that the adjoining dwelling, No. 20, and its private open space would receive adequate daylight and sunlight and that the new dwelling would not have an overbearing appearance.
- A drawing has been provided which shows sightlines to demonstrate the effectiveness of the proposed obviations measures. These measures would ensure no excessive overlooking to neighbouring properties.

- It is proposed to incorporate a sit-on rooflight into the terrace above the bedroom. A daylight analysis demonstrates that the bedroom would have adequate levels of daylight as per the BRE standards.
- The further information provided by the applicant has addressed the planning authority's concerns. It is considered that the development would not have an adverse impact on the residential and visual amenities of the area.

Other Technical Reports

- 3.2.3. The Council's Transportation Planning Division noted that access to the site can be made from Hollybrook Park to the north and from Hollybrook Road to the south, meaning that vehicles serving the site can enter and exit in a forward motion without needing to reverse from the site. It found the proposed development acceptable and had no objection subject to the conditions.
- 3.2.4. The Council's Drainage Division sought additional information about separation of foul and surface water; the incorporation of nature-based sustainable drainage devices; and flood risk assessment. In response the applicant submitted an engineering services report and drawings. According to the planner's report, the Drainage Division expressed no further objection to the development and set out a number of conditions in the event permission is granted.
- 3.2.5. No report was received from Uisce Éireann or Irish Rail.

3.3. Third Party Submissions

- 3.3.1. The present appellants made submissions to the planning authority both at application and at further information stage. Most of the points raised were pursued in their appeal to the Board.

4.0 Planning History

- 4.1. There is no planning history relating to the application site. Relevant planning history relating to other sites on Hollybrook Road is set out below.
- 4.2. **3268/06:** On 30th August 2006, the Council granted permission for a two-storey granny flat to the rear of 15 Hollybrook Road. *This permission has been implemented.*

- 4.3. **4201/06:** On 23rd October 2006, the Council granted permission for a single-storey extension to 20 Hollybrook Road and a two-storey car port and playroom structure to the rear of the site with access from the laneway. *The extension was built but the car port and playroom structure was not.*
- 4.4. **2028/18:** On 28th February 2018, the Council decided to grant permission for a rear single-storey extension to 1 Hollybrook Road and a new brick boundary wall. The decision was appealed to An Bord Pleanála. On 22nd August 2018, the Board directed the Council to remove a condition from the permission (**301295-18**). *This permission has been implemented.*
- 4.5. **2277/18:** On 17th July 2018, the Council decided to grant permission for a two-storey dwelling to the rear of 38 Hollybrook Road and adjacent to 37 Hollybrook Mews. The decision was appealed to An Bord Pleanála. On 23rd November 2018, the Board granted permission (**302273-18**). *This permission has been implemented.*
- 4.6. **4770/19:** On 7th July 2020, the Council decided to grant permission for a two-storey, two-bedroom dwelling to the rear of 25 Hollybrook Road. The decision was appealed to An Bord Pleanála. On 27th November 2020, the Board granted permission contrary to the recommendation of its Inspector (**307789-20**). *This permission has not to date been implemented.*
- 4.7. **WEB1292/20:** On 20th July 2020, the Council refused permission for a two-storey two-bedroom dwelling in the rear garden of 17 Hollybrook Road.
- 4.8. **WEB1801/21:** On 3rd November 2021, the Council granted permission for a two-storey, one-bedroom dwelling in the rear garden of 17 Hollybrook Road. *The site has been levelled and a concrete base laid.*
- 4.9. **WEB1128/23:** On 31st October 2023, the Council granted permission for a two-storey, one-bedroom dwelling in the rear garden of 13 Hollybrook Road. *Levelling of the site is under way.*
- 4.10. **WEB1268/23:** On 3rd January 2024, the Council granted permission for a two-storey, one-bedroom dwelling in the rear garden of 12 Hollybrook Road. *Levelling of the site is under way.*

