

An
Bord
Pleanála

Inspector's Report ABP320762-24

Development

The development will consist of the demolition of an existing single-storey light industrial building (overall height approx. 3m) most recently in use as a building contractor's workshop, offices and store (approx.. 82c sqm.) and the construction of a new single-storey (overall height approx. 3.7m) one bedroom mews type dwelling (approx. 62 sqm.) associated private open space, rooflights, 2 no. access gates and all associated landscaping, boundary treatment and site clearance.

Location

7A Eaton Road, Terenure, Dublin 6W.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

WEB1062/24.

Applicant(s)

Cormac O'Reilly.

Type of Application

Permission.

Planning Authority Decision

Refuse permission.

Type of Appeal

First Party

Appellant(s)

Cormac O'Reilly.

Observer(s)

4 observations.

(1) John A Wills

(2) Angela O'Duffy

(3) Anne Morahan

(4) Kevin Tracey

Date of Site Inspection

16/12/24

Inspector

Anthony Abbott King

1.0 Site Location and Description

- 1.1. The development site is located behind the Eaton Road streetscape on the south side of Eaton Road and is accessed by a narrow service lane from Eaton Road.
- 1.2. The Eaton Road streetscape on the south side of the street comprises two-storey two-bay redbrick houses with projecting two-storey bay windows circa. 1880.
- 1.3. No. 7 Eaton Road is unique in the streetscape comprising a 20th century bungalow (with first floor fenestration in the gable) on a plot with greater street frontage than the adjoining houses.
- 1.4. The development site is located to the rear of no. 7 Eaton Road and is accessed by the service lane to the west of no. 7 Eaton Road that punctuates the streetscape between no. 7 Eaton Road and no. 6 Eaton Road.
- 1.5. The development site comprises a garage style structure(s) and is enclosed by high boundary walls. The site appears to be the truncated rear curtilage of no. 7 Eaton Road. However this is not evidenced in the application or planning history of the site.
- 1.6. The garage was shuttered on the day of my site visit. There was no evidence of an active use. There was no activity in the lane at the time of my site visit, which was in the early evening.
- 1.7. The development site has an irregular form comprising a square plot that extends in a finger configuration north along the service lane toward the rear elevation of no. 7 Eaton Road.
- 1.8. There is a network of narrow service lanes to the rear of the south streetscape of Eaton Road including a link lane between Eaton Road (accessed to the west of no. 1 Eaton Road) and Mayfield Road, which forms a T-junction in front of the site and also provides an alternative access to the development site from the west.
- 1.9. Site area is given as 100 sqm.

2.0 Proposed Development

- 2.1. The development will consist of the demolition of an existing single-storey light industrial building (overall height approx. 3m) most recently in use as a building contractor's workshop, offices and store (approx.. 82c sqm.) and the construction of

a new single-storey (overall height approx. 3.7m) one bedroom mews type dwelling (approx. 62 sqm.) associated private open space, rooflights, 2 no. access gates and all associated landscaping, boundary treatment and site clearance.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reason:

(1) Having regard to the substandard, restricted and narrow width of the existing laneway, the applicant has failed to demonstrate that the proposed development could be safely and conveniently accessed for essential and emergency services. The development would be contrary to Section 15.13.5.4 and Section 4.3.8 of Appendix 5 of the Dublin City Development Plan (2022-2028) and would endanger public safety by reason of traffic hazard. As such, the proposed development, in itself and in the precedent it would set for similar developments in the area would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Dublin City Council reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

The Transportation Planning Division object to the proposal principally on the grounds of access.

The proposed development is located on a public lane located off Eaton Road accessed from Eaton Road at a distance of 25m. There is no public lighting on the lane. There are currently no dwellings facing onto the lane. The lane does not have a footpath and acts as a shared surface. It is not an existing mews laneway location rather access is currently restricted to secondary rear garden / garage access.

The lane turns at a right angles in front of the site. It forms a T-junction in front of the site connecting with a service lane further west linking Eaton Road to the north and Mayfield Road East to the south.

Further information request (15/03/24)

The laneway is narrow and constrained in terms of vehicular manoeuvring. The width of the lane is given between 3.574m and 3.851m in front of the applicant site, which is not accurate. The applicant was asked *inter alia* to submit an accurate topographical plan of the laneway and a swept path analysis of proposed vehicular access, a detailed serving strategy for the site and, a preliminary construction management plan and auto tracking.

