

An  
Bord  
Pleanála

## Inspector's Report ABP320992-24

### Development

Two-storey, 2 bedroom 87 sqm. mews for family use to rear of site with existing access to sharded rear garden and associated works.

### Location

10 Ashfield Road, Ranelagh, Dublin 6, D06XH70.

### Planning Authority

Dublin City Council.

### Planning Authority Reg. Ref.

WEB1879/24

### Applicant(s)

Paul McGarry & Olga Bogdan.

### Type of Application

Permission.

### Planning Authority Decision

Refuse Permission.

### Type of Appeal

First Party

### Appellant(s)

Paul McGarry & Olga Bogdan.

### Observer(s)

6 number observers

(1) Justin & Stephanie Brayden

(2) Maria & Brian McHugh

(3) Clare Campbell

(4) Helen Cahill & Leo Hassett

(5) Ray Faughnan

(6) G. Murphy & I. Wall

**Date of Site Inspection**

13/02/25.

**Inspector**

Anthony Abbott King.



## **1.0 Site Location and Description**

- 1.1. No.10 Ashfield Road is located on the east side of street and comprises a two-storey terraced house within a period streetscape.
- 1.2. Ashfield Road, Ashfield Avenue and Mornington Road form an indicative triangular urban block comprising back-to-back terraced houses with rear gardens.
- 1.3. No.10 Ashfield Road is accommodated on a linear east-west axis plot located toward the apex of the triangular urban block, which enjoys dual frontage onto Ashfield Road and Mornington Road.
- 1.4. The Mornington Road frontage comprises a boundary wall and vehicular rear entrance gate to the back garden of no.10 Ashfield Road.
- 1.5. Site area is given as 340 sqm.

## **2.0 Proposed Development**

- 2.1. Two-storey, 2 bedroom 87 sqm. mews for family use to rear of site with existing access to shared rear garden and associated works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Refuse permission for the following reason:

- (1) The proposed development by reason of having an inadequate separation distance from No. 10 and providing substandard gardens for both the proposed dwelling and for the occupiers at No. 10 does not accord with the standards for infill or side garden development outlined in Chapter 15 and Appendix 18 of the Development Plan. The proposed dwelling would have significant negative impacts on adjoining residential amenity, would erode the character and distinctiveness of the area, and would set a highly undesirable precedent for similar type development in the locality. The proposed development would materially contravene the provisions of the Dublin City*



*Development Plan 2022-2028 and 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**

Transport Planning Division have no objection subject to condition including the reinstatement of an on street parking bay.

Drainage Division have no objection subject to condition.

### **4.0 Planning History**

The following planning history is relevant:

Under Register Ref: WEB5242/21 (ABP313103-22) planning permission was refused for the construction of a 2-storey, 2 bedroom 86 sqm. annex for family and guest use with access to the shared rear garden.

Under Register Ref: WEB1182/21 (ABP310283-21) planning permission was refused for the construction of a 2-storey, 2 bedroom 96 sqm. mews house for family use with access to the shared rear garden.

### **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 Z2 (Residential Conservation): *To protect and/or improve the amenities of residential conservation areas.*



The proposed development is a permissible use.

- **Residential conservation area designation**

The rationale for residential conservation area designation is that the overall quality of an area in design and layout terms is such that it requires special care in dealing with development proposals, which would affect structures both protected and non-protected in such areas. The objective is to protect conservation areas from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. Chapter 15 (Development Standards) of the Dublin City Development Plan 2022-2028 *inter alia* states that all planning applications for development in Conservation Areas shall:

- *Respect the existing setting and character of the surrounding area.*
- *Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.*
- *Protect the amenities of the surrounding properties and spaces.*
- *Provide for an assessment of the visual impact of the development in the surrounding context.*
- *Ensure materials and finishes are in keeping with the existing built environment.*
- *Positively contribute to the existing streetscape. Retain historic trees also as these all add to the special character of an ACA, where they exist.*

Furthermore, Chapter 11 (Archaeology & Built Heritage) Policy Objective BHA9 of the Dublin City Development Plan 2022-2028 *inter alia* states: *Enhancement opportunities may include:*

- *Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- *Re-instatement of missing architectural detail or important features.*



- *Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns*
- *Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
- *The repair and retention of shop and pub fronts of architectural interest.*
- *Retention of buildings and features that contribute to the overall character and integrity.....*

- **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.

Policy QHSN10 (Urban Density) is relevant. The policy promotes residential development at sustainable densities throughout the city in accordance with the Core Strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

- **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.