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Map F of the Dublin City Development Plan 2022-2028 shows the application site in Primary Land Use Zoning Category Z2, Residential Neighbourhoods (Conservation Areas). The zoning applies to both sides of Hollybrook Road. Map F also shows the site within the Hollybrook Road ACA.
- 5.1.2. Section 14.7.2 of the Plan states that the land-use objective for Zone Z2 is to protect and/or improve the amenities of residential conservation areas. 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. The principal land use encouraged in residential conservation areas is housing.
- 5.1.3. A strategic principle set out in Section 1.2 of the Plan is creating a more compact city with a network of sustainable neighbourhoods (aligned with the principle of the 15-minute city) which have a range of facilities and a choice of tenure and house types.
- 5.1.4. Policy SC11 in Chapter 4 of the Plan refers to promoting compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands.
- 5.1.5. Policy QHSN6 in Chapter 5 of the Plan is to promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock, and use of upper floors, subject to the provision of good quality accommodation.
- 5.1.6. Policy BHA7 in Chapter 11 of the Plan sets out the Council's policy for ACAs, which includes the following points:
 - (a) Development within or affecting an ACA 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.
 - (c) Ensure that any new development or alteration of a building within an ACA, or immediately adjoining an ACA, is complementary and/or sympathetic to their context, sensitively designed and appropriate in terms of scale, height, mass,

density, building lines and materials, and that it protects and enhances the ACA. Contemporary design which is in harmony with the area will be encouraged.

- (d) Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

- 5.1.7. It is recognised in Section 11.5.3 on Page 359 of the Plan that mews buildings in the historic core of the city make a positive contribution to the historic built environment and provide opportunities to increase the residential population of the city. There are significant opportunities to improve and intensify residential stock through appropriate mews development.
- 5.1.8. Policy BHA14 of the Plan is 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.
- 5.1.9. Section 15.13.5.1 of the Plan states that the Council will actively encourage schemes which provide a unified approach to the development of residential mews lanes and where consensus between all property owners has been agreed. This unified approach framework is the preferred alternative to individual development proposals. Individual proposals however, will also be considered and assessed on a case by case basis. Traditional and/or high-quality contemporary design for mews buildings will be considered. The materials proposed should respect the existing character of the area and utilise a similar colour palette to that of the main structure.
- 5.1.10. Section 15.3.5.1 goes on to say 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. Innovative and high-quality design will be required to ensure privacy and to provide an adequate setting, including amenity space, for both the main building and the mews dwelling. Private open space shall be provided to the rear of the mews building to provide for adequate amenity space for both the original and proposed dwelling and shall be landscaped so as to provide for a quality residential environment. The rear building line of new mews developments should be consistent with the existing mews plots where possible.

- 5.1.11. Section 15.13.5.2 of the Plan states that new buildings should complement the character of the mews lane and main building with regard to scale, massing, height, building depth, roof treatment and materials. Development will generally be confined to two-storey buildings.
- 5.1.12. Section 15.13.5.3 requires the roof profile of mews buildings to be simple and in keeping with the character of the area. The following roofs are suitable: flat green or low-pitch metal roofs and double-pitched slate roofs similar to the surviving mews building. All pitched roofs should run parallel with the mews lane with no ridge lines running perpendicular to the lane.
- 5.1.13. Section 15.13.5.4 states that potential mews laneways must provide adequate accessibility in terms of private vehicular movements, emergency vehicles and refuse vehicles. Section 4.3.8 in Appendix 5 to the Plan stipulates that a minimum carriageway of 4.8 metres in width (5.5 metres where no verges or footpaths are provided) is required. In circumstances where these widths cannot be provided, safe access and egress for all vehicles and pedestrians must be demonstrated.

