



An
Bord
Pleanála

Inspector's Report PL91.247504.

Development	Demolish dwelling and construct 3 houses, widen the entrance and provide a service road.
Location	Dooradoyle Road, Dooradoyle, Limerick City.
Planning Authority	Limerick City and County Council.
Planning Authority Reg. Ref.	16/737.
Applicant(s)	Kevin Harney.
Type of Application	Outline Permission.
Planning Authority Decision	Refusal.
Type of Appeal	First party versus decision.
Appellant(s)	Kevin Harney.
Observer(s)	Deputy N Collins. Residents of Cedar Downs.
Date of Site Inspection	23 January 2017.
Inspector	Stephen Rhys Thomas.

1.0 Site Location and Description

- 1.1. The appeal site is located in the suburb of Dooradoyle to the south west of Limerick City. The site is on the western side of the Dooradoyle Road and close to the four arm Dooradoyle Roundabout on the R926 (Dooradoyle Link Road), which provides a direct link from the city centre to the M20 via junction 2.
- 1.2. The appeal site comprises a detached two storey dwelling set in a large garden. The low front garden wall of the existing dwelling is set well back from the public road behind a wide grass verge. The northern boundary of the site comprises a concrete block wall of approximately 2 metres in height and backs on to the rear gardens of Cedar Downs. The western boundary of the appeal site is not defined, however, the rear garden boundary of the existing dwelling comprises a thick hedgerow and former field boundary. There is no defined boundary between the appeal site and the rear garden of the existing dwelling to the south. There is a boundary wall which separates front gardens.
- 1.3. Houses in the vicinity are two storey and either side on or back on to the appeal site. There are a number of mature trees in the gardens of neighbouring properties and a mature tree to the north east corner of the appeal site adjacent to the public footpath.

2.0 Proposed Development

- 2.1. Outline Permission is sought for:
 - The demolition of an existing two storey detached dwelling.
 - The construction of three detached dwellings.
 - The provision of an internal service road to provide access to the three dwellings.
 - The formation of new boundaries within the overall garden site.
 - Widen the vehicular entrance to the existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse outline permission for one reason, summarised below:

- The proposed development of two additional dwellings would endanger public safety by reason of traffic hazard because of the intensity of additional traffic turning movements generated by the development at a point where there are significant traffic volumes in close proximity to a roundabout and limited forward visibility.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Basis for the planning authority decision. Report includes

- The Planner's report notes the proximity of the site to a roundabout and the volume of traffic in the vicinity. The Planner concludes that the development would pose a hazard and a refusal is recommended.

3.2.2. Other Technical Reports

Roads Report. Having re-examined the application, it should be refused on safety grounds due to its proximity to the Dooradoyle Roundabout and the increase in density.

3.3. Prescribed Bodies

Irish Water Report. Recommends the attachment of standard technical conditions.

3.4. Third Party Observations

A third party submission from a resident's association with regards to overlooking, reduction of privacy, overshadowing, loss of light, visual impact, traffic hazard, lack of public open space, breaking an established building line, lack of a separation

distance between dwellings, damage to mature trees and the development will impact upon public services.

4.0 Planning History

Appeal Site

Planning authority register reference 07/3363. Permission refused for the construction of a medical centre and pharmacy. January 2008.

Two reasons for refusal. The development did not accord with the LAP and would create a traffic hazard.

5.0 Policy Context

5.1. Development Plan

The operative plan for the appeal site is **The Southern Environs Local Area Plan 2011-2017** (extended until 2021).

The appeal site is zoned 'Existing Residential' and fronts onto a road, partially designated as a 'District Roads Distribution Network'. There are no specific roads objectives associated with the site.

Relevant Objectives contained in the LAP which relate to the appeal site, include:

Objective C 2: Open space hierarchy and playground provision.

Objective MLO9 Open Space provision

The Southern Environs Local Area Plan 2011 – 2017 is to be read in conjunction with the Limerick County Development Plan 2010 – 2016.

Limerick County Development Plan 2010 – 2016

Policy IN P7: Road Safety and Capacity

To seek the improvement of road safety and capacity throughout the County, through minimising existing traffic hazards, preventing the creation of additional or new traffic hazards in the road network and securing appropriate signage.

