



An
Coimisiún
Pleanála

Inspector's Report

ACP-323558-25

Development

PROTECTED STRUCTURE:
Construction of new two-storey detached mews house, including alterations to the existing front boundary wall to create a widened pedestrian access to Louis Lane, a small recessed first floor balcony with screening to the rear, all associated site works, and all ancillary works necessary to facilitate the development.

Location

Site on Louis Lane to the rear of No. 11 Leinster Road, Rathmines, Dublin 6.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

WEB2368/25

Applicant(s)

Derek Connolly and Antóin Doyle.

Type of Application

Permission.

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Derek Connolly and Antóin Doyle.

Observer(s)

John Fleury.

Date of Site Inspection

22nd October 2025.

Inspector

Kathy Tuck

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1.0 Site Location and Description

- 1.1. The subject site which has a stated area of c.0.009ha is situated on the southern side of Louis Lane, Dublin 6. The subject site originally formed part of the rear amenity space associated with No. 11 Leinster Road, Rathmines, Dublin 6 which is a Protected Structure (PRS 4610). No. 11 has been sub-divided to provided for 9 no. apartment units.
- 1.2. Louis Lane runs to the rear of properties on the northern side of Leinster Road and is accessed via an archway which is situated under part of No. 13 Leinster Road. There are 7 existing two-storey mews houses on the lane, Nos.1-4 & 7-9 Louis Lane, the majority of which are situated on the western portion. Louis Lane also provides pedestrian access to St. Louis Primary School.

2.0 Proposed Development

- 2.1. This is an application for the provision of a mews dwelling on a site located along Louis Lane to the rear of no. 11 Leinster Road, Dublin 6 which is a Protected Structure.
- 2.2. The proposed mews dwelling has a stated area of 77sq.m and is two stories in height finished with a pitched roof profile which has a maximum height of 6.6m. The dwelling is finished with a off-white brick on all elevations. A small recessed first floor balcony with screening is provided at 1st floor level to the rear.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision on the 6th August 2025 to refuse permission for the following reason:

1. Having regard to the inadequate width and limited capacity of the laneway to safely accommodate vehicular traffic, including emergency and service vehicles, and in the absence of a coordinated development strategy for the mews lane, the proposed development would be contrary to the standards

outlined in Section 15.13.5 and Section 4.3.8 of Appendix 5 of the Dublin City Development Plan 2022-2028 as the proposal fails to demonstrate safe access and egress for both vehicles and pedestrians and therefore the development would negatively impact the residential amenities of the surrounding area and would set an undesirable precedent for similar future developments. The proposed development 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 report of the Planning Officer notes the site location, details of the proposed development, the zoning of the site and relevant planning policy, relevant planning history pertaining to the subject site and within the vicinity, details of consultee reports, and a summary of submission and observations received. The report also provides for an Appropriate Assessment Screening and EIA Screening Determination.

The assessment notes that the principle of a dwelling on the subject site to be permissible in terms of the land use zoning subject to the detailed design and suitable access arrangements being provided. The report concludes that the Planning Officer would have concerns regarding the suitability of this site for a mews house and the suitability of this laneway for further residential development due to the restricted width and condition of the lane, which has a poor surface. It is contended that the laneway would have a high pedestrian footfall due to the location of the school, which would have a pedestrian access off Louis Lane. As such a recommendation to refuse permission in line with the decision issued was made.

3.2.2. Other Technical Reports

Traffic Department: Recommends refusal.

Significant concerns were set out regarding the capacity and suitability of the eastern portion of Louis Lane to accommodate even occasional vehicular access. The report states that:

- The laneway is narrow, uneven and unsurfaced in parts with no proposals to upgrade or widen it.

- The proposed mews closely follows the existing rear boundary line further limiting any future scope for improvement.
- A number of mews houses have previously been permitted particularly on the laneway to the west of the T junction which is wider and allows for passing places, benefits from a turning area and street lighting. Although, overspill parking is noted within the laneway, as such restricting access manoeuvring.
- site is located within Zone 2 as identified on Map J of the City Development Plan. The maximum car parking standard for residential uses in Zone 2 is 1 no. space per dwelling - car free development is acceptable in this instance.
- Proposed development raises significant concerns regarding access, movement and the precedent it may set for the intensification of the eastern portion of Louis Lane

Conservation Officer – Requesting further information.

- The proposed development site would be subject to the same physical restrictions as the application Pa Ref 5376/22 and ABP-315982-23.
- Revised plans to omit the bay projection at ground floor so that the rear elevation would adhere to the established building line of the extant mews at No 9 Louis Lane.
- Drawings and specifications for a traditionally constructed boundary wall between the dwelling plot and remaining garden of the Protected Structure at No. 11 Leinster Road to match the historic garden boundary walls, in terms of height, thickness, material, sizes of stone, coursing, pointing and mortar colour.