5.2. National Guidelines

- 5.2.1 “Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities”, prepared by the Department of Housing, Local Government and Heritage, was published in January 2024. It is stated on Page 4 that in order to achieve compact growth, we will need to support more intensive use of existing buildings and properties, including the re-use of existing buildings that are vacant and more intensive use of previously developed land and infill sites.
- 5.2.2. The Guidelines state on Page 55 that it is a specific planning policy requirement that proposals for new one-bed houses meet the minimum private open space standard of 20 square metres. For building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (for example, sites of up to 0.25 hectares) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space.
- 5.2.3. The Guidelines go on to say on Page 56 that private open space must form part of the curtilage of the house and be designed to provide a high standard of external amenity space in one or more usable areas. Open spaces may take the form of traditional

gardens or patio areas at ground level, and/or well designed and integrated terraces and/or balconies at upper level. The open space must be directly accessible from the unit it serves and a principal area of open space should be directly accessible from a living space.

5.3. Non Statutory Guidance

- 5.3.1. The BRE publication “Site layout planning for daylight and sunlight – A guide to good practice” (2022) contains the following recommendations:

Paragraph 2.2.23: If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse daylighting of the existing building may be adversely affected. This will be the case if the vertical sky component measured at the centre of an existing main window is less than 27% and less than 0.80 times its former value; or if the area of the working plane in a room which can receive direct skylight is reduced to less than 0.80 times its former value.

Paragraph 3.3.17: To appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21st March. If as a result of new development an existing garden or amenity area does not meet the above, and the area that can receive two hours of sun on 21st March is less than 0.80 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21st March.

5.4. Natural Heritage Designations

- 5.4.1. The Natura 2000 sites within the Dublin City Council boundary are:

- North Dublin Bay Special Area of Conservation (SAC)
- South Dublin Bay SAC
- North Bull Island Special Protection Area (SPA)
- South Dublin Bay and River Tolka Estuary SPA

5.5. EIA Screening

- 5.5.1. Having regard to the nature and modest scale of the proposed development, its location in a serviced urban area and the limited foreseeable emissions therefrom, I am satisfied the development is not likely to give rise to significant environmental impacts and the requirement for submission of an environmental impact assessment report and the carrying out of environmental impact assessment may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The arguments submitted on behalf of the residents of 20 Hollybrook Road by their chartered town planners may be summarised as follows:
- The appellants' semi-detached dwelling adjoins the existing dwelling on the application site. Their property has an extension that extends further back than the existing rear building line of No. 19. They have a private back garden and car-parking spot with access from the rear laneway.
 - While mews dwellings have been permitted in the area, they have been specific to each site and were assessed on their individual merits. The planning history does not give an automatic entitlement to a grant of permission for every site.
 - The current proposal is distinguishable from the mews developments approved by the planning authority at 17 and 13 Hollybrook Road. The permitted mews dwelling at No. 17 **[is]** not as deep and almost double the distance away from the adjoining property. The recently approved mews dwelling at No. 13 would be set back a full 7 metres from the existing houses at Nos. 13 and 14.
 - The proposed development would have a negative impact on the residential neighbourhood and set a worrying precedent for inappropriate development in the area. The amendments to the proposed design submitted as further information did not sufficiently address the appellants' concerns and have resulted in new concerns.

- The proposal materially contravenes the Z2 zoning as the development would neither protect nor improve the amenities of the residential conservation area. The development is not sensitively designed or appropriately scaled and would impact significantly on the appellants' property and amenity. The proposal therefore materially contravenes Policy BHA14 of the Development Plan.
- The planning officer expressed concern that the development as originally proposed would have an obtrusive appearance and overbearing effect on the appellants' property at No. 20, having regard to its close proximity to the rear extension to that dwelling. The officer thought it likely that a reduction in depth would be required at the building's north-eastern corner. This led the authority to seek further information.
- The applicant sought to address these concerns by lowering the overall height by just 1.5 metres and stepping the building 300 millimetres off the boundary wall. This would be an imperceptible change. The other change, to replace the previously proposed first-floor kitchen with a terrace/balcony, would normally be noticeable. However, in this case the proposed terrace/balcony would be behind a 1.1-metre-high wall and a 700-millimetre opaque screen. The overall depth of the proposed mews dwelling would be unchanged at 12.544 metres.
- Although the proposed internal floor area has been reduced, the proposed building footprint from the direction of the appellants' house has not been reduced. The overbearing nature of the building would be exactly the same and would ensure the appellants were unable fully to enjoy their home. A figure was presented to illustrate the relationship.
- The applicant's daylight assessments are not to the normal standard and appear to be provided only by way of snapshot images. The sunlight assessment is based only on 21st March; it does not consider various times of that day or other months of the year, such as June, September or December.
- Sunlight to the appellants' garden is already limited; at the height of summer the shadow is cast by 7pm as the sun sets behind the three-storey apartments at Brooklawn to the west of the laneway. The applicant's assessment does not appear to have taken into account these buildings. At the appellants' expense,