In relation to Section 5.11.3 (Private Open Space) the following is relevant:

*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.*

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 Ray McDonnell Architect, are summarised below:

- The appellant seeks the Board to overturn the decision of the planning authority to refuse planning permission for the development of a mews type development at the rear of no. 10 Ashfield Road.
- It is argued that permission should be granted for an infill residential unit in line with adjacent existing mews dwellings, including nos. 43 & 44 Mornington Road situated at the rear of main houses on Ashfield Road.
- A “historic map” is included in the appeal statement showing open linear plots to the rear of the houses on Ashfield Road, as they were before the construction of nos. 43 & 44 Mornington Road in the gardens of the properties adjoining no.10 Ashfield Road.
- The adjacent dwelling at no. 43 Mornington Road presents an over-sailing lower roof, side windows, services within the applicant site. The design of the proposed development takes cognisance of these unusual circumstances (the development is located 1m from the shared property boundary).
- No. 10 Ashfield Road is not a protected structure albeit that it is located within a residential conservation zone (Land Use Objective Z2). The development employs traditional materials and addresses the local massing and form of the streetscape successfully responding to local context.
- The immediate context comprises two adjacent 2-storey dwellings with pitched roofs at nos. 43 & 44 Mornington Road. These properties have limited architectural significance and are public facing. They have small front concrete yards and shallow back gardens.



- The principal buildings of architectural merit on Mornington Road are located at nos. 42 & 41 (Mornington Villas) and nos. 2a / 1a Foxhall Terrace at the junction of Mornington Road and Ashfield Road are not in the immediate vicinity of the development site.
- The appellant would respectfully suggest that the fragmented nature of the section of Mornington Road the subject of this appeal would not merit conservation scrutiny and may benefit from a clear well defined building line and urban form.
- The building form is designed to bridge the gap between the adjoining sites on Mornington Road. The proposed development seeks to complement a haphazard receiving environment of garden walls, garages, back lot houses exhibiting a patchwork of materials and finishes by using a palette of traditional materials.
- The appellant claims that the development would not give rise to significant impacts to the south given that the adjoining structure is a single-storey out building.
- The proposed development would provide accommodation to meet the requirements of the applicant's two sons. A legal undertaken can be furnished to restrict the use of the dwelling.
- The overall plot ratio is modest for an urban development. The site coverage at 42% is not excessive. City dwellings afford flexibility on separation distances.
- The appellant in the context of a "fair hearing" questions the objective application of planning guidance. The appellant notes that the planners report was not available at the time of writing the appeal statement.
- The appellant cites the Inspector's Report ABP310284-21 / WEB1182/21 in the matter of the assessment of a previous application on site for a two-storey mews house, which was considered by the inspector to be in accordance with the proper planning and sustainable development of the area.
- The appellant cites the Inspector's Report ABP310284-21 / WEB1182/21 in the matter of car parking provision where the inspector considered that it was



reasonable for the proposed development to be permitted without off-street parking provision for both dwellings.

- In the matter of the observations of third parties, the principle of development to the rear of no.10 Ashfield Road has been twice assessed to be acceptable. The principal separation distance between the existing house and the new dwelling is 22m.
- The right to light on the neighbouring site at no. 23 Mornington Road is respected by a 1m separation. The open space standards could not be achieved by the adjoining property. The use of obscure glazing will afford privacy to neighbours.
- The appellant understands that further items of information on operational and other matters of the construction and completion of the development may be required if a grant of planning permission issues.
- The appellant has submitted a photomontage of the infill development with the appeal statement.

## **6.2. Applicant Response**

N/A First party appeal

## **6.3. Planning Authority Response**

The planning authority request the Board to uphold the decision to refuse permission. If planning permission is granted suggested conditions should apply including a Section 48 development contribution.

## **6.4. Observations**

There are 6 number observations, which are summarised below:

(1) The observation of Justin & Stephanie Brayden, 14 Mornington Road, is summarised below:

- The scale and design of the development does not conform to the Victorian architecture of Mornington Road and would be out of character.



- The development would break the building line on Mornington Road and would fenestrate directly into the street unlike the existing properties, which have front gardens.
- The development would be incongruous with the streetscape on the west side of Mornington Road given that the neighbouring buildings are single-storey structures (garden shed) or pitched roof houses.
- The development would provide for a separate dwelling with no material connection to the main house and independent access / egress to Mornington Road.
- There is an inadequate separation distance between the development and the main house and insufficient amenity space contrary to proper planning and sustainable development, which would set an undesirable precedent for substandard development.
- The development infringes on the separation distance between the rear of no. 10 Ashfield Road (main house) and no. 14 Mornington Road, resulting in overlooking and overshadowing.
- The development would have a negative impact on vehicular and pedestrian access to Mornington Road.
- The development would have a negative impact on the availability of parking.
- There is a history of refusal of infill development, the current application does not materially differ from previous applications for independent dwellings on the site refused by the planning authority and An Bord Pleanála.