Further information response (17/07/24)

The further information response comprised detailed input on traffic from ILTP Consulting, a Waste Management and construction Management Plan prepared by OSL and details on fire tender access from Ryan & Associates.

The Division reviewed the topographic survey submitted on Drg. 240404.1 and found it acceptable in terms of further planning and auto-tracking. However, concerns remained in regard to the constrained nature of the access lane.

In the matter of safe access and egress for service and delivery vehicles several issues remained unaddressed in regard to the submitted documentation. The Division considered that service, delivery, refuse and emergency access proposals for mews developments within the lane would generate reversing vehicles, both onto and from Eaton Road. Furthermore, reversing vehicles would not have line of sight of oncoming traffic, resulting in conflicts with pedestrians, cyclists and other vehicles at the Eaton Road junction creating a traffic hazard. Therefore, the Division recommended refusal.

In the matter of the deliverability of construction works without obstructing access to the lane, the Division concluded that the absence of clear plans for operations raises concerns about the ability to conduct construction works on the site. The management plan to prevent obstruction and maintain safety is not acceptable.

The Transportation Planning Division recommended refusal of permission for the following reason:

(1) *Having regard to the substandard, restricted and narrow width of the existing laneway, the applicant has failed to demonstrate that the proposed development could be safely and conveniently accessed for essential and emergency services. The development would be contrary to Section 15.13.5.4 and Section 4.3.8 of Appendix 5 of the Dublin City Development Plan (2022-2028) and would endanger public safety by reason of traffic hazard. As such, the proposed development, would therefore be contrary to the proper planning and sustainable development of the area, and would set an undesirable precedent for similar developments in the area.*

4.0 Planning History

The following planning history is relevant:

Under Register Ref: 4232/23 permission was refused for an infill 2-storey mews dwelling with reference to mews standards and lane access as set out in Section 15.13.5.

Under Register Ref: Web1293/23 permission was refused for an infill 2-storey mews dwelling with reference to mews standards and lane access as set out in Section 15.13.5.

5.0 Policy and Context

5.1. Development Plan

The following policy objectives *inter alia* of the Dublin City Development Plan 2022-2028 are relevant:

The relevant land-use zoning objective of the Dublin City Development Plan 2022-2028 (Map H) is Z1: *to protect, provide and improve residential amenities.*

Residential is a permissible use.

- **Strategic Considerations**

Chapter 2 (Core Strategy) of the Dublin City Development Plan 2022-2028 details the projected population targets for Dublin City, which are vertically aligned with national population projections.

Section 2.2.2 (Population and Housing Targets) states:

The NPF identifies a minimum target population of 1,408,000 (minimum target population) for Dublin City and Suburbs (including all four Dublin local authority areas) by 2040, representing a 20-25% population growth range from 2016.

Furthermore, Chapter 2, Section 2.7.4 (Development Management) states:

Development management will play a leading role in the implementation of the development plan on a site by site basis, ensuring that development applications (planning application, Part 8, Section 5 etc.) are in substantial compliance with policies, objectives, and standards as set out in this development plan.

- **Urban Consolidation**

Chapter 5 (Quality Housing and Sustainable Neighbourhoods), is relevant including:

Policy QHSN6 (Urban Consolidation) is relevant. The policy promotes and supports residential consolidation and sustainable intensification through the consideration of applications *inter alia* for infill development, backland development, mews development re-use / adaption of existing building stock, and use of upper floors and subject to the provision of good quality accommodation.

- **New House Development**

Chapter 15 (Development Standards), Section 15.5.2 (Infill Development) is relevant.

Infill development refers to lands between or to the rear of existing buildings capable of being redeveloped i.e. gap sites within existing areas of established urban form. Infill sites are an integral part of the city's development due to the historic layout of streets and buildings.

As such Dublin City Council will require infill development:

- *To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.*
- *To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.*
- *Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.*
- *In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest.*
- *Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts in the surrounding neighbourhood.*

Chapter 15, Section 15.11 (House Development) provides standards *inter alia* for floor area, daylight / sunlight, private open space and separation distances between buildings.