a sunlight and shadow study was carried out by Digital Dimensions to provide a second opinion on the effects of the proposed development.

- The shadow diagrams produced by Digital Dimensions indicate that there would be considerable additional shading to the appellants' rear garden after 11am on March 21st and that the garden would be in shade for a large portion of the year other than the summer months when the sun is at its highest.
- Late morning to evening is the time the garden is most used. As a result of the development it would be less inviting and useable. The terrace space between the back door and the grass area on the southern side of the garden is the area most used by the appellants and most important to them. A well sunlit garden provides pleasant views from the interior in winter months and throughout the year when it is too cold to use the external space.
- Digital Dimensions assessed the appellants' private amenity space for sunlight in accordance with BRE's recommendations. On 21st March, it would receive two hours' sunlight over 46.4% of its area, which is less than the 50% criterion, compared with the existing 61.4%. It would achieve only 75.5% of the existing value, which is less than the recommended 80%.
- The Council planner's report noted that 0% of the proposed ground-floor rear garden area of the proposed dwelling would receive more than two hours of sunlight on 21st March. The revised proposal for a roof terrace at rear first-floor level would introduce additional noise and activity and overlook the appellants' garden and that of No. 19. A sit-on roof light is proposed on the northern boundary of the terrace, which would enable people to look directly into the appellants' garden and home. The applicant's original proposal for a front balcony would provide sufficient private amenity space and would be in keeping with the new Sustainable and Compact Settlements Guidelines.

6.2. Applicant Response

- 6.2.1. In a personal statement, the applicant wrote that she has lived in 19 Hollybrook Road for 35 years. As her family is now reared and has left home, she finds herself alone in a very large house. She hoped to build in the back garden like some of her neighbours, providing a smaller home for herself and allowing her daughter and her

family the opportunity to buy the family home. Approval of her plans would be life-changing for her and her family.

6.2.2. The response from the applicant's architects and urban planners may be summarised as follows:

- Twelve valid applications have been submitted for mews developments between 1 and 38 Holybrook Road. All were ultimately approved by Dublin City Council and four were referred to An Bord Pleanála, including this appeal. The other three appeals resulted in permission being granted. Seven of the permissions were implemented, five within the last three years. The applicant is aware, having spoken to neighbours, that further applications are imminent.
- Sustainable communities, where there is a wide range of accommodation available, can only be achieved within established housing areas through a level of adaptability. Living requirements and space standards have progressed and increased significantly in Ireland over the last decades. The tangible need for space and adaptability can be witnessed throughout the city in varying interventions to existing dwellings and introduction of infill housing.
- The Council is required to align with the principles of the 15-minute city. One of those principles is that every neighbourhood has a variety of housing types, of different sizes and levels of affordability, to accommodate many types of households. The appellant seeks to use her site in the most sustainable manner by creating an age-friendly housing unit, which allows her to remain connected to her family, community and services. The proposed development accords with national policy to promote appropriate densification of urban sites.
- The appellants purchased their home in November 2022. The property had been substantially extended under planning permission 4201/06, which included a two-storey structure to the rear of the plot. This proposed structure was to have been just under 6 metres high with an eaves level of just under 5 metres and would have occupied the full width of the plot. This highlights that ancillary structures of similar height to the applicant's proposal, 7.3 metres, addressing the laneway, have been granted permission.
- All measures necessary to ensure that there is no possibility of overlooking from the proposed amenity space to the adjoining private spaces to the rear of the

existing dwellings have been provided. It has been shown that adequate daylight would be received in the main amenity spaces at first-floor level. The spaces would be used predominantly by one or two people. Due to the raised position of the space and the screening provided there would be considerably less visual and auditory effect on the neighbouring property than if the space were provided at ground level.

