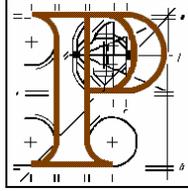


An Bord Pleanála



Inspector's Report

Development: Omission of previously approved 14 houses, construction of 11 houses, on-curtilage parking, revisions to site layout plan at Units 1, 2, 7 & 8 Landy Industrial Estate and detached house 'Hersil' adjoining Knocklyon Service Station, Knocklyon Road, Dublin 16.

Planning Application

Planning Authority: South Dublin County Council
Planning Authority Reg. Ref.: D13A/0240
Applicant: Pinza Property Company
Type of Application: Permission
Planning Authority Decision: Grant Permission

Planning Appeal

Appellant(s): Cynthia Branigan & Others
Type of Appeal: Third Party V Grant
Observers: None
Date of Site Inspection: 11th April 2014

Inspector: Kenneth Moloney

1.0 SITE DESCRIPTION

The appeal site forms part of a larger site that has previously obtained planning permission for a housing development (appeal ref. 229096). The appeal site is situated immediately east of Knocklyon Road and is accessed by an established access lane. This access lane off the Knocklyon Road serves three established detached residential properties and some commercial uses.

The larger site was formerly industrial units and offices however demolition works have commenced on the subject site and some of the structures have been removed.

A large portion of the current appeal site is a rear garden to an existing 3-storey detached property facing onto Knocklyon Road. There is an existing single storey house situated to the rear of the established 3-storey house. The rear garden is partially landscaped but the majority of the rear garden is overgrown with mature trees / vegetation and there is a single storey shed structure. The overgrown stretch of garden narrows to the rear (east) of the site.

The rear garden has an established boundary along its southern side and this boundary comprises of mature vegetation. There is an established housing estate situated immediately south of the appeal site. This housing estate is Knockcullen Park / Lawn and consists of a cul-de-sac of two-storey detached houses. The appeal site is situated at a lower level than Knockcullen Park / Lawn. The lands adjoining the eastern boundary of the appeal site are open space / playing fields associated with the established housing estate Knockcullen Park / Lawn.

The size of the appeal site is approximately 0.8 ha (1.976 acres) and the shape of the site is irregular.

2.0 PROPOSED DEVELOPMENT

The proposed development includes the omission of 14 previously permitted 2½ storey houses and replaces them with 11 houses comprising of (a) 10 no. 2½ storey semi-detached houses, and (b) 1 no. 2½ storey detached house. The proposed development also includes the provision of on-curtilage parking for 4 previously approved semi-detached houses and revisions to the previously approved site layout.

The proposed semi-detached house types have a floor area of approximately 168 sq. metres and the floor plan comprises of living space at ground floor level, three bedrooms and a study at first floor level and 1 bedroom at second floor level. The maximum ridge height of the proposed house is 10.2 metres above ground level. The front elevation of this house type is to be finished in selected brick finish with render finish around windows and doors. The roof finish will comprise of concrete roof tiles.

The proposed detached house has a floor area of approximately 199 sq. metres and the floor plan comprises of living area at ground floor level, four bedrooms at first floor level and play room at second floor level. The maximum ridge height of the

proposed house is 10.2 metres above ground level and the front elevation finishes are the same as that described above.

3.0 PLANNING AUTHORITY'S DECISION

The Planning Authority decided to grant planning permission subject to 23 conditions. Condition no. 4 requires modifications to the car parking spaces and Condition no. 6 requires that first and second floor gable windows will be fitted with obscure glazing. The remainder of the conditions are all standard.

Internal Reports: There are 4 internal reports on the file:

- Housing Department: - Recommended that Part V condition is attached to any grant of permission.
- Environmental Services: - No objections subject to conditions.
- Roads Department: - Grant permission subject to conditions.
- Parks Dept. – Recommends a condition to include the implementation of the landscape proposals for this development, as previously conditioned in the grant of permission.

