



An
Bord
Pleanála

Inspector's Report ABP-305485-19

Development	Permission for modifications to the curtilage of Harrow House and the construction of 1 no 2-storey detached dwelling.
Location	Harrow House, Church Road, Killiney, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/0475
Applicant(s)	Hamilton Harrow Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v Decision
Appellant(s)	Hamilton Harrow Developments Ltd.
Observer(s)	1. Catherine Carey
Date of Site Inspection	5 th December 2019
Inspector	Fergal O'Bric

1.0 Site Location and Description

- 1.1. The appeal site is located on the eastern side of the R118, Church Road/, Killiney, Co. Dublin and comprises an area of 0.47 ha.
- 1.2. The site comprises an existing two storey detached uninhabited period dwelling (Harrow House), which is served both by a vehicular gated entrance onto Church Road and a pedestrian entrance onto Balure Lane. There is a significant amount of mature landscaping on site. Balure Lane runs along the northern boundary of the site and serves a number of detached dwellings as well as a recently constructed housing development to the north of the site. To the east of the site is Harrow Cottage, a two-storey dwelling located directly adjacent to the site boundary and accessed from Balure Lane. To the south of the site is the residential development of Coundon Court which comprises two storey detached dwellings with a number of them backing onto the southern boundary of the appeal site.
- 1.3. Boundary treatment on site comprises a 2 metre natural stone wall along the western roadside boundary (along Church Road), a 3 metre block wall along the southern boundary, a 1.5 metre stone wall and planting along the northern boundary and some fencing and hedging to a height of 2.5 metres along the eastern (rear) site boundary.

2.0 Proposed Development

- 2.1. Permission is sought for modifications to the internal access road and curtilage of Harrow House and the construction of 1 No. additional five bedroomed detached dwelling. open space, car parking, landscaping, boundary treatments, site development works and services provision.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission refused for 4 No. reasons as follows:

- Having regard to Policy ST12 “Quality Bus Network”, and identified on Map 7 of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, to provide a Bus Priority Scheme along Church Road (part of the route from Cherrywood to Blackrock), it is considered that the provision of the said scheme, would entail a significant alteration of the existing road layout for the area. It is therefore considered that the proposals would be premature pending the determination of the road layout of the area and the detailed design for the proposed Bus Priority Scheme. The proposed development is therefore considered to be contrary to Policy ST 12 and contrary to the proper planning and sustainable development of the area.
- It is considered that the additional traffic turning movements generated by the proposed development onto the heavily trafficked Church Road, which provides an important part of the link road between Dun Laoghaire Town Centre and the M50/N11, and for which there is a “Six Year Road Objective” as part of the Cherrywood to Dun Laoghaire Strategic Route (R118 Wyattville Road to Glenageary roundabout), as identified on Map 7 and Policy ST 25 “Roads” in the Dun Laoghaire-Rathdown County Development Plan 2016-2022, would have a seriously adverse impact on the carrying capacity of this link road, would result in queueing, and if granted, would set an undesirable precedent for further residential development accessing onto Church Road with consequent implications for public safety and the carrying capacity of the road. The proposed development, would, therefore be contrary to the proper planning and sustainable development of the area.
- Having regard to the quantum of development proposed, providing for a total of 2 units on a site area of 0.47ha. It is considered that the resultant residential density of 4 dwelling units per hectare fails to comply with the minimum requirements set out within Policy RES 3; “Residential Density” of the Dun Laoghaire-Rathdown Development Plan 2016-2022. The proposed development would set an undesirable precedent for future development in the area and does not comply with the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016-2022 and would therefore be contrary to the proper planning and sustainable development of the area.

- Having regard to the design and layout of the proposed development that provide for two large detached dwellings, it is considered that the house type proposal would fail to provide for an appropriate mix in house type, size, tenure and would therefore fail to comply with the requirement of Policy RES 7 “Overall Housing Mix” in the Dun Laoghaire-Rathdown County Development Plan 2016-2022. The proposed development would set an undesirable precedent for future development in the area and does not comply with the provisions of the Dun Laoghaire-Rathdown, County Development Plan 2016-2022, and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Refusal recommended for four reasons. The refusal reasons are outlined above.