(2) The observation of Maria & Brian McHugh, 43 Mornington Road, prepared by Frances E Power Architect, is summarised below:

- The development of a dwelling to the rear of no. 10 Ashfield Road, as per the six previous submissions, would appear incongruous within the circa. 1890 streetscape on Mornington Road inconsistent with residential conservation area designation.
- The location directly onto Mornington Road, house design and inappropriate fenestration of the development would have a negative



architectural expression on Mornington Road, which would be in breach of house design guidelines and the protection of the existing architectural character of the residential conservation area.

- The development by itself and by reason of precedent would seriously injure the amenities of the area and would be contrary to the policies and objectives of the Dublin City Development Plan 2022-2028, including the residential conservation “Z2” zoning objective, which protects existing amenities.
- The overall scale and design of the development would be out of keeping with the existing scale of development in the residential conservation area and would seriously injure the residential amenities of adjoining properties including no. 43 Mornington Road and homes directly opposite the development site *inter alia* by reason of deficient separation distance.
- Section drawing(s) illustrating separation distances between the development and the houses on Mornington Road opposite are not included in the submitted documentation. Furthermore the Sectional drawing no. 1401/PG-07 does not include a dimension from the proposed house to the rear of the existing extension.
- The elevation drawings are not factually correct and do not represent the streetscape on Mornington Road. The streetscape is not a terrace. The individual pattern and architectural language of each property is distinct.
- The red line boundary infers a 300mm setback on plan, which is an inadequate minimum threshold which should measure 2000mm to provide for privacy from the public street. The privacy threshold on Mornington Road is defined by Edwardian railings and front gardens.
- The current application is essentially the same application recently refused by the planning authority and an bord Pleanála. A reduced garden area of 38 sqm. is included in the current application. The garden area of no. 10 Ashfield Road is 44 sqm.
- The garden areas for both properties are substandard. A previous reason for refusal was a lack of amenity space. It is not suitable for an additional



development to be located to the rear of no. 10 Ashfield Road, as the garden lengths are too short at this point.

- Notwithstanding the statement of the applicant that the proposed unit is for family use, the development is essentially an independent dwelling fronting onto Mornington Road.
- The development would set a negative precedent for substandard mews development *inter alia* by reason of being injurious to the existing main house by reason of insufficient private open space. Mews houses are proposed mainly on laneway locations with existing stable buildings on large plots.
- The development is sited tight with the public footpath on Mornington Road breaking the established building line.
- No. 43 Mornington road has 4 existing windows that will be negatively affected by the massing of the second floor and fenestration of the development. Furthermore the rear garden of no. 43 Mornington Road would be overshadowed, which is not illustrated in the submitted drawings.
- The proposed pedestrian access from Mornington road is substandard and would undermine the structural stability of no. 43 Mornington Road.
- The development has an excessive plot ratio, site coverage and density.
- Register Ref: 2231/15 permitted vehicular access to the rear of no. 10 Ashfield Road requires inward opening gates. The existing gates open outwards and are in breach of the conditions of the permission.
- The removal of the rear in-curtilage car parking to the existing house would result in the loss of a car parking space. The applicant has not demonstrated compliance with car parking requirements for the main house and new development.

(3) The observation of Clare Campbell, 11 Mornington Road, is summarised below:

- The development has previously been refused planning permission on two occasions in 2022 and 2024. The 2022 refusal was appealed and was subsequently refused by An Bord Pleanála. There has been no change in legislation since the cited previous refusals.



- The observer objectives to the substandard nature of the development, inconsistent with Chapter 15 and Appendix 18 of the Dublin city development Plan 2022-2028, rather than the use per se given as 'Housing need, Building Use'.

(4) The observation of Helen Cahill & Leo Hassett, no. 6 Ashfield Road, is summarised below:

- The current application is similar in design to previous applications refused by the planning authority and an Bord Pleanála with small tweaks about usage.
- The existing house on site has been extended without objection by the observer. However, the current application for an additional house would result in a reduction in the garden of the existing house providing for substandard amenity space (citing Section 75.77.3 of the development plan) for the existing and proposed houses facilitating overlooking and overshadowing of the existing house.
- The development is inconsistent with the residential conservation designation of the area.
- The applicant did not submit drawings of the main house, which makes assessment of the impact of the development difficult for An Bord Pleanála.
- The proposed house is an independent unit notwithstanding that it is claimed that it is a mews house for family use. A condition limiting the use of the house to family members would not be enforceable.
- The application does not include a daylight and sunlight analysis of the impact on the existing house at no. 10 Ashfield Road.

