



An
Bord
Pleanála

Inspector's Report

ABP321860-25

Development	Modifications to previously planning permission (Re. Ref: WEB 1378/24)
Location	Rear of No. 177 South Circular Road, Dublin 8.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB2493/24
Applicant(s)	Suzanne McDonnell.
Type of Application	Permission.
Planning Authority Decision	Grant permission with conditions.
Type of Appeal	First Party
Appellant(s)	Suzanne McDonnell.
Observer(s)	None.
Date of Site Inspection	31/03/25.
Inspector	Anthony Abbott King

1.0 Site Location and Description

- 1.1. No. 177 South Circular Road is a two-storey period terraced house located on the south side of the South Circular Road with a substantial rear garden. The rear garden of no. 177 South Circular Road has been subdivided and the rear section of the garden comprises the development site.
- 1.2. There is a rear mews lane (canal towpath) to the south of the main streetscape on south Circular Road located between the Grand Canal and the rear of the linear plots fronting the south Circular Road, which is known as Canal View Mews.
- 1.3. Canal View Mews is accessed from Donore Avenue, which links South Circular Road on the north side of the Grand Canal with Parnell Road on the south side of the Grand Canal.
- 1.4. The mews lane is hard surfaced and gated at the Donore Avenue access. There are a number of two-storey mews houses extant along the mews lane, including nos.1-4 Canal View Mews.
- 1.5. There are also a number of mews sites undeveloped to date and sites under construction. The subject mews site to the rear of no. 177 South Circular Road is at ground floor level construction stage.
- 1.6. The site area is given as 0.020 hectares.

2.0 Proposed Development

- 2.1. Modifications to previously planning permission (Re. Ref: WEB 1378/24) to include:
 - (1) Change of fenestration to rear;
 - (2) Change of internal layout;
 - (3) Proposed external stair to rear from ground to first floor;
 - (4) Ground floor glazed panel to front be relocated 1.2 metres away from the laneway;
 - (5) Entry door to be relocated and;

(6) All related works.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 3 conditions.

3.1.1. Condition 3 states:

The following elements(s) shall be permanently omitted from the development:

(a) The proposed external staircase to the rear shall be omitted.

(b) The proposed first floor windows on the rear elevation shall be omitted and replaced with windows of a size and shape of those previously granted under the parent permission Reg. Ref. WEB1378/24, unless otherwise agreed in writing with the Planning Authority.

Reason: *In the interests of orderly development and residential and visual amenity.*

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

No objection subject to condition.

3.3. Third Party Observations

No submissions recorded.

4.0 Planning History

The following planning history is relevant:

- Under Reg. Ref. WEB1378/24 planning permission was granted for a two-storey detached mews house with attic accommodation (Parent Permission).

Adjacent properties on Canal View Mews cited in the appeal statement:

- Under Reg. ref. 3920/21 planning permission was granted for a two-storey mews house to the rear of no. 179 South Circular Road fronting Canal View Mews.
- Under Reg. ref. 2730/21 planning permission was granted for a two-storey mews house to the rear of no.175 South Circular Road.
- Under Reg. ref. 5410/06 planning permission was granted for a two-storey mews house to the rear of 185 South Circular Road.
- Under Reg. ref. 3501/05 planning permission was granted for a for a two-storey mews house to the rear of 189 South Circular Road.
- Under Reg. ref. 3174/05 planning permission was granted for a mews house for a two-storey mews house to the rear of 191 South Circular Road
- Under Reg. ref. 3173/05 planning permission was granted for a mews house for a two-storey mews house to the rear of 187 South Circular Road

5.0 Policy Context

Development Plan

The relevant land-use zoning objective of the Dublin City Development Plan 2022-2028 (Map E) 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

- **Mews**

Section 15.13.5 (Mews) inter alia states:*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.*

Section 15.13.5.1 (Design & Layout) inter alia states:

Dublin City Council will actively encourage schemes which provide a unified approach to the development of residential mews lanes and where consensus between all property owners has been agreed. This unified approach framework is the preferred alternative to individual development proposals. Individual proposals however, will also be considered and assessed on a case by case basis.

Traditional and/ or high quality contemporary design for mews buildings will be considered. The materials proposed should respect the existing character of the area and utilise a similar colour palette to that of the main structure.

The distance between the opposing windows of mews dwellings and of the main houses shall ensure a high level of privacy is provided and potential overlooking is minimised. In such cases, innovative and high quality design will be required to ensure privacy and to provide an adequate setting, including amenity space, for both the main building and the mews dwelling.

Private open space shall be provided to the rear of the mews building to provide for adequate amenity space for both the original and proposed dwelling and shall be landscaped so as to provide for a quality residential environment. The open space area shall not be obstructed by off-street parking.....