Objections: There is one third party objection on the planning file and the issues raised have been noted and considered.

4.0 PLANNING HISTORY

- L.A. Ref. SD09A/0303 – Permission **granted** for alterations to a western portion of the approved site plan (L.A. Ref. SD07A/0977) to include the omission of 9 no. previously approved houses and their replacement with 13 no. 2/3 storey houses comprising of 6 no. 3 storey semi-detached four bedroom houses, 2 no. 2 storey semi-detached three bedroom houses, 3 no. 3-storey terraced three bedroom houses and 2 no. 2 storey terraced 2 bedroom houses.
- L.A. Ref. SD09A/0127 – Permission **granted** for alterations to the eastern portion of previously approved site plan (L.A. Ref. SD07/0977) affecting 14 previously approved houses to include (i) provision of on-curtilage car parking to 5 no. type C houses and 1 no. type F house, (ii) provision of optional conservatories to the rear of all houses, (iii) minor revision including a reduction in floor area to house type E and E1, (iv) minor revisions to site layout plan, (v) minor revisions to elevational treatment of all houses.
- L.A. Ref. SD07A/0977 – Permission refused by the local authority and subsequently **granted** by An Bord Pleanala for 56 dwellings comprising of 23 houses and 33 apartments. This permission obtained an extension to the duration of the permission and will now expire in December 2018.

5.0 DEVELOPMENT PLAN

The operational development plan is the South Dublin County Development Plan, 2010 – 2016. The appeal site is zoned ‘A’ to protect and/or improve residential amenity in accordance with the provisions of the County Development Plan.

Section 1.2.12 sets out the strategy for the County and it is noted that this includes the promotion of higher residential densities and the consolidation of existing built up areas.

In relation to residential density the following policies are relevant to the proposed development;

- **Policy H1** (higher residential densities)
- **Policy H5** (inner suburban / infill densities)
- **Policy H10** (high quality design and layout)
- **Policy H11** (residential amenity in existing residential areas)

Paragraph 1.2.22 (**Policy H13**) offers advice and guidance in relation to sustainable development in existing built up areas.

Policy H14 outlines that it is the policy of the council to encourage infill development.

6.0 NATIONAL GUIDANCE

Sustainable Residential Development in Urban Areas, 2009

The Guidelines promote higher densities in appropriate locations. A series of urban design criteria is set out, for the consideration of planning applications and appeals. Quantitative and qualitative standards for public open space are recommended. In general, increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant ‘brownfield’ sites within city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout.

7.0 GROUNDS OF APPEAL

Cynthia Branigan, on behalf of herself and other residents of Knocklyon Road and Lansdowne Park lodged an appeal and the grounds of appeal are summarised as follows:

Background

- The Knocklyon Road is essentially the same as it was in the 1970’s.
- This road was never widened or improved.
- Housing development in this area has been on-going since the 1970’s.
- The road was identified for realignment by South Dublin County Council in the 1970’s.

- Two new roads were provided to ease traffic congestion in the area. Firstly the road from the Spawell Roundabout to the north side of Firehouse Road and a second road that connects Knocklyon Road to Ballyboden Road.
- The realignment of Knocklyon Road was approved in 2005 however works were deferred pending available funding.
- The proposed realigned road will connect Spawell Roundabout with Ballyboden Road and will effectively by-pass the Knocklyon Road from the appeal site to Firehouse Road.
- The proposed road will include approximately 900 metres of carriageway, cycle lanes and improved lighting.

