



An
Bord
Pleanála

Inspector's Report 321337

Development	Demolition of shed 28.8sm and construction of two-storey house, new vehicular access, car parking and ancillary works
Location	Rear of 11 Columbanus Road, Dundrum, Dublin 14
Planning Authority	Dun Laoghaire Rethrown Co Council
Planning Authority Reg. Ref.	D24A/0469
Applicant(s)	Martha and David Carroll
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Derek and Mary Gregg
Observer(s)	The Foley family, Columbanus Road Edel Collins principal St Marys NS
Date of Site Inspection	2 nd February 2025
Inspector	Suzanne Kehely

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2– Form 2: EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The site of 128 sq.m is part of the rear garden (with a depth of 40m) of a mid-terraced dwelling in the established residential area of St Columbanus Road off the Dundrum Road in Windy Arbour. It is 210m from the Luas stop.
- 1.2. The proposed development site as delineated has a depth up to 18.45m, width of 7.35m and angled frontage of c.10.5m onto a cul-sac lane that is c. 3.6m wide. The lane extends between the end of the terrace (no.15) and Our Lady's national school before turning at right angles along the rear of dwellings along both St Columbanus Road (nos.1-15 odd) and more mature housing along Highfield Park from which the area is separated by a granite wall. 6 of a row of 8 houses on the southern side of Columbanus Road back onto the lane and most have some form of access – vehicular and/or pedestrian. The dwellings along Highfield Park appear to have no opening.
- 1.3. The site is located at the corner where the lane turns and has a shed with vehicular access and boarded up opening. The site is overgrown and has temporary fencing screening it from the rest of the garden and dwelling.
- 1.4. The lane has a 'private property' sign at the entrance. It has a ribbed concrete surface and slightly overgrown green patch at the bend. The lane is blocked off with a concrete block wall to the rear of no.1. There is no street lighting. St Columbanus Road is narrowly aligned with group parking more so than on-street parallel parking. To the west of the cul-de-sac entrance road there is a one-way system in place for eastbound vehicular and bicycle traffic. A westbound cycle path is clearly demarcated alongside the kerbed footpath west of the site along the school frontage.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a two-storey two-bedroom dwelling house of c 100sqm (stated floor area of 82sq.m.) as revised, with off street parking and fronting on to the access lane to the rear of the dwelling. This is in place of c.28 sq.m shed with vehicular access and is to be demolished.

- 2.2. The house and site layout were revised in further information and the L-shape is replaced with a simpler square-type footprint with a chamfered corner in line with lane.
- 2.3. A Design Changes Report submitted with the further information sets out the rational for using the two-storey flat roofed house option out of a range of basic house forms. It is stated to be best for reduced massing and improving parking. It also more contemporary in form and materials.
- 2.4. Note: The annotated site layout plan incorrectly numbers the neighbouring dwellings. References in this report are to the correct numbering.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Following a request for further information and consideration of the response, the planning authority issued a decision to grant permission subject to conditions.

Conditions

The conditions are of a standard generic nature for infill housing in relation to use, construction and services. Condition 2 requires secure bicycle parking to the front and in accordance with particular criteria for agreement in accordance with the requirements of the Transportation Planning division.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The request for further information sought to address concerns primarily on design detail and car parking
- The provisions of the CDP for both backland and mews development are considered as being relevant. The principle of a house at this location is considered acceptable and assessed primarily as a 'mews' type notwithstanding its short cul-de-sac nature and having regard to the use of the lane with access to properties and its width at 3.6m where 3.7m is normally the limit.

- While not meeting with particulars of the development plan in respect of distances between properties regard is had to the Compact Settlement Guidelines. Overall overlooking and privacy are considered to be addressed in terms of opposing window distances and window design.
- Car parking is considered acceptable given the revised layout which provides more space, having regard to the use of the lane for vehicular access and noting the use of the common parking areas to the front.

3.2.2. Other Technical Reports

Transportation Department: opposed to on-site car parking on grounds of traffic generation and conflict with pedestrian and cycle safety and the proximity to public transport. Further information required in respect of car parking layout. If permission is considered, conditions are recommended in relation to types of bicycle storage.

Drainage Division: No objection subject to surface water design and complying with SuDS

3.3. Prescribed Bodies

No submissions.

3.4. Third Party Observations

3.4.1. The residents and school raise concerns and explain background to lane development. There are concerns about

- the legal entitlement of the applicant and lack of agreement for a proposal among the residents who have private use of the lane
- traffic and services such as blocked sewage from terrace in garden of no.5.

3.4.2. A letter from the resident at no.1, who is opposed, at the end of the cul-de-sac attaches a letter from the property management division of DLRCC confirming the lane to be for the common use of the residents. It states, 'the above lane is in council's ownership and is for common use of all the houses on Columbanus Road which back on to it.'