Drainage: No objections subject to conditions.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

The Planning Authority received 3 no observation which are noted as raising the following concerns:

- Issue of road safety along Louis Lane, and particularly the many young pedestrians and cyclists who use Louis Lane to access the school.
- Any local development that impacts traffic flow on Louis Lane must be carefully managed to avoid potential conflicts between vehicles and vulnerable road users, especially children.
- Welcome the car-free nature of this proposed development and its inclusion of appropriate bicycle parking facilities. School's involvement will be essential in developing effective road safety measures as part of a detailed Construction Traffic Management Plan for Louis Lane.
- The proposed development for a mews dwelling, located on a plot which was formerly the curtilage and garden of number 11 Leinster Road (a Protected Structure), would not comply with the standards for mews dwellings as set out in Section 15.13.5 of the Dublin City Development Plan 2022-2028.
- The proposed development would constitute overdevelopment of this restricted plot and result in a substandard amount of private open space being retained to cater for the main dwelling.
- The proposed development would seriously injure the residential amenities of the existing residents at 11 Leinster Road.
- The proposed development would contravene Policy BHA2 of Section 11.5.1, Policy BHA9 of Section 11.5.3, and Section 15.13.5 of the Dublin City Development Plan 2022-2028. Would adversely impact the amenity, special architectural character, and setting of the Protected Structure and that of the Residential Conservation Area and set an undesirable precedent for development within and adjacent to protected structures in the area.
- Adequate vehicular access proposals have not been demonstrated

- The proposed development is considered contrary to Dublin City Development Plan 2022-2028, Section 15.3.5.4 Mews Access and Appendix 5, Section 4.3.8 Mews Parking.
- An observation was received from the adjoining mews dwelling at 9 Louis lane, who had concerns in relation to the restricted nature of the site, the restricted narrow laneway, impact of heavy construction vehicles, public safety issues, increased traffic congestion, traffic safety hazard, style of proposed mews is not in keeping with character of PS, overshadowing, negative impact on private open space due to overdevelopment of site, negative impact on character of adjacent development on the lane etc.

4.0 Planning History

Subject Site

ABP-211013 (Reg Ref 5639/04) Permission REFUSED for a house to rear of existing property. 11 Leinster Road, Rathmines, Dublin 6 (a Protected Structure). The reasons for refusal were as follows:

1. Having regard to the width of the access lane, which has no footpath or verge, and which fails to meet the minimum requirement of 5.5 metres, as set out in the current Dublin City Development Plan, it is considered that the introduction of vehicular traffic at this point would endanger public safety by reason of traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area
2. The proposed development does not comply with the standards for mews dwellings, as set out in the current Development Plan, in respect of the total amount of private open space to be provided for the occupants of the existing house and the proposed mews house. The proposed development would constitute overdevelopment of a small, restricted site, which would set an undesirable precedent for further such developments within designated residential conservation areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Site to the east – no. 11 Louis Lane (Rear of no. 10 Leinster Road)

ABP-315982-23 (PA Ref 5376/22): Permission REFUSED for Demolition of store, construction of dwelling with all associated site works. Reason for refusal was as follows:

- *The proposed mews dwelling on a restricted and confined site, with limited access on a narrow, uneven, unsurfaced laneway, would not comply with the standards for mews dwelling as set out in Section 15.13.5 of the Dublin City Development Plan 2022-2028. The proposed development would constitute over development of this restricted plot, and result in a substandard amount of private open space being retained with the main dwelling, a Protected Structure at number 10 Leinster Road, which is in multiple occupancy. It is considered that the proposed development and the precedent that it would set for the subdivision of curtilages of Protected Structures would be contrary to the proper planning and sustainable development of the area.*

PA Ref 4914/22 Permission REFUSED for the demolition of the single storey store at the end of the rear garden onto Louis Lane and the construction of a part single and part two storey mid-terrace house to the rear of the site opening onto Louis Lane including a rear terrace at first floor level and all ancillary works at rear, for the following reasons:

1. The proposed development is located in an area which is zoned Residential Neighbourhood Z2 with a land-use zoning objective "to protect and/or improve the amenities of residential conservation areas". The proposal for a two-storey mews dwelling 5 metres from the rear to the Protected Structure at 10 Leinster Road, would result in encroachment on the residential amenity of existing residents of this property. In addition, the proposal would have an overbearing impact on the private amenity space of 11 Leinster Road located directly adjacent to the site. The proposed development would therefore be contrary to the policies and objectives of the Dublin City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.
2. Having regard to the scale and layout of the proposed development, the proposed development fails to meet the required 7.5 metre garden depth as set

out with 16.10.16 (j) of the City Development Plan. The proposed development fails to provide an adequate level of private amenity for future occupiers and represent an overdevelopment of the site. This is contrary to the Dublin City Development Plan 2016-2022 and accordingly would, therefore, not be compatible with the proper planning and sustainable development of the area.