(5) The observation of Ray Faughnan, 10 Mornington Road, is summarised below:

- The observer would like to comment on a few points raised in the appeal statement including the following below.
- In the matter of "Local context", the architectural quality of the streetscape should reference Mornington Road.
- In the matter of "Immediate Context", no. 43 Mornington Road has been in situ. since 1926. The proposal would create a smaller rear yard space.



- In the matter of “Heritage Area Design”, cites nos. 43 & 44 Mornington Road.
- In the matter of “Form Approach”, the development would be substandard.
- In the matter of “Housing need, Building Use”, it is not the use of the development that generates objection rather the substandard nature of the development inconsistent with Chapter 15 and Appendix 18 of the Dublin City Development Plan 2022-2028.
- In the matter of “Development Plan”, the site coverage of 74% is not modest but excessive. The site coverage of 42% is excessive.
- In the matter of “Fair Hearing”, there is strong concern and objection to the development as it impacts the residents of Mornington Road.

(6) The observation of Gerald Murphy & Linda Wall, 13 Mornington Road, is summarised below:

- The current proposal is the sixth application on the appeal site. It is the third application submitted by the applicants in the past 3 years. The applications similar in size, elevation, style and finish have been declined 5 times. The applicant has been unambiguously declined twice by An Bord Pleanála.
- The ascertain that previous applications and the current application has not been objectively assessed is incorrect.
- There are no mews properties to the rear of Ashfield Road. The description of Nos. 43 & 44 as mews properties is incorrect. There is a mews type lane behind nos. 35 to 41 Mornington Road. However, there has never been a mews lane behind Ashfield Road.
- The development, as the observer has stated in their submission on a previous application, is not materially different from previous development proposals and would be incongruous, inappropriate and out of character with the receiving Victorian / Edwardian housing stock.
- The current application focuses on the intended use as family accommodation for the applicant’s dependent sons. The size of the proposed structure should be questioned in regard to the proposed use. A more modest structure or extension could satisfy family accommodation needs.



- The development in reality is a detached substantial two-bedroom self-contained residential unit with no material connection to the main building. The location of the proposal at a point where Ashfield Road and Mornington Road converge renders inadequate rear garden space for the satisfactory execution of an additional dwelling.
- In the matter of conditioning a grant of permission regulating Airbnb and other uses, the observer cites a previous grant of retention permission (dated 29<sup>th</sup> June 2015) on site claiming compliance conditions have not been discharged to date.

## 7.0 Assessment

- 7.1. The following assessment covers the points made in the appeal submission, the 6 number observations, and encapsulates my overall consideration of the application. It is noted there are no new substantive matters for consideration.

### *Development proposal in context*

- 7.2. The subject residential plot enjoys dual street frontage onto Ashfield Road and Mornington Road. The Ashfield Road frontage accommodates a period two storey dwelling house. The Mornington Road frontage accommodates rear vehicular access to the plot.
- 7.3. The applicant proposes to build a two-storey mews type infill dwelling in the rear garden of the existing dwelling house (floor area 164 sqm.) that would elevate onto Mornington Road. The infill house would have a floor area of 87 sqm.
- 7.4. The applicant does not propose to subdivide the existing residential plot. It is proposed to landscape the existing rear garden of the main house and to provide a shared amenity space for the existing house and the infill mews house. The overall site area is given as 340 sqm.
- 7.5. The applicant states that the use of the proposed mews is for family use. The appeal statement would welcome a restriction on the use of the mews for family members by legal agreement by way of condition. The appeal statement includes a photomontage report, which illustrates the physicality of the proposed mews house.



- 7.6. There is a history of refusal on this site. Planning permission for a similar infill development on the Mornington Road frontage of no. 10 Ashfield Road has been refused by the Board twice initially by Board Order dated 30/08/21 citing the quality and quantum of private open space and limited separation distances between dwellings.
- 7.7. Secondly, the development of a standalone two storey 86 sqm. annex unit for family and guest use was refused by Board Order dated 09/10/2023 citing failure to comply with Section 7.0 of Appendix 18 of the Dublin City Development Plan 2022-2028, as the proposal is not a an extension of the main house to accommodate an immediate family member for a short period.
- 7.8. The relevant planning matters arising are interrogated in my assessment under the following main sub-headings below:
- The Sustainable Residential Development and Compact Settlement Guidelines (January 2024)
  - Zoning
  - Compact growth / urban consolidation
  - Infill development
  - Plot ratio / site coverage
  - Separation distance
  - Open space
  - Impact on the residential amenity of adjoining properties
  - Streetscape integration & residential conservation designation
  - Internal layout, design & amenity
  - Car parking
  - Other matters

*The Sustainable Residential Development and Compact Settlement Guidelines*

- 7.9. 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.