Objective COM O23: Quality of Open Space

Objective COM O24: Existing Passive Open Space

Objective COM O25: Active Open Space

Table 10.1 Design Guidelines for Urban Residential Developments, states:

Open Space - On Greenfield sites, a minimum provision of 15% of the total site area of the site shall be provided as public open space. A variety of types and sizes of open spaces should be provided to cater for active and passive recreational needs for children and adults of all ages. In other cases, such as large infill sites or brownfield sites, 10% of the total site area shall be provided as public open space.

Section 10.5.5 Infill Residential Development in Urban Areas, Towns & Villages

5.2. **Natural Heritage Designations**

The appeal site is located 1.7 kilometres from the Lower River Shannon SAC (site code 002165) and 2.5 kilometres from the River Shannon and River Fergus Estuaries SPA (site code 004077).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal can be summarised as follows:

- The applicant qualifies for housing need.
- A copy of a pre-planning report is submitted in which the principle of residential development is outlined.
- The applicant outlines the prevailing pattern of traffic in the area. Arguing that most traffic flows from the motorway and Crescent Shopping Centre and vice versa.

- Traffic speeds in the vicinity are slowed by a speed ramp to the south of the site and a pedestrian crossing on the Dooradoyle Roundabout.
- There have been other planning permissions for development in close proximity to roundabouts in the vicinity – Huntsfield Roundabout is cited in relation to a commercial and housing estate entrance.
- The existing vehicular entrance has excellent sight lines. It is proposed that vehicles exiting the site will turn left only.
- The site is in a prime location and within walking distance of all amenities.

The grounds of appeal are accompanied by photographs, maps and copies of the pre-planning report and decision.

6.2. **Planning Authority Response**

The planning authority reiterate their reason for refusal in terms of the intensification of the site, limited forward visibility, proximity to roundabout and significant traffic volumes.

6.3. **Observations**

Deputy Niall Collins requests a notification of the outcome of the appeal.

The Residents of Cedar Downs object to the proposed development and their comments can be summarised as follows:

- The construction of three houses will substantially increase the volume of traffic moving on and off the site. The 304 Bus Éireann route passes in front of the site. The footpath is used by a large number of pedestrians and cyclists availing of all local services (local schools, crèche, medical centre etc.). The development will result in a traffic hazard.
- The adjacent roundabout is very busy for a variety of reasons – the numerous sports clubs in the area, the nearby general hospital, schools and bus stops.
- The proposed development will add to traffic congestion.
- The proposed development will create a visual impact, as the prevailing character at this location is detached houses on large plots.

- There will be a loss of light and resultant overshadowing of adjacent residential sites.
- There is insufficient open space attributed to the proposed development.
- The proposed development does not respect building lines and plot size does not fit in with existing development.
- Fears that existing trees will be lost or damaged by the development.
- Three additional houses will negatively impact upon the smooth delivery of piped services in the area.

The observation is accompanied by a signed petition, photographs showing traffic volumes in the area and in the vicinity of the Dooradoyle Roundabout.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and the reason for refusal, I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Traffic and access.
- Residential Amenity.
- Appropriate Assessment.

7.2. **Traffic and Access**

7.2.1. The reason for refusal is based upon the impact of the development on traffic safety in an area where the Council have stated traffic volumes are high and proximity to the roundabout is a factor. Consequently, the applicant has set out to demonstrate that the density of development is acceptable and safe from a traffic perspective. Regarding sight lines, the applicant states that the existing vehicular entrance is acceptable. In relation to managing turning movements on a busy road the applicant suggests left out only movements. In addition, the applicant notes traffic calming measures in the vicinity and the existence of other similar housing and commercial

developments in the wider area. From a sustainability perspective the applicant notes the proximity of amenities and services close by and argues that most traffic flows from the motorway to the Crescent Shopping Centre and vice versa.

7.2.2. Site Context.

7.2.3. The Dooradoyle Road from which the appeal site will take its vehicular access provides access to a large number of residential units to the south, arranged around standard cul-de-sac typologies. A regular Bus Éireann bus serves the area from Ballycummin Village to University Limerick via the city centre and passes in front of the site. The footpaths and cycleways in the vicinity are well used and well maintained. Overall, the site is located in a suburban area and consequently the pattern, type and volume of traffic in the vicinity is common to many suburban type areas.