Present Situation

- Knocklyon Parish has experienced a rapid growth in housing.
- It is claimed that the primary school in Knocklyon is the largest in Ireland.
- The volume of traffic on the Knocklyon Road is extremely high.
- In addition to car, motor bikes and cyclists there are large trucks on the Knocklyon Road.
- Trucks from the County Council travel up and down Knocklyon Road on a regular basis.
- There are approximately 200 buses per day travelling up and down Knocklyon Road.
- Residents have difficulties driving in and out of their driveways onto the Knocklyon Road particularly from the appeal site to the junction with Firehouse Road.
- The junction at the Firehouse Road and Knocklyon Road can cause serious traffic congestion.
- Cyclists use the pathways due to the narrowness of Knocklyon Road.
- The sightlines from the existing petrol station are difficult particularly for motorists exiting the petrol station.
- Motorists exiting estates off Knocklyon Road have difficulties given the volume of traffic on Knocklyon Road.
- The access to the proposed development is beside a petrol station, opposite an access road to Cremorne Park and a bus stop. During school times a lollipop lady is on duty. The narrowness of Knocklyon Road at this section makes it a problem at busy times of the day.
- Delivery vans/ trucks to the petrol station park on the pavement.

Summary

- Strongly opposed to the proposed development on grounds of excessive volumes of traffic.
- If the road realignment was completed as approved by South Dublin County Council traffic volumes would be greatly reduced on the stretch road from the proposed development to the Firehouse Road junction. Also the problems round the petrol station would be addressed.

8.0 RESPONSES

Second Party Response

The local authority issued a response stating that they had no further comments and that the issues raised in the appeal submission have been covered in the planner's report.

9.0 ASSESSMENT

The main issues to be considered in this case are: -

- Principle of Development
- Traffic / Access

Principle of Development

The appeal site, in accordance with the provisions of the South Dublin County Development Plan, 2010 – 2016, is zoned Objective A 'to protect and /or improve residential amenities'.

Section 1.2.12 of the County Development Plan sets out the strategy for residential development and the objectives include providing for higher residential densities, mix of dwelling types, provision of social and affordable housing needs and the consolidation of existing built-up areas with falling population by facilitating good quality infill development.

The Sustainable Residential Development in Urban Areas, 2009, encourage increased densities on residentially zoned lands, particularly city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. In accordance with paragraph 5.11 of The Sustainable Residential Development in Urban Areas, 2009, it is recommended that land located in outer suburban / greenfield sites that the greatest efficiency in land usage on such lands will be provided by net residential densities in the general range of 35 – 50 dwellings per hectare and such residential densities will be encouraged generally. The effect of the proposed development before the Board would be to reduce the overall no. of permitted residential units in the larger approved housing development from 56 to 53 and therefore allowing for a residential density of 44 dwellings per hectare. The revised residential density would be higher than that of the established residential development immediately south of the appeal site and overall I would consider having regard to the national guidelines that the revised housing density is acceptable.

I would consider that the private amenity space for the proposed residential units would be acceptable in terms of size and orientation. Furthermore the proposed site layout will not impact on any permitted public open space associated within the overall larger approved housing development (appeal ref. 229096). The proposed development also includes the provision of a pedestrian access from the appeal site to Knockcullen Lawn. This will make pedestrian access from the

appeal site to the Knockcullen sports ground, immediately east of the appeal site, more accessible for pedestrians.

Overall I would consider that having regard to the provisions of the County Development Plan, 2010 – 2016, including the zoning objectives of the appeal site, the national guidelines, the planning history of the subject site and the pattern of development in the area, that the proposed alterations to the approved housing development would be acceptable in principle.

Traffic / Access

In relation to vehicular access issues I would note that there is an established access onto Knocklyon Road that will serve the proposed development. On the day of my site inspection I visually examined the available sightline provision in both directions from this access road onto Knocklyon Road and in my view they appeared to be adequate. I would acknowledge the adequacy of the sightline provision has already been established and accepted by the Board in the previous granting of permission in appeal ref. 229096. The proposed development involves the overall reduction in permitted residential units and therefore will not result in any intensification of development on the subject site.