4.0 Planning History

- An extensive history for the area is provided in the PA report.
- There is a Part V exemption for the site but there is no planning application history relating to the subject site.
- Permission was granted for a dwelling within the curtilage of no.1 but has lapsed. Other decisions cited relate to the wider area including a different type of rear lane to the north which ties into the road network and extends over a considerably greater distance.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the land use **objective A ‘to provide residential development and improve residential amenity which protecting the existing residential amenities.’**

Section 4.3 promotes densification of existing built-up areas the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods..

- 5.1.2. **Section 12.3.7.6 sets out guidance for backland development** which relates to confined sites and requires single storey generally but in the case of two storey a 22m separation distance is advised. Amalgamation of sites will be encouraged and ‘piecemeal backland development with multiple vehicular access will not be encouraged.

- 5.1.3. The plan actively promotes development of mews buildings and other infill accommodation which does not detract from existing buildings and adjoining amenities and refers to Section 12.3.7.9.

- 5.1.4. **Policy Objective PHP22: Mews Lane Housing:** It is a Policy Objective to facilitate measured and proportionate mews lane housing development in suitable locations. Their development could make a useful, if limited, contribution to the overall housing stock, help prevent the emergence of obsolete backland areas and assist in

densification of established areas in accordance with the principles of sustainable development.

5.1.5. **Section 12.3.7.9 sets out criteria for Mews Lane Development.** The principle of mews development will generally be acceptable when located on a lane that:

- Is already developed to such an extent that further development would have to be regarded as infill.
- Is already adequately serviced and surfaced from the site to the public road, with a suitable underlying base to cater for the expected traffic volumes.
- Has a legally acceptable agreement between owners or interested parties who intend to bring the laneway to standards and conditions - particularly in terms of services, road surfacing and public lighting - suitable to be taken-incharge by the Council. The onus will be on the applicant(s) to demonstrate that they have a consensus of owners or interested parties. Where the Council is likely to be able to provide services and where owners can be levied to allow the Council to service the sites.
- Has been identified as being suitable for such development on the County Development Plan Maps or within a Local Area Plan. The principle of mews development on a particular laneway will not generally be accepted where:
 - The length of all or most of the adjoining rear gardens on the side of the lane concerned is less than 25 metres or
 - Where, particularly in a commercial area, the lane is likely to be required by the frontage buildings for access or the area adjoining the lane is required for expansion. Where the Planning Authority accepts the principle of residential development on a particular laneway, the following standards will generally apply:
 - Development will be confined to single units in one or two storeys of modest size and the separation distance between the rear façade of the existing main structure (onto the front road) and the rear mews structure should normally be a minimum of 20 metres and not less than 15 metres, or not less than 22 metres where first floor windows of habitable rooms directly face each other.
 - Setting back of dwellings and boundary walls may be required dependant on existing building lines, lane width, character and parking/access.

- Dwellings and boundary walls may be required to reflect the scale, height, materials and finish of existing walls and buildings, particularly where old coach houses and two storey structures are involved.
- All parking provision in mews laneways should be in off-street garages, integral garages (car ports), forecourts or courtyards, and conditions to 'de-exempt' garage conversions will normally be attached. At least one off-street parking space per dwelling will generally be required. Where two spaces can be reasonably accommodated these should be provided. Part set-backs of frontage for on-street parallel parking may be considered depending on lane width and structure types.
- Each dwelling shall generally have a private open space area of not less than circa 48 sq.m. exclusive of car parking area. A financial contribution in lieu of public open space provision may be required.
- Where dwellings are permitted on both sides of a lane, habitable room windows must be set out to minimise direct overlooking of each other where less than 9 metres apart.
- Vehicular entrance widths shall be a minimum but sufficient to provide for proper vehicular turning movements allowing for laneway width and for pedestrian visibility. Minimum lane width requirements are:
- Up to 6 dwellings: Adequate vehicular access of a lane width of circa 3.7 metres must be provided to the proposed dwellings - 3.1 metres at pinch points – to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles.
- All mews laneways will be considered to be shared surfaces and footpaths need not necessarily be provided. If external street/security lighting is warranted, only a minimal level and wall-mounted type(s) may need to be provided.
- Opportunities should be undertaken to improve permeability and connectivity.