PL29S.210242 (PA REF 4956/04): Planning permission REFUSED for demolition of a small existing shed at the rear of the back garden, construction of a two storey (42.5sq.m.), one-bed roomed mews dwelling with one parking space and access to Louis Lane, A 2.7 sq.m. balcony to the front with two velux windows to the rear and all associated site and landscaping works, the mews will be positioned to the rear of the back garden abutting Louis Lane. The reason for refusal was as follows:

1. Having regard to the width of the access lane, which has no footpath or verge and which fails to meet the minimum requirement of 5.5 metres as set out in the current Dublin City Development Plan, it is considered that the introduction of vehicular traffic at this point would endanger public safety by reason of traffic hazard and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028.

The subject site is zoned under objective Z2 – Residential Neighbourhoods (Conservation Areas). This objective seeks *‘to protect and/or improve the amenities of residential conservation areas.’*

Relevant sections and Objectives:

Chapter 4: Shape and Structure of the City

- *Policy SC10: Urban Density Policy*
- SC11: Compact Growth Policy
- SC12 :Housing Mix

Chapter 5 – Quality Housing and Sustainable Neighbourhoods.

- Policy QHSN2 National Guidelines.
- Policy QHSN6 Urban Consolidation.
- Policy QHSN10 Urban Density.
- Objective QHSNO4 Densification of Suburbs.
- Policy QHSN22 Adaptable and Flexible Housing.
- Policy QHSN37 Houses and Apartments.

Chapter 11: Built Heritage and Archaeology.

- Policy BHA2 Development of Protected Structures.
- Policy BHA2 BHA9 Conservation Areas.
- Policy BHA14: Mews.

Chapter 15: Development Standards.

- Section 15.13.5 Mew Developments.
- Section 15.13.5.1: Design and Layout.
- Section 15.13.5.2: Height, Scale and Massing.
- Section 15.13.5.3: Roofs Section.
- 15.13.5.4: Access.

Appendix 5 Transport and Mobility.

- Section 4.3.7: Parking in the Curtilage of Protected Structures, Architectural Conservation Areas and Conservation Areas.
- Section 4.3.8: Mews Parking.

Appendix 16 Sunlight and Daylight.

5.2. Natural Heritage Designations

The subject site is not located within or is not adjoining any Natura 2000 Sites. The subject site is located c.4.07km to the west of the South Dublin Bay SAC (Site Code 000210), the South Dublin Bay and River Tolka SPA (Site Code SPA 004024) and the

South Dublin Bay pNHA (Site Code pNHA 000210). The site is also situated c.652m to the south of the Grand Canal pNHA (Site Code pNHA 0002104).

6.0 EIA Screening

The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

7.0 The Appeal

7.1. Grounds of Appeal

This is a 1st Party Appeal against the decision of the Planning Authority to grant permission. The grounds can be summarised as follows:

- Louis Lane
 - Residential Laneway – shared surface.
 - Currently accommodates pedestrian and cycle movements.
 - Sufficiently wide to allow vehicular access for maintenance and construction.
 - Close proximity to T-Junction.
 - National Policy promotes increased density at central well connected sites such as the subject site.
 - Proposal provides for a new family home.
- Dublin City Development Plan supports qualitative approach for access to mews dwelling rather than strict adherence to quantitative standards.
 - Dwellings can be provided without in-curtilage parking.
 - Relying on cycle and pedestrian movement.
 - Proposal can be serviced by emergency vehicles similar to No. 9 Louis Lane.

- Front door of proposed dwelling is similar distance to the T-Junction as the door serving No. 9 Louis Lane.
- Additional Mitigation Measures Proposed:
 - Upgrade works to lane to provide for a new concrete surface on laneway.
 - Downward facing low level lighting is proposed.
 - Introduction of a new signage to inform users of the lane and improve awareness.
- Sequential development can be carried out independently of other sites.
 - Proposal does not restrict further development of sites to the east.
 - Will improve laneway surface.
 - Provide new drainage connection.
 - Narrow width should not preclude development of the site.
 - Access arrangements demonstrated to be safe and practical.
- Co-ordinated development strategy highlights the restricted opportunities for any further development along eastern side of lane.
 - Progressively shorter gardens to the east presents limitation.
 - Constraints affecting other sites on lane should not restrict development on subject site.
 - Each proposal should be assessed on its own merits/specific circumstances.
 - Rear gardens of Nos 7 & 8 are too short to facilitate infill development.

- Remaining sites contain existing structures and situated further from T-Junction.



Figure 1: Appellants Development Strategy set out in Section 4 of the 1st Party Appeal.

- Proximity to T Junction, Proposed Upgrade works to lane, dedicated forecourt for bin store and cycle parking and access and movement strategy all outlined in construction management plan.
 - Collectively distinguished this proposal materially different from refusal on adjoining site at no. 11 Louis Lane.
- DMURS – Advice note 3 Geomatic Standards.
 - Specific guidance for lanes similar to Louis Lane.
 - Highlights importance of adopting qualitative context – sensitive approach rather than relying on standard Geomatic Standard requirements.
- Contents of observation noted.
 - St Louis Primary School welcomes car free development & early engagement during the proposed construction phase
- Case Study – Precedent.