Section 5.11.3 (Private Open Space) is relevant and states:

Private open space for houses is usually provided by way of private gardens to the rear of a house. A minimum standard of 10 sq. m. of private open space per bedspace will normally be applied. A single bedroom represents one bedspace and a double bedroom represents two bedspaces. Generally, up to 60-70 sq. m. of rear garden area is considered sufficient for houses in the city. In relation to proposals for house(s) within the inner city, a standard of 5– 8 sq. m. of private open space per bedspace will normally be applied.

- **Mews Development**

Section 15.13.5 (Mews) *inter alia* states:

Historic mews structures mainly comprised stabling with living quarters were typically two- storey in height and had an integral carriage arch for access. During the 20th Century, many older mews structures were adapted for warehouse or garage use. Mews dwellings are an integral part of backland development across the city. Mews dwellings are typically accessed via existing laneways or roadways serving the rear of residential developments.

- **Car Parking (Mews)**

Section 15.13.5.4 (Access) is relevant and *inter alia* states:

The parking provision in mews lanes, where provided, may be in off-street garages, forecourts or courtyards, subject to conservation and access criteria. Car free mews developments may be permitted in certain circumstances where there are specific site constraints and where alternative modes of transport are available. Each development will be assessed on a case by case basis.

Potential mews laneways must provide adequate accessibility in terms of private vehicular movements, emergency vehicles and refuse vehicles. Where access cannot be provided, an access and movement strategy must be provided to justify that the development can be adequately served. See Appendix 5 for further details.

- **Appendix 5**

Section 4.3.8 is relevant and *inter alia* states:

Potential mews laneways must provide adequate accessibility in terms of private vehicular movements, emergency vehicles and refuse vehicles. A minimum carriageway of 4.8m in width (5.5m 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.

The following national and regional planning policy documents are relevant in the context of sustainable residential land-use and the strategic policy objective to achieve compact growth:

- The National Planning Framework (NPF) (Project Ireland 2040) (Government of Ireland 2018);
- The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA) (June 2019).
- The Department of Housing, Local Government and Heritage 'The Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities', (15 January, 2024).

5.2. EIA Screening

- 5.3. Having regard to the nature and scale of the proposed development for one infill dwelling house in an established urban area, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal, prepared by Brock McClure, on behalf of the appellant are summarised below:

- The appeal comprises a comprehensive appeal statement and ILTP consulting submission interrogating access matters *inter alia* with regard to access for emergency and essential services and construction traffic. No private car movements will be generated on the existing laneway as no dedicated car parking is proposed.
- The reasons for refusal relate to technical matters of access and traffic. It is claimed that it is obstructive in development management terms for the

planning authority to dismiss an otherwise appropriate application for a mews dwelling.

- It is claimed that the principle of development has been conceded by the planning authority and that only technical matters are frustrating a positive recommendation.
- The appeal site is a unique corner backland site, which offers a rare development opportunity to deliver an appropriate mews development aligned with compact growth requirements for the utilisation of infill sites.
- There is an existing light industrial use on site, which was most recently in use as a contractor's workshop, office and store. A proposal for a mews house at this location is an appropriate response to the established residential context / pattern of development (established character and built form).
- The alternative is to continue the existing light industrial use, which in nature is contrary to the residential zoning objective. The continuation of the existing light industrial use would increase traffic congestion in the lane.
- There is a lack of passive surveillance on the access laneway, which is leading to anti-social behaviour including graffiti on walls. The proposed development offers a significant opportunity to deliver a sense of urban enclosure and streetscape at this unkempt location.
- There is a history of refusal on site. The proposed development has made every effort to address all concerns previously raised by the planning authority. The outstanding matters relating to access and traffic can only fully be determined by way of an objective assessment by An Bord Pleanála.
- The existing laneway is long established in its use for vehicular and pedestrian access. There are no changes proposed to alter this arrangement. It is claimed the appeal sets out the basis on which safe vehicular access and egress currently operates for vehicles, services, deliveries, refuse and emergency access.
- The appeal notes that for service and delivery there is appropriate safe access and egress on the laneway with parking available at Eaton Road. If

required the existing arrangement for refuse collection via Eaton Road will be maintained. Emergency vehicles will be serviced via Eaton Road.

- The planning authority has not adequately assessed the proposal against the requirements of the Dublin City Development Plan. The proposal is in accordance with the proper planning and sustainable development of the area including the relevant provisions of the development plan in particular Section 15.13.5.4 and Section 4.3.8 (Appendix 5) of the Plan.