5.2. Natural Heritage Designations

None within vicinity of site

5.3. EIA Screening

- 5.3.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Residents in the adjacent dwelling to the west (no.13) [erroneously marked as no.9 on submitted drawings) object to the proposal on grounds of
- Conflict with the development criteria which requires 'acceptable agreement of owners' One appeal lists the residents in the row of adjacent houses who generally support the case that the lane is in private use and not maintained by the council. Reference is made to Gardai being unable to address an abandoned vehicle in a communal space to the front due to lack of clarity on land status.
 - Legal interest
 - Traffic generation and safety issues
 - Planning history and use of a site as a commercial entity. Concern about intensification of use and injury to residential amenity.
 - Drawings are erroneous

6.2. Applicant Response

- It is confirmed that the lane is in the ownership of the county council. This is stated by reference to letter appended to a submission on the application. It is further stated that registry details do not support the case that the land forms part of landholdings of the house plots adjoining it.

- It is clarified that the shed was used as part of the applicant's building business and has since been regularised on foot of a Warning Notice.

6.3. **Planning Authority Response**

- No further comments

6.4. **Observations**

- The Foley Family in the adjoining dwelling (no.9) objects to the development on grounds of private use of lane by the residents and maintenance of same. It has not been maintained for 70 years unlike other lanes and roads in the area. There is no agreement in place for development.
- The Principal of the adjacent national school raises primarily traffic safety issues arising from the intensification of the lane given the juxtaposition with the school pedestrian access, footpath and public cycle path.

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. **Issues**

7.1.1. This appeal relates to a lane frontage development of a two-storey dwelling house by way of subdivision of a mid-terraced rear garden. It is the first of its type in this lane and the key issues relate to:

- Principle of development along the lane having regard to its characteristics, private use and absence of agreement amongst the residents who use it.
- Traffic hazard due to restricted, additional traffic and conflict with cyclist/pedestrian and primarily school traffic.

7.2. Principle of development

- 7.2.1. The proposed development is along a lane that is solely used to serve 6 dwellings most of which are terraced. The planning authority consider the proposal to be generally supported by the policies for densification by way of small-scale infill development. In noting both the plot depths and the width of the lane 3.5-3.7m and its potential for vehicular access, the planning authority has applied the criteria for mews development.
- 7.2.2. The houses are typical of 1950s council houses and feature extensive concrete and render finishes. The layout and finishes or lack of, along the rear boundaries are utilitarian and featureless and somewhat haphazard at the bend where it comprises exposed block work and a mix of entrances (partly boarded up), although the adjacent school boundary is an extensive and ordered pebbled wall with regular pillars. The information on the file indicates that the lane was constructed after the houses were occupied for the purposes of coal deliveries and remains fairly much in use. In terms of its intrinsic character, it is what I would consider, devoid of any features of architectural interest contributing to visual amenity. The cul-de-sac context, while quiet, is somewhat bleak and restricted in providing passive surveillance. I would not consider this context to have the characteristics that qualify it as a typical mews lane for which CDP policies have been developed. While it is a guide, I consider a higher standard of design is required in order to protect the residential amenities and ensure orderly development in this backland context.
- 7.2.3. The mews lane policy as set out in PHP22 states that 'Mews development will be strictly limited to specific locations where it can be demonstrated that proposals respect and do not injure the existing built form, scale, character, finishes and heritage of the area' and described as mostly relating to stable lanes. My understanding is that the aim is to provide for limited housing while respecting the historic character and grain of the area, hence a relaxation on vehicular access standards so as to retain historic building form and character. In this case there is no ordered footprint or form. The granite wall boundary to the rear of Highfield Park contributes to some character to the south but this will likely be altered and raised, likely by ad hoc screens to provide privacy given its low height.

- 7.2.4. While I accept there is potential to build small scale infill housing given the garden depths, I consider the approach to be piecemeal and would give rise to disorderly ad hoc development and be of poor environmental quality.
- 7.2.5. The proposal is set back to provide for parking but lacks detail in respect of boundary delineation and how the development potentially ties into other development. In the absence of a strongly defined and ordered historic form, there is a need I consider for a cohesive urban design approach to development if any, along this lane so as to provide for orderly development and appropriate placemaking. While this single and first development of its type may generate adjoining development, it is clear from the submissions that there is no willingness to do this by any of the properties along this lane.
- 7.2.6. Mews policy, while relating more typically to more historic buildings such as in conservation areas, places an emphasis on an agreed approach in order to deliver provision of services and amenities. For example, residents need to agree to provide public lighting and perhaps upgrade drains and surfaces. In this case while the council own the land, and while it is potentially in charge of the council, it is pointed out by the residents that there is no public lighting, and residents are left to maintain it unlike other lanes in area. This may be due to the residents having a private use and, in this regard, I refer to the DLRCC property management division's declaration of common use for adjoining residents and no other users are specified. I refer to the statement 'the above lane is in council's ownership and is for common use of all the houses on Columbanus Road which back on to it.'
- 7.2.7. There is no evidence of it being actively in charge. While this does not preclude development by the residents, the reasonable approach to development, having regard to emphasis of the mews policy but backland character, would be, given the laneway alignment and need for services, that it is done in a more co-ordinated manner and possibly amalgamating sites. I say this without prejudice, noting the planning history for no.1 and perhaps an opportunity to provide permeability as advocated. In this co-ordinated way residential amenities of both established and future residents could be protected.