- Reference made to 2992/15 (PL29S.246312) - 20b to 22 South Lotts Road, Ringsend, Dublin 4.
- Permission was granted for demolition of buildings and construction of 9 2/3 storey residential units.
- Clarification on Transportation Planning Report reiterated by Planning Officer:
 - Proposal does not reduce laneway width of laneway.
 - Due to irregular surface of stone wall width may vary.

7.2. Planning Authority Response

A response from the Planning Authority was received by the Commission on the 1st October 2025 which requests that the decision made be upheld.

It further states that in the event the Commission decide to overturn the decision and a grant of permission be made the following conditions be included:

- Section 48 development contribution.
- A naming and numbering condition.

7.3. Observations

The Commission received 1 no. observation on foot of the 1st Party Appeal against the decision of the Planning Authority. The concerns raised in each of the observations have been set out below:

1. Access and Public Safety

- Lane width 2.88-3.15m – no footpaths, surface is gravel and no turning head.
- Arc-way from Leinster Road 2.79m high and 3m wide.
- Section 5.13.5 of the City Development Plan requires a width of 4.8-5.5m for mew lane – requires access/egress safety to be demonstrated where can't be met.
- DMURS – promotes pedestrian safety and shared surfaces but does not remove obligation to ensure safe emergency service access – dead end lanes of 3m wide fails to achieve this.
- Lane not taken in charge – maintenance/resurfacing not guaranteed.

- Piecemeal intensification inappropriate without co-ordinated plan.
2. Absence of Co-Ordinated development strategy.
- Planning Officer and Transportation reports highlight absence of co-ordinated development strategy.
 - Section 15.13.5 of the City Development Plan clearly states that comprehensive and planned approach will ensure servicing and amenity are addressed.
 - Proposal represents piecemeal one-off development – creating an unsustainable development.
3. Misleading comparison to No. 9 Louis Lane.
- No. 9 benefits from 2 service doors – one on Louis Lane and one in the curtilage of open space to side lane from Leinster Road.
 - Proposed dwelling only has 1 door.
 - No. 9 sits at the wider T-Junction.
 - All other dwellings on Louis Lane sit at the wider western area – therefore servicing and emergency services access conditions not comparable.
4. Overdevelopment
- No. 11 Leinster Road provides for 11 no. apartment units – subdivision of site leaves only a shallow garden which is inadequate in scale to serve existing apartments in no. 11.
 - An Bord Pleanála refused permission (ABP-315982-23) for similar reasons.
5. Negative impact on Heritage.
- Proposal includes altering historic wall and sub-division of garden – contrary to Policy BHA2 and BHA9 of the City Plan.
6. False Precedent
- Case study presented – brownfield re-development with direct access.
 - Not comparable with the proposed development – circumstances are fundamentally different.
7. Precedent on Louis Lane

- ABP-211013-04 – Permission was refused on the appeal site for a 2-storey mews due to access lane being deficient in width and was considered overdevelopment.
- ABP-315982-25 – Permission refused on adjoining site to the east for a part single part two storey dwelling as it was considered the site was restricted/confined, failed to comply with Section 15.13.5 of the City Plan, and would create an undesirable precedent.
- Western Spur – key difference as this section of the lane is much wider.

8. Conflicts with School Access

- Construction activities serious hazards to child safety – flagged by school.

9. Design/Amenity

- Overbearing/overlooking/overshadowing to no. 9 Louis Lane and 11 Leinster Road.
- Rear projection projects beyond established rear building line – conservation officer commented.
- Departure from established pattern of development – negatively affecting amenity of neighbour.
- Does not respect Section 15.13.5.3 of the Dublin City Development Plan:
 - Roof profile required to reflect profiling and character of adjoining mews dwelling – flat roof at odds with established character.
- Incongruity – Disrupts coherent character and diminishes architectural character and diminishes architectural quality.
- Scheme departs from established pattern of development.

10. 1st party Assertions

- Mitigation proposed do not address fundamental non-compliance with access standards.
- Laneway remains below required width.
- Emergency access not achievable.
- Lane is not taken in charge – no guarantee it will be re-surfaced.

11. Concluding comments

- Contrary to proper planning and sustainable development of the area.
- Conflict with the following section of the Dublin City Development Plan 2022-2028 :
 - Section 15.13.15
 - Appendix 5
 - Policy BHA2 and BHA9
 - Z2 Zoning Objective
- It is considered that it would:
 - Create unsafe precedent.
 - Erode curtilage of Protected Structure.
 - Constitute overdevelopment.

The observation was accompanied by number of photographic evidence of the existing circumstances of Louis Lane.

8.0 Assessment

8.1. Introduction

I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development, and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Impact on Louis Lane.
- Impact on Residential Amenity.
- Impact on Protected Structure.