- The appellants' Digital Dimensions report shows that the terrace space between the back door and the grass area on the southern side of their garden is the area that would be least affected. The simulations for 21st June are of most relevance as it is around that date when their external amenity space is most used. The report indicates that there would be minimal difference in the shadow cast upon the ground in this area.
- While the appellants refer to adverse impact on the residential amenities of Hollybrook Road, it must be noted that only they made submissions to the planning authority and there is only one third party to this appeal.

6.3. Planning Authority Response

- 6.3.1. The planning authority requested the Board to uphold its decision and that if permission is granted, the following conditions be applied – a condition requiring the payment of a development contribution under Section 48 of the Planning and Development Act; and a naming and numbering condition.

7.0 Assessment

7.1. Issues

- 7.1.1. Having inspected the site and considered in detail the documentation on file for this third-party appeal, it seems to me that the main planning issues are:
- the acceptability in principle of a mews dwelling at this location;
 - the design of the proposed dwelling;
 - its impact on the appellants' property; and
 - the effects of the development on the ACA and the residential neighbourhood.

- 7.1.2 I must also consider whether an appropriate assessment (AA) is required pursuant to the European Union Habitats Directive (92/43/EEC).

7.2. Acceptability in Principle

- 7.2.1. The applicant's evidence refers to age-friendly housing and indicates that the existing house and the proposed mews dwelling would be occupied by members of the same family. However, the submitted drawings show that the mews dwelling would have self-contained living accommodation and no back door into the garden of the existing property. I proceed on the basis that the proposed mews dwelling would, at least in the long term, be an independent housing unit and not a granny flat.
- 7.2.2. Compact growth, sustainable densities, residential consolidation and intensification are all promoted by the relevant national guidelines and the Dublin City Development Plan. There is policy support for mews development, subject to the provision of good quality accommodation. The acceptability in principle of this form of development in Hollybrook Road is reinforced by the planning history. However, I agree with the appellants that there is still a need for individual assessment of the implications of each proposal for mews development in the street.

7.3. Design of the Proposed Dwelling

- 7.3.1. While the Development Plan expresses a preference for a unified approach to the development of residential mews lanes, it says that individual development proposals will also be considered and assessed on a case-by-case basis. The Plan states that all pitched roofs should run parallel with the mews lane. However, as there is already an eclectic jumble of structures to the rear of Hollybrook Road, with flat roofs and some pitched roofs running perpendicular to the laneway, it seems to me that this requirement of the Plan can be set aside in this instance.
- 7.3.2. Limited information has been provided about finishes. Notations on the proposed elevations drawing refer to selected brick finish, selected roof finish, selected external glazing, selected darker colour finish and selected smooth render finish. I consider that if planning permission is granted, a condition should be imposed requiring specifications to be submitted to the planning authority for its approval prior to the commencement of development.
- 7.3.3. It is undisputed that the national minimum standards for floor areas and individual rooms within the proposed one-bedroom dwelling would be met and exceeded. The

national minimum private open space quantitative standard of 20 square metres would also be met, but in a fragmented manner with three separate areas. All these areas would be within the curtilage of the dwelling and directly accessible from a living space. However, the front balcony of 5.7 square metres would have an unattractive outlook to the laneway, the rear terrace of 13.2 square metres would be hemmed in by screening arrangements, and the rear garden of 10 square metres would enjoy limited sunlight. I conclude that these areas, individually and collectively, would not provide high-quality external amenity space as required by the national guidelines.