6.0 EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.

See completed Form 1 on file.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal, prepared by CK Architecture on behalf of the appellant, are summarised below:

- The appellant is appealing Condition no. 3 of the notification of the decision to grant permission issued by the planning authority for modifications of a previously authorised two-storey detached mews house with attic accommodation.
- The subject planning condition prevents the installation of an external rear stairs and a proposed change in fenestration to the rear facade. The appellant / applicant needs the external stairs for functional use.
- The appellant has submitted 'Proposed Drawings', Ref: 177SCR-PD210A dated November 2024, with the appeal statement showing the proposed fenestration and external stairs as submitted to the planning application.
- The revised internal layout locates the living and kitchen at first floor to allow better light and views. Access to the rear garden would be impractical without the external stairs through a ground floor bedroom. Condition no. 3 prevents a coherent and agreeable layout of the mews house.
- It is claimed that the external stairs will not create nuisance or disturbance and concerns in regard to overlooking are unsubstantiated. It is claimed that adjacent property owners have expressed support for the project and may intend to pursue similar modifications.
- The appellant notes that 1.8m to 2m high visual screens can be installed between staircases to mitigate privacy concerns as requested by adjoining property owners who have no objection in principle to an appropriately designed external stairs.
- Letters of support from Niall McDonagh (the owner of the site adjoining at no. 175 South Circular Road immediately adjoining to the east) and Angela Gavigan (the owner of the site at 179 South Circular Road immediately adjoining to the west) are appended to the appeal statement.

- It is claimed that the proposed material finish and design of the stairs constructed of stainless steel with glazing would be visually appealing aligning with the character of the mews contrary to the planners report, which states that the stairs would negatively impact residential and visual amenity.
- The appellant considers that precedents for similar external stairs and fenestration should be considered. Planning permission has previously been granted for external stairs at 4 dwellings in Canal View Mews.
- A photograph of the rear elevation of the subject terrace of mews houses (1-4 Canal View Mews) showing first-floor external landings and stairs to ground level and site location relative to the applicant site is included in the appeal statement.
- It is noted that only 3 properties separate the subject site from the 4 properties built with external stairs to rear.
- The planning authority discounted these precedents, as the permissions were granted under a previous development plan. It is claimed that these precedents should not be disregarded as they contribute to the established character of the mews.
- Section 15.13.5 (mews development) of the Dublin City Development Plan 2022-2028 does not explicitly prohibit external stairs rather it encourages the preservation of the existing character and setting of the mews.
- Finally, it is claimed that the removal of Condition no.3 will provide for an improved dwelling layout, enhanced usability and amenity of properties in Canal View Mews.

7.2. Planning Authority Response

None to date.

7.3. Observations

None.

8.0 Assessment

8.1. Having reviewed the application, the appeal and conducted a site visit, I consider that the only planning matters at issue in this case are Condition 3(a) and 3(b) and that no other planning matters need to be considered by the Board, as provided for under Section 139 of the Planning and Development Act 2000. The conditions the subject of this appeal are assessed below.

8.2. I am satisfied that the proposed development is otherwise in accordance with the proper planning and sustainable development of the area.

Development proposal in context

8.3. The applicant proposes modifications to a previous approved two-storey mews development granted under Reg. Ref. WEB1378/2. The modifications include elevation changes, including the provision of a rear external stairway from the ground to the first floor, and a revised internal layout including associated fenestration.

8.4. The planning authority granted planning permission for the proposed modifications. However, the planning authority in the interests of residential and visual amenity omitted the rear external staircase linking the proposed first floor living room to the rear garden and also omitted the associated first floor rear living room fenestration mandating the reinstatement of bedroom fenestration previously granted under the parent permission.

8.5. The planning assessment is interrogated under the following headings:

- Zoning
- Development plan standards for mews development

Zoning

8.6. The site is zoned Z2 (Residential Conservation) in the Dublin City Development Plan 2022-2028, which seeks *to protect and/or improve the amenities of residential conservation areas*. Residential development is acceptable in principle.

8.7. I consider that the proposed modifications are permissible subject to the protection of existing amenities.

Mews development standards

- 8.8. Section 15.13.5 of the Dublin City Development Plan 2022-2028 provides guidance in the matter of mews development including assessment criteria for design and layout, height, scale & massing, roofs and access.

The External Staircase

- 8.9. The appellant claims that the proposed omitted external staircase is for functional use. The internal floor plan of the mews house provides living accommodation (kitchen / dining / living) at first floor level and direct access to the rear garden can only be provided by an external stairway.
- 8.10. I acknowledge that the location of the principal living accommodation at first floor level and the location of the dedicated private amenity space at ground floor level is not optimal without a direct stairway link. The alternative access is suboptimal through a rear ground floor bedroom.
- 8.11. The proposed external stairs is accessed from the first floor living room via a 3.5 sqm. cantilevered landing (1100mm x 3150mm), which would accommodate a stairway that would descend to the rear garden.

Potential impact on adjoining properties to the west and east

- 8.12. The stairway is located along the shared property boundary with the rear garden of no.175 South Circular Road. The first floor landing would be accessed from the living room through a patio door.
- 8.13. The material finish of the stair and landing is stainless steel and glass.
- 8.14. The appellant cites the precedent of the existing terrace of mews houses (1-4 Canal View Mews) located to the west of the development site, which have authorised external access stairs from the first floor to the rear garden.
- 8.15. I note that the planning case officer cited the existing extant mews located at Canal View Mews in the planning assessment. I also note the rationale for exclusion of precedent given that the planning permissions were granted under a previous development plan.