- Other Issues

8.2. Principle of development

8.2.1. The subject site is zoned under objective Z2 - Residential Neighbourhoods (Conservation Areas) which seeks to protect and/or improve the amenities of residential conservation areas. Residential development is permitted in principle and as such the proposed development is considered to be acceptable in terms of the land use zoning.

8.3. Impact on Louis Lane.

8.3.1. The subject site is situated to the rear of no. 11 Leinster Road, Dublin 6 which is a Protected Structure, with access being provided from Louis Lane. Louis Lane is access via an archway from Leinster Road which is situated under part of no. 13 Leinster Road. The Lane also provides pedestrian access to St Louis Senior Primary School and the School Warden Zone on Leinster Road at the laneway entrance is noted.

8.3.2. Louis Lane is divided into a western and eastern spur with the western spur being significantly wider than that of the eastern spur. There are approximately 6 no. mews developments situated along the western spur and 1 no. mews dwelling situated at the T junction of the lane on the eastern spur.

8.3.3. The Planning Authorities main concern relates to the the inadequate width and limited capacity of the laneway to safely accommodate emergency and service vehicles which would not accord with the requirements of the Dublin City Development Plan 2022-2028. Section 15.13.5.4 of the City Plan requires adequate accessibility for emergency vehicles and refuse vehicles and where access cannot be provided, an access and movement strategy must be provided to justify that the development can be adequately served. Furthermore, Section 4.3.8 – Mews Parking of Appendix 5 of the City Plan requires a minimum carriageway of 4.8m for mews laneways or 5.5m where no verges or footpaths are provided.

8.3.4. The eastern spur of Louis Lane is currently uneven, unsurfaced and only benefits of widths varying between c.2.6-2.8m wide. The appellant states that the laneway currently accommodates pedestrian and cycle movements and having regard to its

close proximity of the T-Junction on the lane it would be possible for emergency vehicles to access the property similar to that of the adjoining mews at no. 9 Louis Lane.

- 8.3.5. The proposed dwelling is not provided with any in-curtilage car parking and this was considered to be acceptable by the Transportation Planning Section and the Planning Officer within their assessments. The application was accompanied by an Access and Movement Strategy which was included within the Design and Planning Report. I note that this is required where the width of the mews lane is sub-standard and where access cannot be provided. The strategy recognises the current sub-standard finish of the lane way and notes that the surface will be maintained throughout the construction period. With regard to refuse collection, the proposal is served with bin storage in the front courtyard and bins will be brought to Leinster Road for weekly/fortnightly refuse collection. The strategy states that this is how refuse collection is currently undertaken for the existing mews dwelling.
- 8.3.6. With regard to emergency services, the strategy states that there is step-free level access to the front door of the proposed dwelling on Louis Lane from Leinster Road and that Emergency services (fire and ambulance) will access the site in the same manner as the existing houses on Louis Lane. With regard to construction the strategy notes that Construction traffic during the works will be managed as per the Outline Construction Management Plan. It is stated that the Main Contractor shall ensure that appropriate resources are in place for the implementation of a Traffic Management Plan. It is further stated that the 3m clear width in front of the subject site would allow a Ford Transit van (width: 2.07m) to park in front of the site, offload to the front court, and then in a supervised motion, be guided by the foreman/banksman to reverse c.10m and then exit the laneway in a forward motion.
- 8.3.7. The assessment of the Transportation Planning Section of the Local Authority raises significant concerns over the proposed development. While the assessment accepted the principle of car free development and noted the submission of an 'Access and Movement Strategy', significant concerns remained regarding the capacity and suitability of the eastern portion of Louis Lane to accommodate even occasional vehicular access and emergency vehicles.

- 8.3.8. From assessment of the Access and Movement Strategy, I consider that the strategy has relied heavily upon the existing dwellings which have been constructed on the laneway to date and utilised their preexisting situation and circumstances to overcome the issue of the sub-standard width of Louis Lane where the subject site is situated. I do not accept can be relied upon in this instance given the substantive difference between the western and eastern spur of the laneway. The existing dwellings all benefit from being situated along the wider part of Louis Lane with no. 9, the neighbouring mews dwelling, being situated on the corner of the T-Junction.
- 8.3.9. As previously stated, the laneway the eastern section of Louis Lane is narrow – at points less than 2.5m wide, unsurfaced and on the date of my site visit appeared unused and was blocked off by a parked car situated to the front of no. 9. Whilst the proposed development does not seek to provide a car parking space, the creation of an additional residential property at this point of the lane would create some traffic, if only at construction stage and / or for emergency vehicles. In its current state and width, the lane is incapable of providing vehicular access. While the applicant has said that a Van could be accommodated to the front of the site and submitted a construction management plan, it still remains unclear how larger vehicles required during the construction phase could be accommodated given the serious width constraints at this point on Louis Lane.
- 8.3.10. The appellant within the 1st party appeal has set out 3 no. additional mitigation measures that they consider will overcome the concerns of the Planning Authority with regard to the laneway. It is proposed to provide for a new concrete surface which will improve its overall conditions, accessibility and durability. Secondly, it is proposed to provide for the installation of a new pole-mounted low-level lighting fixture to enhance nighttime visibility and promote a safer environment for pedestrians and cyclists. Thirdly, it is proposed to provide for new signage which will clearly inform users of the laneway and improve awareness of access arrangements. An observer to the appeal considers that mitigation proposed does not address the fundamental non-compliance with access standards.
- 8.3.11. While I welcome the mitigation proposed, they do not overcome the substantive reason for refusal being the overall width of the laneway to allow for compliance with Section 4.3.8 of Appendix 5 which requires a minimum width of or 5.5m where no verges or footpaths are provided.