6.2. Applicant Response

- N/A

6.3. Planning Authority Response

- The planning authority request the Board to uphold their decision to refuse permission.

6.4. Observations

There are 4 number observations that object to the development proposal in principle. These observations are summarised below.

(1) John A Wills, 113 Brandon Road, Drimnagh, Dublin 12 makes the following observations:

- The application to build a residence on this site has been refused a number of times by Dublin City council.
- The proposed development adjoins the small back garden of no. 7 Eaton Road and the resident of No. 7 Eaton Road will be adversely impacted.
- The site is accessed via a narrow lane without a footpath with no separation between pedestrian and vehicular traffic.
- Building traffic may damage underground services and the gable wall foundations along the service lane.
- The entrance to the lane located on Eaton Road is often blocked by parked vehicles.

- Traffic obstruction is inevitable on Eaton Road.
- Access for emergency vehicles is inadequate.
- The development of a new residence on the lane would set a precedent for further back-lane development.
- Aspects of the appeal are misleading including representing the development site as a corner site, the operation of building traffic as forward moving, the existence of anti-social behaviour which is untrue, the status of the existing structure as problematic and the representation of the refusal as a reason based on technicalities.

(2) Angela O'Duffy, no. 3 Eaton Road, Terenure, Dublin 6W makes the following observation:

- There are a number of falsehoods in regard to the planning application including the status of the existing shed, which is not a commercial premises in use as a workshop, the existence of anti-social behaviour which is untrue and, the issue of graffiti in the lane which is not a problem for the residents (there is only one item of "Art Graffiti").
- The proposed development would be a serious intrusion on the residents of no. 7 Eaton Road in terms of their space, privacy and the inconvenience of demolition and construction in proximity to their dwelling.
- There are no other such dwellings in the vicinity of Eaton Road / Eaton Square / Mayfield Road / Ashfield Road etc and Dublin City Council has previously refused permission on safety and precedent grounds for development to the rear of 7 Eaton Road.

(3) Anne Morahan, No. 7 Eaton Road, Terenure, Dublin 6W makes the following observation:

- The observer and her husband are the joint occupants of no. 7 Eaton Road. They have appealed against the development on a number of occasions and welcome the refusal of planning permission.
- The description of the development site as 7A Eaton Road may give the mis-impression that the site is connected to no. 7 Eaton Road. The development site address is in an unnamed lane.

- The observer regrets that insufficient time was available to prepare a comprehensive response to the appeal. The observer refers the Board to the seven reasons of objection given in observations submitted to the planning authority on the 28th August, 2023.
- The applicant has failed to demonstrate that the proposed development could be safely and conveniently accessed for essential emergency services. The statement in Paragraph 9 of the Executive Summary in the matter of emergency vehicles is vague and does not address the concerns of the planning authority.
- The development is contrary to Section 15.13.5.4 and Section 4.3.8 of Appendix 5 of the Dublin City Development Plan 2022-2028 and would endanger public safety by reason of traffic hazard.
- The observer disputes the statement in Paragraph 9 of the Executive Summary that for service and delivery there is appropriate safe access and egress on the laneway and that parking is available at Eaton Road.
- The reference to the development site as a unique backland corner site is a mis-representation. The site is mid-way along the laneway.
- Anti-social behaviour is not evident in the laneway.
- The single ground for refusal of planning permission has 5 component parts. The ILPT Consulting submission forming part of the appeal in regard to certain actions such as the operation of a flag person in the management of construction traffic is unfeasible. Other matters require clarification.

(4) Kevin Tracey, no. 11 Park Lane, Chapelizod, Dublin 20 makes the following observation:

- The observer is a long term acquaintance of the family who live in no. 7 Eaton Road. The observer claims that *inter alia* the constitutional property rights of the residents in no. 7 Eaton Road would be greatly affected by the proposed development. The residents of no. 7 have enjoyed their residence in peace and quiet for 50 years.