7.2.4. The applicant proposes to construct three dwellings in place of the existing single dwelling. A short service road will take access from Dooradoyle Road at a point which already serves the existing dwelling. In-curtilage parking for two cars per dwelling will be provided. The form and layout is no different to similar developments in the area. For example, a portion of The Laurels housing estate further north introduces a two-way entrance and a left only exit onto the Dooradoyle Road. This portion of the estate amounts to seven dwellings and the vehicular exit only is located approximately 15 metres from the Mulcair/Huntsfield Road Roundabout. In fact, there are a number of similar examples in the immediate vicinity, where small groups of houses are served by side roads which are located in close proximity to roundabouts. The most obvious example being Cedar Downs to the north of the site which takes access directly from the Dooradoyle Roundabout. All of these factors shape the defining characteristic of the area which is suburban in nature, where traffic volumes are high but low speed.

7.2.5. The impact of increasing density on this site.

7.2.6. The critical issue in this appeal is whether or not the intensification of the site from one dwelling to three would constitute such an increase in traffic and turning movements so as to present an unacceptable traffic hazard.

7.2.7. At present, the existing dwelling takes its vehicular entrance from the southernmost portion of the site and can provide parking for a large number of cars. Traffic

volumes potentially entering and exiting the site are extremely low. It is a matter of fact that three dwellings would inevitably increase the turning movements at this site. I see no reasoned analysis presented by either the applicant or the Council with regards to the traffic impact associated with developing this site. Specifically, in the context of traffic flows along the R926, the dominant carrier of traffic in the locality.

- 7.2.8. On the day of my site visit, I set out to experience how this site would interact with the flow of traffic along Dooradoyle Road and the nearby roundabout to the north. Firstly, I noted that speed cushions to the south of the site had a calming effect on approaching traffic. In addition, I observed that driver behaviour was such that the roundabout to the north naturally slowed their speed of approach. This cautious driver behaviour results from the roundabout's configuration and the dominant arm of traffic being from the east and the motorway beyond. Traffic flowing south from the roundabout was accelerating, however, vehicles slowed on approach to the speed cushions mentioned earlier.
- 7.2.9. I performed a variety of vehicle manoeuvres, entering and exiting the site. I found that whilst exiting the site, visibility north and south was adequate to allow me to safely join the flow of traffic. I suggest that at morning and evening peak traffic flow times, congestion would lead to slower traffic speeds and consequently slower turning movements. I observed that a number of cars used the wide entrances of the appeal site and the neighbouring dwelling to perform u-turns and re-join the R926 towards the city centre without perceptible impacts to traffic safety.
- 7.2.10. The pedestrian environment is quite good with some segregated paths and cycleways. To the north of the site and crossing the busiest portion of the roundabout, the arm that takes traffic from the motorway to the city centre is assisted by a controlled zebra crossing, with black and white road markings and amber flashing beacons. However, I observed that most pedestrians passed in front of the appeal site, crossing the roundabout at the entrance to Cedar Downs. As a pedestrian, my experience of the site environs was positive. I noted that in general traffic speeds were low, the posted speed limits in the area are 50km/h and up to 60km/h when leaving the area along the R926 towards the motorway.
- 7.2.11. Forward Visibility.

7.2.12. The reason for refusal references limited forward visibility as a factor which would impact upon traffic safety. The vehicular entrance point already exists on the approach to the roundabout, not the exit from the roundabout, which may have some relevance to limiting traffic hazard. In addition, visibility is not restricted in either direction from the entrance to the proposed development. I conclude from the facts on the ground that access and egress from the site is relatively safely achieved at present. The case hinges upon whether the increase from one dwelling to three would consequently increase the likelihood of an accident and therefore impact upon safety. It is the lack of clear evidence in this regard that influences my decision to be cautious. I would be more confident if some assessment of traffic impact and road safety had been carried out. Given the changes to the roadside layout in close proximity to the roundabout, the applicant was advised at pre-planning stage to prepare a Traffic Impact Assessment and a Road Safety Audit. Furthermore, a detailed and critical assessment of the current application by the Roads Department of the Council would have been useful. However, the current appeal is aided by none of these types of studies and therefore I must uphold the decision of the Council to refuse the development based upon traffic safety grounds.