8.3.12. Overall, in conclusion, I consider having regard to the sub-standard width across this section of Louis Lane and the high pedestrian footfall due to the location of the St Louis Lane Primary School, which has a pedestrian access off Louis Lane, that to permit the proposed infill mews dwelling would be contrary to Section 15.13.5.4 and Section 4.3.8 of Appendix 5 of the Dublin City Development Plan 2022-2028 as the proposal fails to demonstrate safe access and egress for both emergency vehicles and pedestrians. I therefore recommend permission be refused.

8.4. Residential Amenity

8.4.1. Concern has been raised within an observation received with regard to the impact the proposed development will have upon the current level of residential amenity enjoyed by residents of no. 9 Louis Lane with regard of overshadowing, overbearance and overlooking.

8.4.2. In terms of overshadowing, I note that the proposed dwelling would be situated due east of No. 9 Louis Lane and the second-floor rear elevation does not project beyond that of the neighbouring two storey dwelling (i.e. no. 9). Therefore, having regard to the orientation of the subject site relative to the path of the sun, I do not anticipate that issues of undue overshadowing will occur.

8.4.3. In terms of overbearance, I note that the proposed dwelling maintains the same ridge level of that of the adjoining dwelling and, as previously stated, also maintains the rear building of the second-floor plate of the dwelling. As such, I do not anticipate issues of overbearance will occur. While reference is made to the single storey projection to being situated beyond that of the established building line, given the limited height of this aspect of the development and the separation distance of c.2m from the shared boundary with No.9, I do not consider this will cause any issue in terms of impact upon amenities.

8.4.4. In terms of overlooking, given the orientation of the opes situated on the rear elevation of the proposed dwelling I do not anticipate any issues will occur that are not common to the urban context of the site.

8.4.5. Concern has also been raised over the subdivision of subject site and that the remaining open space to serve No. 11 Leinster Road, which is now a multi unit property, is in-adequate and does not comply with the sequential standards.

- 8.4.6. The Planning Officer within their assessment notes that No. 11 Leinster Road has been divided into 9 no. 1 bed units and that the rear garden retained to serve number 11 measures at c. 58sqm. The 'Sustainable Urban Housing: Design Standards for New Apartments 2023' require 4sqm per studio apartment. Therefore, in this instance 36sqm of private open space is required for the 9 apartment units. In addition, the Apartment Guidelines also require a further 36sq.m (4sqm per studio) of communal open space to be provided. Section 4.12 of the guidelines state that for building refurbishment schemes on sites of any size communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.
- 8.4.7. The Planning Officer considered that 58sqm of amenity space for the main house is acceptable having regard to the location of the subject and the number of amenity areas within the immediate vicinity. I accept that argument set out by the Planning Authority in this instance and consider that the slight shortfall of c.14sqm in open spec being provided to serve No. 11 Leinster Road is immaterial and of a de-minimums nature. Having regard to the location of the subject site and the wide variety of amenities available.
- 8.4.8. I note that the observer to the appeal makes reference to a decision made by the Commission (Then An Bord Pleanála) under ABP-315982-23 on a site located immediately to the east of the subject site, and notes that permission was refused on the basis of the standard quantum of open space left to serve the main dwelling, in that instance No 10 Leinster Road. I note that in that case the applicant was proposing to provide for only 30sq.m of open space which is substantially less than in this instance.
- 8.4.9. Overall, I consider that the proposed dwelling would not negatively impact upon the current level of residential amenities enjoyed along Louis Lane or Leinster Road.

8.5. **Impact on Heritage of Protected Structure**

- 8.5.1. An observer to this appeal has raised concerns over the impact the proposal will have upon No. 11 Leinster Road which is a protected structure. It is contended that the inclusion of the sub-division of the garden and alterations to the wall, which all form part of the curtilage of the Protected Structure, would be contrary to Policy BHA2 and

Policy BHA9 of the Dublin City Development Plan 2022-2028. However, no further assessment or rationale has been provided to justify this statement.