- 8.16. I consider that the proposed modifications should be dealt with on their own merits. However, I also consider that the pattern of mews development in the area is characterised by two-storey mews houses with rear first floor external access stairs.
- 8.17. The appellant claims that 1.8m to 2m high visual screens can be installed between staircases to mitigate privacy concerns as requested by adjoining property owners who have no objection in principle to an appropriately designed external stairs.
- 8.18. I note that the adjoining property owner to the east at no.175 South Circular Road and to the west at no. 179 South Circular Road do not object to the principle of a first floor rear external stair subject to design detail.
- 8.19. The adjoining property owners in letters appended to the appeal dated 29/01/2025 (site to the rear of no. 175 South Circular Road) and 06/02/2025 (site to the rear of no.179 South Circular Road) would at a future date seek a similar first floor external staircase.
- 8.20. I note that planning permission was granted for a two-storey mews house to the rear of no.175 South Circular Road under Reg. ref. 2730/21. I have reviewed the submitted drawings online.
- 8.21. I note that the rear elevation of the authorised mews to the rear of no.175 South Circular Road is recessed behind the building line of the subject mews house to the rear of no. 177 South Circular Road.
- 8.22. The letter dated 29/01/2025 from the property owner of the site to the rear of no.175 South Circular Road suggests an artificial privacy screen 2m high by 1m in length extending from the rear elevation to mitigate overlooking concerns.
- 8.23. I consider that there is potential to overlook the rear amenity space of the authorised house to the rear of no. 175 South Circular Road given that the proposed cantilevered landing (1100mm x 3150mm) located onto the shared property boundary could act as a viewing platform.
- 8.24. I would concur with the owner of no. 175 South Circular Road that a privacy screen located on the shared property boundary would be an appropriate mitigation measure having reviewed the relationship between the subject mews house and the authorised mews to the rear of no. 175 South Circular Road.

Replacement first-floor fenestration

- 8.25. The planning authority considered that a change in fenestration at first floor level requiring the substitute of the authorised window openings granted under the parent permission with a full length door giving access to the external staircase and second full length window would be inappropriate given that the modified larger opening(s) would serve a first floor living room.
- 8.26. The proposed replacement full length vertical emphasis fenestration would replace a previous small frosted glass window and a large horizontal emphasis bedroom window.

Potential impact on no. 177 South Circular Road to the north

- 8.27. The rear first floor fenestration is orientated north toward South Circular Road. I note the proposed material change in the fenestration to the rear first floor elevation. I also note the material change of the first floor from part living / bedroom accommodation to use as the main reception area of the house.
- 8.28. In the matter of the impact on the residential amenities of the main house at no. 177 South Circular Road, I note the significant separation distance between the rear elevation of the authorised mews and the rear elevation of the main house at no.177 South Circular Road approximately 30m.
- 8.29. I also note the approximately 9m length of the authorised subject mews rear garden.
- 8.30. Finally, I note the central urban location of the mews development within the city core defined by the canal ring.
- 8.31. I consider that the proposed external stairs, landing and associated fenestration would not have an significant adverse impact on the main house at no.177 South Circular Road in terms of residential and visual amenity, including overlooking impacts of the adjoining property to the north, given the 9m length of the mews garden and the significant separation distances between the main houses on the South Circular Road and the mews development sites on Canal View Mews.

Conclusion

- 8.32. I consider that no adverse impact on the residential amenities of adjoining properties would result from the external stairs, landing and associated fenestration subject to

the provision of a 2m high by 1m in length privacy screen extending from the rear elevation along the shared property boundary with no.175 South Circular Road.

9.0 AA 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 minor modification of an authorised mews house 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.

10.0 Recommendation

- 10.1. I recommend the amendment of Condition no. 3 to amend Condition 3(a) and to omit Condition 3(b) for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the residential land use zoning for the site and to the pattern of mews development in the area, it is considered that the proposed external stairs, first-floor landing and associated fenestration, subject to the provision of a 2m high by 1m in length privacy screen extending from the rear elevation along the shared property boundary with no.175 South Circular Road, by reason of its location, limited

scale, nature and design would not seriously injure the amenities of the area or of property in the vicinity by reason of overlooking.

12.0 Conditions

3.	<p><i>The following element shall be permanently incorporated into the development:</i></p> <p><i>(a) The first floor landing to the rear external staircase shall include a privacy screen 2m high by 1m in length extending from the rear elevation along the shared property boundary with no.175 South Circular Road (adjoining rear development site to the east).</i></p> <p>Reason: <i>In the interests of orderly development and residential and visual amenity.</i></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 April 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP321860-25		
Proposed Development Summary	Minor modifications to previously approved development.		
Development Address	Rear of no. 177 South Circular Road		
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	Tick/or leave blank		Proceed to Q3.
No	Tick or leave blank	x	Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	N/A	EIA Mandatory EIAR required
No	Tick/or leave blank		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	N/A	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

Inspector: A. ABRA 2j Date: 02/01/25