- The planning authority previously refused permission under the following register reference numbers WEB129/23, 4232/23 and WEB10662/24 for mews development to the rear of no. 7 Eaton Road.
- No pre-application consultation was conducted by the applicant. The location, proximity and height of the proposed development would cause overbearing and visual impact on the private open space of no. 7 Eaton Road and would lead to overshadowing in the evening.
- The description of the site is inaccurate as in use as a building contractor's workshop. The building as cited by Dublin City Council is a derelict building and the site has not been in use for over 30 years.
- There is no indication of a rate payment on the submitted commercial rate bill following close inspection.
- The existing building on site is not a light industrial development and the laneway is not a long established in use vehicular and pedestrian access for light industrial use as claimed by the Letter from LHA Architects, dated 22 January, 2024.
- The demolition of the boundary / party walls affecting the residents of no. 7 Eaton Road have not been detailed or clarified. The detail provided in the submitted drawings is insufficient to ascertain the impact of ground works on the adjoining property.
- There are no details in the matter of servicing, including emergency services such as the fire brigade, and parking. The applicant has failed to demonstrate due to the substandard, restricted and narrow width of the lane that the proposed development could be safely and conveniently accessed for essential and emergency services.
- The proposed development would set an undesirable precedent for undesirable backland development on the lane contrary to the residential zoning objective *inter alia* as it would seriously injure the residential amenities of properties in the vicinity.

6.5. Further Responses

N/A

7.0 Assessment

- 7.1. The following assessment covers the points made in the appeal submission and encapsulates my overall consideration of the application. It is noted there are no new substantive matters for consideration.
- 7.2. The applicant applied for a single-storey one-bedroom mews house to the rear of no. 7 Eaton Road (given as Eaton Road 7A) in a back land location with access to Eaton Road via a service lane. The service lane minimum width is given as 3.7m. The width of the lane at the lane opening onto Eaton Road is given as 4.3m. The minimum carriageway width on Eaton Road net of parking bays is given as 2.7m (See Figure 4 of ILPT Consulting Response to Further Information).
- 7.3. The location of the development site is approximately 25m from Eaton Road via the service lane. There are no other dwellings located on the service lane, which facilities secondary access / rear garage access to houses on Eaton Road and neighbouring residential streets.
- 7.4. The mews house would have a given floor area of 62 sqm. It would comprise a kitchen / dining area / living room / bedroom / bathroom and storage area. The single-storey house would be configured around an internal lightwell. The open space would comprise the open courtyard / light well which would have a south-west orientation.
- 7.5. The site accommodates at present a garage / warehouse type L-shaped single-storey structure enclosing a concrete yard. The appellant claims that the existing structure is a light industrial building, which is in use as a workshop. A number of observers dispute the use of the structure and state that it has not been in active use in recent years. The floor area of building(s) to be demolished is given as 82 sqm.
- 7.6. There is a history of refusal on site for a mews dwelling. The planning authority has previously refused permission for an infill dwelling house for reasons related to substandard mews development including substandard access lane width. The

development site is in the ownership of the resident of no. 8 Eaton Road, which adjoins the site to the east.

7.7. The relevant matters, including the substantive matter of access to facilitate the construction and operation of the development of an infill house in this location, are interrogated below under the following headings.

- Zoning / principle of development
- Compact growth / urban consolidation
- The Sustainable Residential Development and Compact Settlement Guidelines (January 2024)
- Infill development design
- Open space
- Impact on residential amenity of adjoining properties
- Mews lane access
- Emergency access and servicing
- Construction phase access
- Development precedent
- Car parking

Zoning

7.8. The site is zoned Z1 (Residential) in the Dublin City Development Plan 2022-2028. Residential development is acceptable in principle.

7.9. The development site comprise an under-utilised backland development plot within an established urban area where piped services are available. There is an existing single-storey garage / storeroom / office on site accessed via a service lane.

7.10. The development site is located proximate to Terenure village (given as distance of 66m) within the Dublin city inner suburbs and high frequency public transport (120m to Terenure Road North) is nearby. I consider the location appropriate for infill housing subject to satisfying the overall requirements for development within a residential zone.