I note from the documentation on the file that the Roads Department of the local authority have no objections to the proposed development subject to conditions. The Roads Department, in their report dated 21st January 2014, outlined concerns in relation to the sightline provision. It is stated that the 2.4m x 70 m sightline provision to the left hand side of the entrance cuts across the front boundary wall. The Road's Department claims that this is different than the original permission (appeal ref. 229096) and is therefore unacceptable. Condition no. 4 (ii) of the local authority permission requires that the Knocklyon Road junction shall be a triangle of 2.4m x 70m. I would consider that this condition would adequately address any concerns in relation to sightline provisions and would ensure that the vehicular entrance sightline is provided in accordance with that previously permitted.

In relation to the appellant's concerns about general traffic implications along the Knocklyon Road and the volume of traffic adjacent to the vehicular access serving the appeal site I would consider that as there is already an extant permission that any review of this junction is outside the remit of this appeal given the reduction in housing numbers proposed. I would acknowledge that the current proposal before the Board will reduce the overall number of trip generations having regard to the proposed reduction in housing units and subsequently would therefore slightly reduce the demand on Knocklyon Road.

In relation to car parking dimensions I would note that the local authority have attached a condition requiring that the size of these car parking spaces shall be increased and I would consider this acceptable.

Overall I would consider that the traffic and access issues for the proposed development are acceptable and that the proposal would be acceptable in terms of traffic safety.

10.0 RECOMMENDATION

I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

REASONS AND CONSIDERATIONS

Having regard to the zoning objectives for the site as set out in the South Dublin County Development Plan, 2010 - 2016, the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) and design and layout of the proposed development it is considered that, subject to compliance with the conditions set out below the proposed development, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be modified as follows:
 - (a) The first floor and second floor gable windows serving the bathroom, landing and bedroom shall be permanently fitted with translucent / frosted glass.
 - (b) The minimum size of the proposed car parking spaces shall be 5.5 metres.

Revised drawings showing compliance with the above requirements shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of protecting adjoining residential amenities.

3. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

4. Prior to the commencement of development, a landscaping scheme including full details of all boundaries shall be submitted to the planning authority for agreement. The scheme shall include full details of all planting and existing trees to be retained throughout the site. The site shall be landscaped in accordance with the agreed scheme, which shall also include a timescale for implementation.

Reason: In the interest of visual amenity.

5. The internal road network, public footpaths within and outside the proposed development site, public lighting to service the proposed development shall comply with the requirements of the planning authority.

Reason: To ensure a satisfactory standard of development.

6. The vehicular sightline provision onto Knocklyon Road shall be provided in accordance with the requirements of the planning authority. Details shall be agreed with the planning authority prior to the commencement of development.

Reason: In the interests of traffic safety.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

8. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

9. Prior to the commencement of development the developer shall submit a full and detailed construction management plan which shall include a construction programme for the works, hours of operation, a traffic management plan, noise and dust mitigation measures (including details of truck wheel wash at the site entrances) and details of construction lighting. A Construction Manager shall be appointed to liaise directly with the council. Details to be agreed in writing with the Planning Authority.

Reason: In the interest proper planning and sustainable development of the area.

10. That all necessary measures be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

11. Prior to the commencement of development the developer shall submit, and obtain written agreement of the planning authority to, a plan containing details of the management of waste (and, in particular, recyclable materials) within the development including the provision of facilities for the separation and the collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

Reason: To provide for appropriate management of waste and in particular, recyclable materials, in the interest of protecting the environment.

12. Within eight weeks of the date of this order, the developer shall enter into an agreement with the planning authority under Section 96 of the Planning and Development Act, 2000 (as amended) in relation to the provision of social and affordable housing, in accordance with the requirements of the planning authority's housing strategy, unless, before the expiry of that period, the said developer shall have applied for and been granted an Exemption Certificate under Section 97 of the Planning & Development Act 2000.

Reason: To comply with the requirements of Part V of the Planning and Development Act, 2000 (as amended).

13. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision of satisfactory completion and maintenance until taken in charge by the planning authority of footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanala.

Reason: To ensure satisfactory completion of development.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the

application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Kenneth Moloney
Planning Inspector
20th May 2014