- 7.10. 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.

#### *Zoning*

- 7.11. The site is zoned Z2 (Residential Conservation) in the Dublin City Development Plan 2022-2028. Residential development is acceptable in principle.
- 7.12. I note the development site comprise the rear garden of a mid-terrace dwellinghouse on Ashfield Road within an established urban area where piped services are available.
- 7.13. The development site is in an accessible location within the historic inner suburbs of Dublin City with direct access to frequent public transport (Luas Green Line). The development site is proximate to Ranelagh Village, which provides a comprehensive range of retail and other services, including education facilities within the broader hinterland.
- 7.14. I consider the location appropriate for infill housing subject to satisfying the requirements for development within a residential conservation zone.

#### *Compact growth*

- 7.15. 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.
- 7.16. 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 subject development site is located within the inner suburbs



approximately 300m from Ranelagh Village and less than 400m from the Beachwood Luas Stop.

- 7.17. The development site is thus accessible by Luas to city centre services and employment, active travel infrastructure and radial public transport.
- 7.18. 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.
- 7.19. 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.

*Site coverage and plot ratio*

- 7.20. The appellant claims that the overall proposal for the site does not constitute overdevelopment by reason of plot ratio and site coverage, which it is claimed is not excessive.
- 7.21. I note the inner suburban location of the development, the residential conservation area designation and the pattern of development on Mornington Road including the adjoining infill houses at nos. 43 & 44 Mornington Road.
- 7.22. Plot ratio and site coverage can be used as part of a suite of measures to ensure higher density schemes are appropriately developed to a high standard.
- 7.23. The development site is located in the inner southern suburbs. I note that the proposed development is located within a residential conservation area. Appendix 3, Table 2 cites an indicative plot ratio of between 1.5-2.0 and site coverage of 45-50% within a residential conservation zone.
- 7.24. The site coverage is given as 42%. The plot ratio is given as 0.74 (251 / 340 sqm).



- 7.25. I consider that the plot ratio and site coverage are within the maxima cited in Appendix 3 of the Dublin City Development Plan 2022-2028.
- 7.26. However, the application of basic plot ratio and site coverage criteria governing development in the city requires further calibration with reference to infill development criteria.

*Infill development*

- 7.27. 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 site. The relevant infill development criteria are interrogated below.

*Separation distance*

- 7.28. The planning case officer states that the proposed dwelling would sit 11.3m from the rear of the existing single-storey extension to the back of no. 10 Ashfield Road. I note the modest separation distance at ground floor level.
- 7.29. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) SPPR1 of the Guidelines requires that statutory development plans should not include an objective in respect of separation distances that exceeds 16 metres between opposing windows serving habitable rooms above ground floor level *inter alia* at the rear or side of houses.
- 7.30. The proposed site layout would provide a separation distance of approximately 20m between the rear elevation of the main house and the principal rear elevation of the infill development at first floor level.
- 7.31. I note that the infill house design includes a projecting sun room at first floor level. The location and projection of the sunroom are suboptimal. The sunroom is east facing. The sunroom would reduce the first floor separation distance between the existing house and the infill development.
- 7.32. Furthermore, the location of the sunroom has the potential for undue overlooking of the rear amenity spaces of properties on both Ashfield Road and Mornington Road.



- 7.33. The removal of the sunroom and the setback of the rear elevation to align with the rear building line on Mornington Road would increase the opposing window distance at first floor level to greater than 20m.
- 7.34. I acknowledge that the existing house at no.10 Ashfield Road has a return that extends beyond the rear building line of the main house. I also note the large single storey extension to the rear of the existing house on site. However, I would concur with the appellant that the separation distance is adequate to accommodate infill development on the Mornington Road frontage.

*Open space*

- 7.35. The open space provision for the existing and the infill development would comprise the residual rear garden of the main house on site. The proposed shared amenity area would be located between the main house at 10 Ashfield Road and the infill development fronting onto Mornington Road.
- 7.36. Section 15.11.3 (Open Space) of the Dublin City Development Plan 2022-2028 requires a standard of 10 sq. m. of private open space per bedspace for a house. The proposed house would have 4 bed spaces comprising two double bedrooms. A minimum requirement of 40sqm. The proposed development provides an indicative amenity area of 40 sqm (5800mm x 7050mm).
- 7.37. The existing substantial main house on site would have a significantly reduced rear garden. The amenity area to the rear of the house as given on the submitted plans would be reduced to 44sqm.
- 7.38. I note the east-west axis of the existing rear garden. An open loggia is proposed along the shared property boundary to the north linking the existing house and the infill development.
- 7.39. The proposed amenity area would have a south aspect on one of the two longer sides of the oblong shaped residual rear garden enclosed by the Ashfield Road and Mornington Road frontages. I consider that the open space provision would meet qualitative standards given orientation and proposed landscape works.