Compact growth / urban consolidation

- 7.11. The National Planning Framework (NPF 2018) and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region (EMRA) (2019) encourage and support the densification of existing urban areas and, as such, promotes the use of performance based criteria in the assessment of developments to achieve well designed and high quality outcomes.
- 7.12. The strategic objective of compact development is supported in principle by densification of urban sites in particular lands accessible by walking, cycling and public transport. The site is accessible to public transport including proximate radial and orbital bus routes located on Terenure Road North, Terenure Road East and Terenure Road West.
- 7.13. Urban consolidation and compact growth housing objectives based on target populations are incorporated into the Dublin City Development Plan 2022-2028, which *inter alia* through development management is required to provide sustainable new homes targeting a 20-25% population growth range (for the four number Dublin local authorities) from 2016 to 2040.
- 7.14. The policy framework provided by the Dublin City Development Plan 2022-2028 supports the infill development of brownfield, vacant and underutilised sites. For example Policy QHSN6 (Urban Consolidation) promotes and supports residential consolidation and sustainable intensification through the consideration of applications *inter alia* for infill development, backland development, mews development, re-use / adaption of the existing building stock and, the use of upper floors and subject to the provision of good quality accommodation.

The Sustainable Residential Development and Compact Settlement Guidelines

- 7.15. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) set national planning policy and guidance in relation to the planning and development *inter alia* for urban settlements with a focus on sustainable residential development and the creation of compact settlement.
- 7.16. The Guidelines expand on higher-level policies of the National Planning Framework, setting policy and guidance that include development standards for housing. Chapter 5 (Development Standards for Housing) provides *inter alia* guidance for separation distance, private open space, public open space, car parking, bicycle parking and

storage and daylight standards. The following assessment is informed by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.

Infill development overall design

- 7.17. Section 15.5.2 (Infill Development) of the Dublin City Development Plan 2022-2028 provides criteria to guide infill development on potential development sites between or to the rear of existing buildings (i.e. gap sites) within existing established urban areas. I consider that the proposed development site would satisfy the definition of an infill development site. The relevant infill development criteria are interrogated below.
- 7.18. I would concur with the planning case officer that the proposed one-bedroom dwelling would provide an acceptable level of residential amenity. I evaluate the open space provision below.

Open space

- 7.19. Section 15.11.3 (Open Space) of the Dublin City Development Plan 2022-2028 requires a standard of 10 sqm. per bed space. The proposed house would have 2 bed spaces comprising one double bedroom. A minimum requirement of 20 sqm.
- 7.20. The open space provision would be located within the internal lightwell / courtyard. It would comprise approximately 21 sqm. of private open space. I note the south-west aspect, which is optimum.
- 7.21. Section 5.3.2 (Private Open Space for Houses) SPPR2 of the Sustainable Residential Development and Compact Settlement Guidelines (January 2024) requires a minimum open space standard of 20 sqm. for a one-bedroom house.
- 7.22. I consider given the location of the development site proximate to Terenure village, its brownfield nature and its infill typology that the open space provision would be acceptable in terms of quality and quantity aligned with standards.

Impact on residential amenity of adjoining properties

- 7.23. SPPR1 of the Sustainable Residential Development and Compact Settlement Guidelines (January 2024) requires that when considering a planning application a separation distance of at least 16m between opposing windows serving habitable rooms above ground floor level at the rear and side of houses should be maintained. In the instance of the proposed development the site layout would provide a

minimum separation distance of approximately 4m (3993mm) between the rear elevation of no. 7 Eaton Road and the infill mews house.

- 7.24. SPPR1 *inter alia* provides that separation distances below 16m may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity space. I note that there are no opposing windows and that the infill mews house is a single-storey structure that captures light from an internal lightwell and rooflights.
- 7.25. I consider that the minimum separation distance of 16m is not applicable in the instance of the proposed development. Furthermore, I note that the existing structure on site is located onto the property boundary with of no.7 Eaton Road. I also note that the height of the existing flat-roof structure is 3035mm (2482mm onto the shared property boundary at the minimum separation distance) and that the proposed flat roof structure would have a maximum height of 3675mm.
- 7.26. I consider that the proposed structure in terms of height would be higher than the existing structure on site and the existing boundary wall (2505mm) albeit that the floor area would be reduced from 82 sqm. to 62 sqm.
- 7.27. I acknowledge that the physicality of the proposed structure in scale would be greater than the existing structure on site when viewed from the rear of no. 7 Eaton Road. However, I do not consider that the proposed structure would have a significant adverse impact on the residential and visual amenities of no. 7 Eaton Road and on properties in the vicinity given the replacement of the existing structure with a single-storey building and the omission of outward prospect window openings.