7.2.13. I think that a traffic impact assessment would provide a meaningful analysis of the situation. Notwithstanding that the site is suburban in context, is residential in nature with in-curtilage parking, is very low density and a layout which provides an internal service road. All of these factors serve to support the principle of development at this location, however, the issue of traffic hazard creation remains unresolved.

7.2.14. Planning History.

7.2.15. I note that permission was refused for a medical centre and pharmacy on this site in 2008. There were two reasons for refusal, one with regard to a lack of accordance with the LAP and residential amenity, the other with regard to traffic hazard. Of note is that the traffic hazard reason related to traffic turning movements and road widths, rather than proximity to the Dooradoyle Roundabout. Of particular interest is that the Roads Report at the time required additional information with respect to parking and a traffic assessment given the scale of development. This despite the submission of a Transport Assessment prepared by ARUP Consulting Engineers. The current proposal before the Board is quite different in nature and would in all likelihood create a lesser volume of traffic. Regardless of the planning history of the site, I too

consider that a traffic impact assessment and whatever other research, should be prepared in order to conclusively determine the viability of the site for an increased density of development.

- 7.2.16. Considering that the purpose of an application for 'outline permission' is to establish the overall acceptability of the principle of development at a given location and that traffic safety is a paramount consideration in the assessment of any such proposal, I would concur with the approach of the planning authority to be cautious and refuse permission on the basis of the proposal and its interaction with the nearby roundabout. The lack of specific details of the proposed development and its traffic impacts at this stage in the planning process is unacceptable.

7.3. Residential Amenity

- 7.3.1. The applicant has accompanied the appeal with the notes from their pre-planning meeting with the planning authority. Matters with regard to residential amenity and layout were outlined as issues to address in an application. In addition, I note that observations have been made from third parties with respect to layout and residential amenity.
- 7.3.2. I acknowledge that the Southern Environs Local Area Plan 2011-2017 and County Development Plan provides guidance in relation to minimum floor areas, public and private open space provision and car parking provision for residential development.
- 7.3.3. As the current application before the Board seeks an outline planning permission much of the detail in relation to residential amenity standards submitted with the planning application are indicative and therefore generally absent from any conclusive assessment.
- 7.3.4. However, I note that rear garden depths amount to 13 metres and the distance from the rear elevations at Castle Park to the west would be in excess of 22 metres. I anticipate no negative residential amenity impacts to the properties at Castle Park. House site C will be located behind the building line of number 4 Cedar Downs to the north. The rear garden of which has two or three mature deciduous trees. I anticipate that the rear garden of number 4 will be significantly overshadowed, especially in the winter months. In addition, the impact of a two storey dwelling set back from the established building line to the north would result in a perception of overbearing appearance. This, I believe can be overcome by arranging the layout so that the

front and rear elevations of the proposed dwellings align with those of number 4 Cedar Downs.

- 7.3.5. The proposed development includes no public open space provision and the Limerick County Development Plan normally requires public open space for large urban infill housing developments in the order of 10%. I consider this to be a small suburban infill development public open space is not a requirement in this instance. In any case, the proposed dwellings are provided with a good standard of private amenity space and a sizable public open space is located approximately 260 metres to the south east at Cúl Crannagh.
- 7.3.6. The appeal site is large, well located on a bus route and close to a variety of amenities. From a solely residential amenity perspective, I see no reason why the site cannot be developed for a multiple housing scheme subject to adherence to residential amenity standards and guidelines.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development within an established urban environment, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. In view of the above it is recommended that outline permission should be refused based on the following reasons and considerations:

9.0 Reasons and Considerations

1. Having regard to the vehicular access to the site which would be located close to the Dooradoyle Roundabout, the applicant has not satisfactorily demonstrated that the additional traffic associated with the proposed development would not create a traffic hazard. It is considered that the proposed development would therefore endanger public safety by reason of

traffic hazard by way of obstruction to road users and would be contrary to the proper planning and sustainable development of the area.

Stephen Rhys Thomas
Planning Inspector

13 February 2017