- 7.2.8. I therefore consider that permission should be refused on grounds of piecemeal and disorderly development that would detract from residential amenities of the area for both existing and future occupants.

7.3. Traffic safety and Parking

- 7.3.1. The traffic hazard issues relate to additional traffic and conflict with cyclist/pedestrian and primarily school traffic
- 7.3.2. The Transportation Planning department is generally opposed to the principle of additional car parking in the area on grounds of the accessibility of the area by way of public transport and active travel options and the investment in infrastructure to provide this. There is I note a cycle path crossing the lane entrance which serves the school and Luas stop at Windy Arbor. vehicular traffic is one way west of the lane to providing for the cycle paths in both directions -east bound being shared with vehicular traffic. This restriction I note is supported by the Sustainable Residential Development and Compact Settlement Guidelines. Section 5.3.4 advises that car parking should be reduced in such areas and SPPR3 specifically states that 'parking should be minimised, substantially reduced or wholly eliminated in such areas.' The national school Principal also raises the issue of conflict with the students using the pedestrian gate beside the lane where sightlines are restricted with the wall pier. Notwithstanding the concerns and the objections to car parking by the transportation planning division, the planning report refers to the extant vehicular entrances and revised car parking layout and considers the principle of off-street parking to be acceptable.
- 7.3.3. I concur generally with these reasons for supporting the provision of one off-street car park space. I note that the common car parking areas along St. Columbanus Road are heavily used and while the future residents may not drive, there will be some visitor parking demand which can be provided. Given the remote location of the site and cul-de-sac nature and absence of lighting, I consider the provision of one space for dark evenings also provides the future occupant with options and a standard of amenity. The provision of safe bicycle parking is an important element and will however support the alternatives to car usage. The issue with visitor parking

and turning for services could be integrated into a more cohesive layout and traffic management system for the laneway.

- 7.3.4. I do not consider traffic or parking issues constitute grounds for refusal by themselves as the underlying issue relates to piecemeal approach.

8.0 AA Screening

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

9.0 Recommendation

Having inspected the site and reviewed the submissions on file by reference to local and national policy, in view of the foregoing assessment I recommend that permission be refused for the following reason.

10.0 Reasons and Considerations

1. It is considered that the proposed development for a single dwelling in a backland location constitutes piecemeal and disorderly development that would detract from residential amenities of the area for both existing and future occupants and would be contrary to the zoning objective 'A' for the area 'to provide residential development and improve residential amenity while protecting the existing residential amenities,' in the Dun Laoghaire Rathdown County Development Plan 2022-2028. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Suzanne Kehely
Senior Planning Inspector

4th February 2025

Appendix 1 - Form 1 - EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	321337		
Proposed Development Summary	Dwelling house		
Development Address	Rear of 11, St. Columbanus Road, Dundrum		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	x
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	x	Part 2, Class 10 b) (iv) Urban Development	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	x	Part 2, Class 10 b) (iv) Urban Development	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	Class 10 b) (iv) Urban Development. (Threshold is Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.).	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	x	Screening determination remains as above (Q1 to Q4)	

Yes		Screening Determination required
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Inspector: _____

Date: 4th February 2025

Appendix 2 - Form 2
EIA Preliminary Examination

An Bord Pleanála Case Reference	321337
Proposed Development Summary	Dwelling house
Development Address	Rear of 11, St. Columbanus Road, Dundrum
<p>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.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(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).</p>	<p>The proposal is for demolition of a single storey shed and construction of a dwelling house and all associated site works in an urban area. It is not an exceptional type of development. The development is to be served by public mains and foul sewer. There will be a modest increase in loading. This will not result in pollution. Surface water drainage incorporates SuDS. Disposal of storm water will not result in significant pollution. The proposed development will not result in the production of significant waste, emissions, or pollutants.</p> <p>This is a relatively small development in this context. There is no real likelihood of significant cumulative effects with other permitted developments.</p>
<p>Location of development</p> <p>(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,</p>	<p>This is a modest brownfield site and there are no significant ecological sensitivities on the site.</p>

nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).		
Types and characteristics of potential impacts (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 urban location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
Conclusion		
Likelihood of Significant Effects	No	x
There is no real likelihood of significant effects on the environment.	EIA is not required.	x

Inspector:

Date: 4th February 2025

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)