7.4. Impact on the Appellants' Property

- 7.4.1. I agree with the Council that the proposed screening measures would prevent excessive overlooking from the proposed rear terrace into the existing dwellings and garden areas at 19 and 20 Hollybrook Road. No illustration has been provided to indicate the height above the floor of the terrace of the proposed sit-on roof light and hence its capacity to facilitate overlooking, but a condition could be imposed requiring specifications to be submitted for prior approval.
- 7.4.2. Transmission of noise between neighbouring properties is a normal feature of city life. While the rear terrace would probably result in some additional noise and activity, there is no good reason to assume it would lead to persistent or intolerable nuisance.
- 7.4.3. The proposed dwelling would have a ridge height of 7.32 metres and an eaves height of 5.2 metres. The side elevation facing the appellants' back garden would be 12.544 metres deep. The dwelling would be over 5 metres deeper than the existing garden shed to be demolished and its ridgeline height would be more than 2.5 metres higher. It would sit adjacent to most of the garden of No. 20 and come within about 4.6 metres of the rear of the extended house. I have no doubt that the proposed dwelling would have a seriously detrimental overbearing effect on the appellants' back garden. This is confirmed by the illustration on Page 11 of the appeal statement.
- 7.4.4. In responding to the grounds of appeal, the applicant's architects did not deny that their sunlight assessment had neglected to take account of the three-storey apartments at Brooklawn. They did not rebut the evidence that as a result of the proposed development the neighbouring garden would not meet the BRE standards for adequate sunlight. Half of the garden would not receive at least two hours of sunlight on 21st March and the area that can receive two hours of sun on 21st March

would be less than 0.80 times its former value. I am convinced that the development would unacceptably spoil the appellants' enjoyment of their property.

7.5. Effects on the Architectural Conservation Area and the Neighbourhood

- 7.5.1. The planning authority's assessment is that the proposed mews dwelling would not materially impact on the visual amenities of the Hollybrook Road ACA. That assessment assumes that the existing dwelling would rely on on-street parking (for which there are charges) and that the authority would not weaken in its resolve to resist the creation of a vehicular entrance to the front of the property.
- 7.5.2. The land-use objective for Zone Z2 is to protect and/or improve the amenities of residential conservation areas. In this broader context, amenities are not only visual and architectural but include the living conditions of existing and prospective residents.
- 7.5.3. While I appreciate that there is an urgent need for more housing in Dublin, it seems to me that densification opportunities should not be pursued to the extent that minimum amenity standards are sacrificed or abandoned. I am concerned that successive proposals for mews developments on Hollybrook Road could take on the character of a race to the bottom. I agree with the appellants that a grant of permission for the current proposal would set a worrying precedent for inappropriate development in the area. I conclude that the proposal materially contravenes the Z2 zoning.

7.6. Appropriate Assessment Screening

- 7.6.1. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the fully serviced urban location and the distance from any Natura 2000 site, it is possible to screen out the requirement for the submission of an Natura impact statement and carrying out of an AA at an initial stage.

8.0 Recommendation

- 8.1. I recommend that planning permission be refused.

9.0 Reasons and Considerations

- 9.1. Having regard to the Dublin City Development Plan 2022-2028 and to "Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities", it is considered that the mews dwelling, by reason of the fragmented

nature and poor quality of the proposed private amenity spaces, would provide an unsatisfactory standard of residential amenity for its future occupants and would also have a seriously detrimental overbearing effect on the back garden of the neighbouring property at 20 Hollybrook Road, depriving it of adequate sunlight, contrary to the proper planning and sustainable development of the area.

- 9.2. It is considered that a grant of permission would set an undesirable precedent for similar substandard mews developments in the Hollybrook Road area and materially contravene the land-use objective of Zoning Z2 of the Dublin City Development Plan 2022-2028.

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.



TREVOR A RUE

Planning Inspector

5th May 2024