*SPPR2*

- 7.40. I note SPPR2 of the Sustainable Residential Development and Compact Settlement Guidelines (January 2024), which requires a minimum open space provision of 30 sqm. for a 2-bedroom house.
- 7.41. The Guidelines highlight that minimum private open space standard in development plans often reflects the traditional suburban separation standard and width of a dwelling. A more graduated and flexible approach that supports the development of compact housing and takes account of the value of well-designed private and semi-private open space should be applied.
- 7.42. The Guidelines clarify 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. Furthermore, open spaces may take the form of traditional gardens or patio areas at ground level.
- 7.43. I consider given the inner suburban location of the development site proximate to Ranelagh Village, the infill nature of the site and the dual frontage of the residential plot that a minimum open space standard should be applicable in the instance of the proposed development.
- 7.44. I consider that an external area of 30 sqm. would be an adequate dedicated external amenity area for the enjoyment of the infill house. I acknowledge that the residual rear garden of the main house would provide for a truncated amenity area.
- 7.45. The Sustainable Residential Development and Compact Settlement Guidelines (2024) require private open space to form part of the curtilage of the house. Furthermore, the pattern of development in the area is characterised by individual dwelling houses with dedicated rear garden amenity spaces.
- 7.46. I consider in order to ensure the residential amenity of future occupiers a rear boundary wall between the properties would be required to ensure satisfactory privacy and adequate boundary definition between the existing house on site on Ashfield Road and the proposed infill house on Mornington Road.
- 7.47. The sub-division of the amenity area allocated to the main house and the infill house as indicatively shown on the submitted drawings can be dealt with by way of condition in order to provide 30sqm. of dedicated open amenity space. An access



gate between the properties can facilitate the family use of the property as proposed by the applicants.

*Potential impact on adjoining residential amenity*

- 7.48. The observers on the appeal claim that the proposal would result in a loss of existing residential amenity for neighbouring properties. I note these observations.

*No. 43 Mornington Road*

- 7.49. The appellant highlights that the adjacent dwelling at no. 43 Mornington Road presents an over-sailing lower roof, side windows, services within the applicant site. The design of the proposed development takes cognisance of these unusual circumstances.
- 7.50. The infill development would indicatively align with the front and rear building lines of no. 43 Mornington Road. A side passageway from Mornington Road to the interior of the plot measuring 1m in width would separate the gable elevation of no. 43 (south gable) from the infill development on the adjoining site to the south.
- 7.51. There are a number of proposed window openings at ground floor level in the side elevation facing the south gable of no. 43 Mornington Road located 1m from the boundary. These ground floor openings are acceptable in principle.
- 7.52. There is one proposed window opening in the side elevation cantilevered above the passageway at first floor level lighting a proposed study, which is also the dedicated storage area for the house.
- 7.53. I consider that the window opening cantilevered above the passageway and exhibiting "etched glass" would represent a discordant element creating an over complicated side gable elevation along the shared property boundary with no. 43 Mornington Road. The omission of the first floor north elevation window opening can be dealt with by way of condition.
- 7.54. The south gable elevation of no. 43 Mornington Road has one small first floor window opening in the side elevation facing the development site. The side elevation of the infill development would elevate 1m in front of the opening.
- 7.55. I consider that there would be no significant impact on the existing residential amenity of no. 43 Mornington Road given the limited number and size of the existing fenestration and the provision of a separation lightwell.



*No. 8 Ashfield Road*

- 7.56. The south elevation (side elevation) of the infill development would exhibit a blank two-storey elevation along the shared property boundary with no. 8 Ashfield Road. I note that there is an existing single-storey structure located to the rear of no. 8 Ashfield Road elevating directly onto Mornington Road.
- 7.57. The proposed blank side elevation would be visible from the public road. I do not consider that there would be an adverse impact on existing amenities arising from the massing of the infill development on the southern boundary.
- 7.58. The rear first floor fenestration of the infill house is oriented east toward the rear elevation of no. 10 Ashfield Road. The location of the proposed first floor sunroom has the potential for undue overlooking of the rear amenity spaces of properties on both Ashfield Road and Mornington Road.
- 7.59. The first floor sunroom should be omitted from the development and standard bedroom fenestration substituted. This can be dealt with by way of condition.