Mews Lane Access

- 7.28. The subject service lane is not a mews lane location. There are no existing backland located dwellings using the service lane in the immediate vicinity.
- 7.29. The planning authority have concluded that subject service lane is deficient in terms of width and capacity to facilitate vehicular traffic to the development site including emergency vehicles and construction traffic. Appendix 5 of the Dublin City Development Plan (2022-2028) requires mews lanes to have a 4.8m width (5.5m where no verges or footpaths are provided). The subject service lane is deficient in terms of width having a width of less than 4m.

- 7.30. The planning authority required clarification of the topographical extent of the access land and its capacities to facilitate the development by way of a further information request. The applicant was asked to demonstrate safe access and egress for all pedestrians and vehicles including emergency vehicles. The assessment of the submitted response resulted in a negative recommendation from the Transportation Planning Division of the planning authority.
- 7.31. The Division considered that service, delivery, refuse and emergency access proposals for mews developments within the lane would generate reversing vehicles, both onto and from Eaton Road. Furthermore, reversing vehicles would not have line of sight of oncoming traffic, resulting in conflicts with pedestrians, cyclists and other vehicles at the Eaton Road junction creating a traffic hazard. Therefore, the Division recommended refusal.
- 7.32. The appellant states that the existing laneway has a long established use for vehicular and pedestrian access. There are no changes proposed to alter this arrangement. It is claimed the appeal sets out the basis on which safe vehicular access and egress currently operates for vehicles, services, deliveries, refuse and emergency access. It is claimed that the current proposal is simply seeking a new use in the form of an appropriately scaled dwelling.
- 7.33. The appeal statement includes a submission prepared by ILTP consulting *inter alia* focused on vehicular traffic considerations. ILTP Consulting see no transportation, movement or road safety concerns that will arise as a result of permission for this development.
- 7.34. The ILPT response to further information noted that the existing light industrial use generated 5 movements per day with a potential 20 movements per day. The appeal submission references the potential continuation of the light industrial use comparing same with the requirement for no vehicular movements in the lane if a mews dwelling is granted permission.

Emergency Access & Servicing

- 7.35. The appeal statement addresses the assessment of the Transportation Planning Division further information response. The appellant notes that houses with secondary access along the lane transport their bins via the lane to Eaton Road for

collection. The proposed mews dwelling would operate a similar practice resulting in waste collection for the infill mews being located on Eaton Road.

- 7.36. Furthermore, the appellant claims that there is no requirement for fire tenders to access the lane in response to an emergency call out to the mews development due to the proximity of the dwelling to Eaton Road. The appellant cites Section 5.4.2 Technical Guidance Document B Volume 2 (Dwellings), which requires that fire brigade appliances should be able to get within 45m of the principal entrance to a dwelling. The appellant notes that the entrance is approximately 30m from a potential parked fire tender on Eaton Road.

Construction Phase Access

- 7.37. The Waste Management & Construction Management Plan submitted as a response to further information (dated June 2024 Rev A) clarifies the operation of the construction phase of the development. The ILTP Consulting appeal submission confirms that the only access proposed for construction traffic is from Eaton Road via the laneway to the west of the development site. A construction compound would be located within the rear garden of the adjoining no. 8 Eaton Road (in the ownership of the applicant).
- 7.38. ILTP Consulting clarify that demolition waste removal would be discharged by an estimated 5 vehicular movements (Pg. 10 ILTP further information response). All construction vehicles would load, unload and turn within the site. I note the demolition / construction vehicular movement strategy. The appellant invites the Board to regulate the construction phase of the development by way of condition in order to ensure that the construction phase of the development would not have a material impact on the laneway. The appellant provides two indicative conditions.
- 7.39. I note that the Transportation Planning Division may have been misinformed by a reference to a lane to the east in the further information response rather than the lane giving direct access from Eaton Road to the development site. I also note the configuration and width of the T-junction lane to the west of the development site.
- 7.40. I consider that the appellant has demonstrated that the construction phase of the development can be reasonably accommodated by facilitating truck movements allowing for a 4-tonne dumper truck to turn within the development site given that the

site compound would be accommodated on adjoining lands to the rear of no. 8 Eaton Road.