- 8.5.2. Policy BHA2 of the City Plan relates to the development of Protected Structures and sets out a number of requirements which must be demonstrated and considered when undertaking works to a Protected Structure or within their curtilage. Policy BHA9 related to Conservation Areas. I note that the Planning Application was accompanied by an Architectural Heritage Impact Assessment (AHIA).
- 8.5.3. The report from the Conservation Officer of the Planning Authority notes that the proposed design is generally acceptable from a conservation impact perspective, with the only concern relating of the rear bay projection at ground floor level which the report requests be omitted.
- 8.5.4. With regard to the boundary wall to Louis Lane, the report of the Conservation Officer notes that the AHIA provides for a detailed study of the boundary walls under Section 5, and recommends that in the event of a grant of permission that a condition be attached to ensure that the method prescribed by the applicant be undertaken.
- 8.5.5. The conservation report concludes with a request for further information to allow the applicant to amend the proposed boundary treatment between the proposed dwelling and no. 11 Leinster Road so that it comprises of a traditionally constructed boundary wall matching the historic garden boundary walls, in terms of height, thickness, material, sizes of stone, coursing, pointing and mortar colour.
- 8.5.6. Overall, the from a review of the Architectural Heritage Impact Assessment submitted by the applicant and the report of the Conservation Officer of the Planning Authority I do not accept the concerns raised and do not consider that the proposal will negatively impact upon the Protected Structure or its curtilage and would accord with Policy BHA2 and Policy BHA9 of the Dublin City Development Plan 2022-2028.

8.6. Other Issues

8.6.1. Co-Ordinated Development Strategy

The Planning Authority also raised concern within the reason for refusal with regard to the absence of a coordinated development strategy for the mews lane. The appellant, within their 1st party appeal has provided a Co-Ordinated Development Strategy which

identifies that there are 7 no. existing mews dwelling on Louis Lane, with only one situated on the easter spur. The strategy has ruled out the development on the rear are of no. 7 and 8 Leinster Road as the garden depth is significantly reduced. It further states that there are already buildings situated in the gardens serving no. 9 and no. 10 Leinster Road which precludes them from development. As such the only development potential pertains to the appeal site.

The Transport planning report recommended that a coordinated approach with adjoining landowners be considered, with a view to developing a shared access and turning strategy that supports safe and sustainable development along the laneway. In the absence of such a plan, the current proposal risks setting an unsustainable precedent.

I consider that in order to overcome the issues concerned with the lane widths a comprehensive approach to the development of the eastern spur of Louis Lane would be the only way to achieve the required widths in terms of that required for emergency access. However, I am of the opinion, having regard to the limited depths of the rear gardens that address Louis Lane to the east of the subject site, that even if a comprehensive approach was taken not all remaining sites would be able to facilitate the provision of an infill development and still provide for an adequate areas of private open space to serve their host dwellings.

8.6.2. Precedent

The appellant within their 1st party appeal draws on an example of a development which was undertaken at 20b to 22 South Lotts Road, Ringsend, Dublin 4 where permission was granted for demolition of buildings and construction of 9 no. 2/3 storey residential units. The observer to the appeal considers that this precedent is not comparable to the proposed development as the circumstances are fundamentally different.

I note that all appeal cases are assessed and determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development. I note that the precedent referred to by the Appellant in this instance was granted in 2016 in the previous development plan period. I accept the comments raised by the observer in this instance and do not consider that the case set out by the appellant represents a precedent in this instance.

The Observer makes further reference to precedent which pertains to sites situated along Louis Lane which includes for one pertaining to the subject site and the site adjoining to the east, all of which I have set out within section 4 of my report above.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The site is situated c.4.07km west of South Dublin Bay Special Area of Conservation as well as South Dublin Bay and River Tolka Estuary Special Protection Area.
- 9.2. The proposed development comprises the construction of a mews dwelling and all associated site works on a site at Louis Lane to the rear of No. 11 Leinster Road, Rathmines, Dublin 6.
- 9.3. No 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 there is no conceivable risk to any European Site.
- 9.4. The reason for this conclusion is as follows:
- The small scale and domestic nature of the works in a serviced urban area,
 - The distance from the nearest European site and lack of connections, and
 - Taking into account screening report/determination by Dublin City Council.
- 9.5. I conclude that on the basis of objective information, 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 (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. The subject site is located approximately c.873m to the east of the Poddle River and c. 644.59m to the south of the Grand Canal. The proposed development comprises the construction of a mews dwelling and all associated site works on a site at Louis

Lane to the rear of No. 11 Leinster Road, Rathmines, Dublin 6. No water deterioration concerns were raised in the planning appeal.

10.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.3. The reason for this conclusion is as follows:

- The nature of the development in an urban environment.
- There are no waterbodies within the site.
- The location of the site approximately c.873m to the east of the Poddle River and the lack of a hydrological connection.

10.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that the decision of the Planning Authority be upheld and permission be REFUSED for the reasons and considerations set out below.