*No significant adverse impact*

- 7.60. On balance I consider that there would be no significant adverse impact on existing residential amenities, including the amenities of the adjoining property at no. 43 Mornington Road.
- 7.61. Furthermore, I consider given the separation distance at first floor level between the rear elevation of the main house on Ashfield Road and the infill development site on the Mornington Road frontage and subject to condition there would be no significant adverse impact on no.10 Ashfield Road.
- 7.62. Finally, in the matter of houses on the opposite side of Mornington Road (east), I consider overshadowing and overlooking impacts are not applicable given the separation distance provided by the public footpaths, carriageway and existing front gardens.

*Streetscape integration & residential conservation designation*

- 7.63. The proposed development is located in a residential conservation area. Policy Objective BHA9 of the Dublin City Development Plan 2022-2028 *inter alia* requires



new development in conservation areas to protect their special interest and character.

- 7.64. Development in residential conservation areas should contribute positively to their character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.
- 7.65. The appellant argues that the fragmented nature of the streetscape on Mornington Road would benefit from a defined building line and articulated urban form.
- 7.66. Section 15.5.2 (Infill Development) of the Dublin City Development Plan 2022-2028 *inter alia* requires infill development in areas of low quality, varied townscape to assert independence of form and design to create new compositions.
- 7.67. I consider that this section of Mornington Road is a varied townscape comprising infill houses set back from the streetscape to the north and eclectic boundary walls punctuated with vehicular and pedestrian openings to the south. I note the single-storey structure tight to the public footpath on the adjoining site to the south.
- 7.68. The proposed development would follow the indicative building line of the street albeit that it would not provide a visible buffer or recess from the public street, which is a characteristic of the other infill houses on Mornington Road.
- 7.69. I would concur with the appellant following my site visit that an infill building in this location would be a planning gain in urban design terms. The appellant has submitted a photomontage (dated 16<sup>th</sup> October 2024) of the infill development with the appeal statement including streetscape views.
- 7.70. I consider that a building tight to the street in this location is a valid design solution given the eclectic nature of the receiving environment on this section of Mornington Road.
- 7.71. The appellant states that the development employs traditional materials and addresses the local massing and form of the streetscape successfully responding to local context. I consider that the height, scale and massing of the proposal would be consistent with the adjoining infill houses to the north.
- 7.72. The applicant proposes a quality palette of material finishes including shaped folded zinc roof, red brick with granite cills and Aluclad & timber joinery fenestration. The contemporary design would represent a visual contrast with the existing building



stock while harmonising in terms of the use of brick / granite detailing on the Mornington Road façade.

- 7.73. I consider that the proposed development in terms of building line, height, design, massing and material finish subject to condition would be consistent with residential conservation area designation, which *inter alia* encourages quality contemporary architecture in harmony with the existing built environment.
- 7.74. *Internal layout, design & amenity*
- 7.75. I note Section 5.3.2 (Space Requirements & Room Sizes) of the Guidelines 'Quality Housing for Sustainable Communities : Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).
- 7.76. The target gross floor area of a 2 bedroom / 2 storey / 4 person house is 80 sqm. The proposed floor area is 86 sqm.
- 7.77. I note the first floor storage area is also designated as a study (4 sqm.). The provision of a dedicated storage area can be dealt with by the omission of the window opening (as discussed above).
- 7.78. I consider in general the proposal would satisfy standards for new houses and that the development would provide a reasonable standard of reception and bedroom accommodation on site.

#### *Car Parking*

- 7.79. The Transport Planning Division do not object to the proposal and consider that car parking would not be required for the main house and an ancillary infill mews.
- 7.80. I consider that the development is located in a city urban neighbourhood. I note SPPR 3 of the Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities, Section (i) states:

*In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.*



7.81. I would conclude given the accessible location of the development site that no parking provision would be acceptable.

*Other matters.*

7.82. The applicant has applied for a two-storey, 2 bedroom 87 sqm. mews for family use with access to a shared rear garden. The occupancy of the infill house is a relevant planning matter given that the development description specifies the purpose of the dwelling.

7.83. I note that the appeal statement invites the Board to apply a condition regulating the use of the property for family use only. I consider that an occupancy condition should be attached to any grant of permission restricting the use of the infill house to family use for a specified time period.

**7.84. Appropriate Assessment Screening**

I have considered the proposed development in-light of the requirements S177U of the Planning and Development Act 2000 (as amended).

The subject site is located within an established urban area and is connected to piped services and is not immediate to a European Site. The proposed development comprises the construction of an infill mews type dwelling residential unit as set out in Section 2.0 of this report.

No significant nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site given the small-scale nature of the development.