Development Precedent

- 7.41. The appellant claims that the principle of development at this location is established. The access lane has safely operated for many years facilitating the light industrial use on site. I do not agree with the claim of the appellant. On the day of my site visit I observed that the subject service lane provides secondary access for dwellings that enjoy independent road frontage on established residential roads in the vicinity. Furthermore observers have stated that the subject premises is not in use and has not been in use in recent years.
- 7.42. The appellant claims that the subject site is unique by reason of its corner configuration, established use and viability. Therefore, no precedent would be established by the development given that the subject site is the only available site in the immediate context within the urban block for development of this nature.
- 7.43. I consider that the appellant has not demonstrated that the subject site is the only site on the service lane(s) with development potential. The appellant could have by a process of elimination established through an evaluation of the development potential of the significant backland frontages in the vicinity of the development site the unique development potential of the subject site. Rather the appellant has stated each application on the laneway or elsewhere in the city should be dealt with on its own merits.
- 7.44. It is considered on balance that the requirement for emergency vehicles to access within 45m of the main entrance door of a dwelling and the deficient width of the lane(s) to accommodate vehicular access would militate against the global development of the subject lane network in the vicinity of the development site for independent access housing.
- 7.45. The planning authority have cited endangerment of public safety by reason of creating a traffic hazard. I consider that the appellant has addressed the substantive matter for refusal. The appellant has demonstrated that the proposed development given its proximity to Eaton Road (approximately 25m from the main entrance to the infill house) can be safely and conveniently accessed for essential and emergency

services (30m) and construction traffic notwithstanding the substandard, restricted and narrow width of the existing laneway.

Parking

- 7.46. The proposed mews house would not have dedicated parking. The appellant notes the proximity of the development site to Terenure village. The appellant states that the existing operation of the building as a light industrial use does not have a dedicated car parking space on site. 'Pay an Display' parking is available on Eaton Road and in the vicinity, which can facilitate parking for future tenants of the proposed development if the need arises.
- 7.47. The Transportation Planning Division of the planning authority note that a parking permit for Eaton Road cannot be guaranteed. The Division note that there are no parking controls on the laneway. The Division has concerns that the development may lead to overspill parking on the laneway. However, the Division consider that given the scale of the development, the proximity to the village and public transport and the constraints of the site zero parking would be acceptable.

Conclusion

- 7.48. On balance the proposed development is acceptable in terms of infill house design. The omission of dedicated car park in the instance of the subject development is also acceptable given the proximity to Terenure village / public transport and the constraints of the site.
- 7.49. I consider that the applicant has on balance demonstrated that the proposed development can be safely and conveniently accessed for essential and emergency services given the proximity of the entrance of the infill house to Eaton Road (30m) and that construction traffic can reasonably be accommodated subject to condition notwithstanding the substandard, restricted and narrow width of the existing laneway.
- 7.50. I consider that the appellant has not demonstrated that the proposed development would not potentially establish a precedent for similar mews development on the service laneway, which is not a mews laneway location. However, I consider that the subject infill development in itself would not set a precedent for further house development on the service lane network in the vicinity given the requirement for

emergency access within 45m of the main entrance a dwelling and the unique proximity of the entrance of the proposed infill house to Eaton Road (30m).

- 7.51. I conclude that the proposed development of an infill dwelling house subject to condition would on balance be consistent with the proper planning and sustainable development of the area.

7.52. **Appropriate Assessment Screening**

The proposed development comprises an infill dwelling house in an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

8.0 **Recommendation**

- 8.1. I recommend a grant of planning permission for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

Having regard to the grounds of appeal, the reason for refusal, the residential zoning objective and the policy framework provided by the Dublin City Development Plan 2022-2028, it is considered that the proposed development for a one-bedroom single-storey infill house would be consistent with Section 15.5.2 of the Dublin City Development 2022-2028 and, as such, would be consistent with the proper planning and sustainable development of the area.

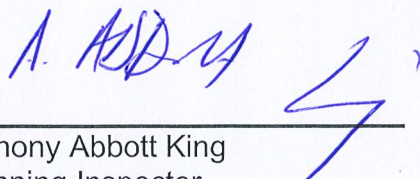
10.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 17 day of July 2024 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the
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	<p>planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>A detailed Construction Traffic Management Plan shall be submitted to the planning authority requiring the written agreement of the planning authority prior to the commencement of development. The Construction Traffic Management Plan shall detail the timelines and movements associated with the construction of the proposed infill dwelling house and shall require that all traffic movement to and from the development site shall be a forward movement.</p> <p>Reason: In the interests of residential amenity and road safety during the construction stage of the development.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

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

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.



Anthony Abbott King
Planning Inspector

08 January 2025