12.0 Reasons and Considerations

1. Having regard to the inadequate width and limited capacity of Louis Lane to safely accommodate vehicular traffic, including emergency and service vehicles, and in the absence of a coordinated development strategy for the mews lane, the proposed development would be contrary to the standards

outlined in Section 15.13.5 and Section 4.3.8 of Appendix 5 of the Dublin City Development Plan 2022-2028 as the proposal fails to demonstrate safe access and egress for both vehicles and pedestrians and therefore the development would negatively impact the residential amenities of the surrounding area and would set an undesirable precedent for similar future developments. 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.

Kathy Tuck
Planning Inspector

19th November 2025

Appendix 1

EIA Pre-Screening

Case Reference	ACP-323558-25
Proposed Development Summary	Protected Structure: Construction of new two-storey detached mews house, including alterations to the existing front boundary wall to create a widened pedestrian access to Louis Lane, a small recessed first floor balcony with screening to the rear, all associated site works, and all ancillary works necessary to facilitate the development.
Development Address	Site on Louis Lane to the rear of No. 11 Leinster Road, Rathmines, Dublin 6.
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2

EIA Preliminary Examination

Case Reference	ACP-323551-25
Proposed Development Summary	Protected Structure: Construction of new two-storey detached mews house, including alterations to the existing front boundary wall to create a widened pedestrian access to Louis Lane, a small recessed first floor balcony with screening to the rear, all associated site works, and all ancillary works necessary to facilitate the development.
Development Address	Site on Louis Lane to the rear of No. 11 Leinster Road, Rathmines, Dublin 6.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	Construction of new two-storey detached mews house, including alterations to the existing front boundary wall to create a widened pedestrian access to Louis Lane. The development site is situated to the rear of no. 11 Leinster Road, Rathmines, Dublin 6 which is a Protected Structure (RPS 4610). Water connection and wastewater services will be provided from existing mains within the vicinity of the subject site. The development would not result in the production of significant waste, emissions, or pollutants.
Location of development (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,	The proposed site is located within an urban area; there are no significant sensitivities in the immediate area. The subject site is not located within a designated site, the nearest are as follows: <ul style="list-style-type: none"> ○ South Dublin Bay SAC (Site Code 000210), the South Dublin Bay is situated 4.07km to the east of the site; and

<p>densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<ul style="list-style-type: none"> ○ River Tolka SPA (Site Code SPA 004024) is situated 4.07km to the east of the site. <p>My appropriate assessment screening concludes that the proposed development would not likely have a significant effect on any European Site.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The site size measures c.0.009ha. The size of the development is not exceptional in the context of an urban environment. There are existing dwellings adjacent to the proposed site, to the west.</p> <p>The proposed development is a relatively small development in the urban context. There is no real likelihood of significant cumulative effects within the existing and permitted projects in the area.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ Date: _____

Appendix 3

Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

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

The proposed development comprises the construction of a mews dwelling and all associated site works to the rear of a protected structure at 11 Leinster Road, Dublin 6 with access to the proposal being provided from Louis Lane.

The Planning Authority, within their assessment, undertook a screening determination of the proposed development and found that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area. A full Appropriate Assessment of this project is therefore not required.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

The boundary of the nearest European Site is within 15 km or 5 no. of European sites are located within a potential zone of influence of the proposed development.

These are:

- South Dublin Bay and River Tolka Estuary SPA (004024)
- South Dublin Bay SAC (000210)

There are no direct natural hydrological connections from the subject site to Dublin Bay.

The applicant is proposing to connect to existing municipal services in terms of water supply and wastewater/drainage. Therefore, there is an indirect pathway to the European sites of Dublin Bay via the Ringsend Waste Water Treatment Plant. I therefore acknowledge that there are potential connections to the European sites within Dublin Bay via the wider drainage network and the Ringsend WWTP. However, the existence of these potential pathways does not necessarily mean that potential significant effects will arise.

Likely impacts of the project (alone or in combination)

It is proposed to separate the surface water and wastewater drainage networks, which will serve the proposed development.

With regard to surface water, it is proposed to collect rainfall runoff within the blue roof located at roof level and at upper floor terrace areas. A small allowance of available storage space is available to the North of the site within the profile of the red line and this will consist of an oversized chamber below ground. This will also incorporate the flow control device for the ground floor sections of storage on the site before the system connects to the final foul manhole prior to connecting to the Irish Water Combined network.

All wastewater generated from the new development site is to discharge to the Irish water local wastewater drainage network. All wastewater from the upper levels of the block shall be routed by a piped network and then discharged to the final manhole on the site prior to discharging to the local network.

I do not consider that the increased loading from the proposed development would generate any significant demands on the existing municipal sewers for foul water. I acknowledge that there would be a marginal increase in loadings to the sewer and the WWTP.

Having regard to the distance separating the site to the nearby Natura 2000 site there is no pathway for loss or disturbance of important habitats or important species associated with the feature of interests of any of the SPA/SAC's identified above.

Furthermore, there are no plans or projects which can act in combination with the proposed development which can give rise to significant effect to Natira 2000 sites located within the zone of influence.