I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.



## **Conclusion**

- 7.85. It is considered that the principle of infill development is acceptable given the separation distance between the main rear building line of the houses on Ashfield Road and the development site, which exceeds 20m above ground level, the independent road frontage on Mornington Road and the pattern of development in the immediate vicinity, including the adjoining infill houses at nos. 43 & 44 Mornington Road.
- 7.86. I consider that the proposed development in terms of its location enjoying independent road frontage, design and function is an additional dwelling unit on site. However, I note the advertised description of the development as a mews for family use with a shared garden.
- 7.87. In this regard, I consider an occupancy condition restricting the use of the infill house to family use should be attached to a grant of planning permission.
- 7.88. I conclude that the provision of an additional residential unit in this inner suburban location subject to condition would be consistent with the urban consolidation policies and objectives of the Dublin City Development Plan 2022-2028 and the Sustainable Residential Development and Compact Settlement Guidelines (2024).

## **8.0 Recommendation**

- 8.1. I recommend a grant of planning permission subject to condition for the reasons and considerations outlined below.

## **9.0 Reasons and Considerations**

Having regard to the grounds of appeal, the observations of third parties, the reason for refusal, the pattern of development in the immediate vicinity and the policy framework provided by the Dublin City Development Plan 2022-2028, it is considered that the proposed development for an additional house to the rear of the existing dwelling house at no. 10 Ashfield Road, subject to condition, would not have a significant adverse impact on adjoining residential properties, including the main dwelling house, would provide a reasonable standard of accommodation on site, would be consistent with the urban consolidation policies and objectives of the



Dublin City Development Plan 2022-2028, including Section 15.5.2 (infill development) and Policy BHA9 (guiding new development within conservation areas), would be consistent with the Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities (15 January, 2024) and, as such, would be consistent with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>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 received by An Bord Pleanála 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 planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Prior to the commencement of development the developer is requested to submit for the written agreement of the Planning Authority revised elevation and section drawings and floor plans providing for the following modifications:</p> <ul style="list-style-type: none"> <li>(i) The first floor sunroom shall be omitted from the development and the rear elevation (east) shall be setback to align with the rear building line on Mornington Road.</li> <li>(ii) The bedroom window opening at first floor level shall have standard fenestration.</li> <li>(iii) The first floor cantilevered north gable window lighting the study shall be omitted from the development and a masonry wall shall be substituted.</li> </ul>



	<p><b>Reason:</b> In the interest of residential and visual amenity within this designated conservation area.</p>
3.	<p>A two metre high block boundary wall shall be erected along the rear boundary between no.10 Ashfield Road and the infill house fronting onto Mornington Road. The construction of the wall shall be completed prior to the occupation of the dwelling.</p> <p>Prior to the commencement of development a revised site layout plan, providing for a dedicated rear amenity space of 30sqm. for the infill house on Mornington Road, elevations and section drawings, to include details of the material finish of the boundary wall and pedestrian access between the main house and the infill house, shall be submitted and agreed in writing with the planning authority.</p> <p>Reason: in the interest of orderly development and in the interests of the residential amenities of the occupiers of the additional residential unit.</p>
4.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<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><b>Reason:</b> In the interest of visual amenity.</p>
7.	<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>

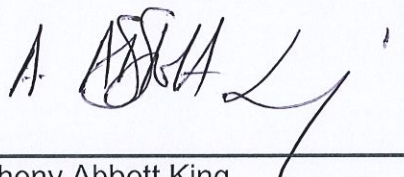


	<p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p>Reason: To ensure that the infill house is used to meet the applicant's stated housing needs and in the interest of the proper planning and sustainable development of the area.</p>
9.	<p>The developer shall comply with the recommendations of the Transportation Planning Division of the Planning Authority.</p> <p><b>Reason:</b> In the interests of orderly development and road safety.</p>
10.	<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</p>



	<p>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><b>Reason:</b> 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>
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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

22 February 2025



**Form 2**  
**EIA Preliminary Examination**

<b>An Bord Pleanála Case Reference Number</b>	<b>ABP- 320992-24</b>	
<b>Proposed Development Summary</b>	Two-storey 2 bedroom 87 sqm. mews	
<b>Development Address</b>	10 Ashfield Road, Ranelagh	
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>		
<b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development would have a modest footprint, having a total floor area of 87 sqm., and would not require demolition works.	
<b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development is located on zoned residential lands in an established suburban area on piped services.	
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development, its mature suburban location and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	No



There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: 11/10/14  
Date: 20-02-25

DP/ADP: \_\_\_\_\_  
(only where Schedule 7A information or EIAR required)

Date: \_\_\_\_\_