3.2.2. Other Technical Reports

- **Transportation Planning** –The Traffic Report prepared by Transportation Planning Section of DLRCC dated the 21st August 2019 states that ‘*Church Road is listed as a Six Year Road Objective as part of the Cherrywood to Dun Laoghaire Strategic Route (R118 Wyattville Road to Glenageary Roundabout) in Table 2.2.5 of the County Development Plan (2016-2022). Church Road is also listed in Table 2.2.3 as part of a proposed QBC along the R118 from Wyattville to Dun Laoghaire. A preliminary design and EIS has been prepared which envisages a dual carriageway on Church Road.*’ Refusal is recommended on grounds of prematurity pending determination of a road layout for the area and detailed design for the proposed Bus Priority Scheme.
- **Drainage Planning** – No objections outlined.
- **Conservation** – Recommending that the design of the proposed dwelling be revised to provide for a more contemporary approach.

3.3. **Prescribed Bodies**

- Irish Water – No objections.

3.4. **Third Party Observations**

3.4.1. A total of 3 No. observations were received by the Planning Authority.

The main issues raised within these observations related to traffic, drainage, impact upon adjacent residential amenities; that the layout and design is respectful of character and pattern of development in the area.

4.0 **Planning History**

4.1. **On site:**

- Planning Authority ref no. D17A/1054/ ABP-301074-18 Permission refused in 2018 for modification to Harrow House including partial demolition of house, 2 storey rear extension and construction of 3 no 2 storey, 4-bedroom detached dwellings. The development provided for a new vehicular access from Balure lane and a new pedestrian access to Church Road and closure of existing vehicular access to Church Road. The Board decision cited a single reason for refusal as follows: Having regard to the Dun Laoghaire-Rathdown County Development Plan 2016-2022 and to the objective to provide a Bus Priority Scheme along Church Road (part of the route from Cherrywood to Blackrock), it is considered that the provision of the said scheme, would entail a significant alteration of the existing road layout for the area. It is therefore considered, that the proposal would be premature pending the determination of the road layout for the area and the detailed design for the proposed Bus Priority Scheme. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area refused the development.

- Planning Authority ref. no. D16A/0334/ ABP 06D.247005: In 2016 planning permission was refused for modifications to Harrow House and construction of 14 No. new residential units. The development provided for closure of access on

Church Road and a new access from Balure Road. The Board decision cited a single reason for refusal, the same one as used in the 2018 refusal set out above.

- Planning Authority ref. No. D15/0655: Permission refused in 2015 for 1. Modifications to Harrow House and the construction of 9 no. detached dwellings. Refusal based on traffic grounds, unacceptable housing density and overlooking of adjoining properties.

4.2. **Relevant cases on sites in the vicinity of the appeal site.**

- 4.3. Planning Authority ref. no D14A/0106 ABP PL06D.244195: Permission refused in 2015 for demolition of 'San Michele' and 'Arranmore' and construction of 8 houses, alterations and extension to no 19 Watson Road, replacement of 3 accesses with 1 access and all site works. The Board cited one reason for refusal:

1. It is considered that the additional traffic turning movements generated by the proposed development onto the heavily trafficked Church Road, which provides an important part of the link road between Dun Laoghaire Town Centre and the M50/N11, would endanger public safety by reason of traffic hazard and would have a seriously adverse impact on the carrying capacity of the link road. It is also considered that the proposed development, if granted, would set a precedent for further multiple dwelling access points with consequent implications for public safety and the carrying capacity of the road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 4.4. Planning Authority ref. no D14A/01017 ABP PL06D.244194: Permission refused in 2015 for demolition of 'Smallacre' and 'Woodlawn' and construction of 8 no. houses, alterations and extension to 43 Watson Road, replacement of 2 no. existing accesses with a single access. The Board cited the same reason for refusal as used in the 244195 set out above.

5.0 Policy & Context

5.1. Development Plan

- 5.1.1. The relevant plan is the Dun Laoghaire-Rathdown County Development Plan 2016-2022 (DLR CDP 2016-2022).
- 5.1.2. The site is zoned Objective 'A' with a stated objective '*to protect and/or improve residential amenity*'. Policy RES3: Residential Density (Section 2.1.3.3):

It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:

- Sustainable Residential Development in Urban Areas (DoEHLG 2009)
- Urban Design Manual - A Best Practice Guide (DoEHLG 2009)
- Quality Housing for Sustainable Communities (DoEHLG 2007)
- Irish Design Manual for Urban Roads and Streets (DTTaS and DoECLG, 2013).

- 5.1.3. Under Section 2.1.3.3 on Residential Density the following is also noted

Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged. As a general rule the minimum default density for new residential developments in the County (excluding lands on zoning Objectives 'GB', 'G' and 'B') shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to 'greenfield' sites or larger 'A' zoned areas.

5.1.4. RES POL 7 It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.

5.1.5. Section 2.2 of the Plan pertains to Sustainable Travel and Transportation. Among the objectives set out within this section are:

The delivery of major strategic transportation projects and infrastructural improvements such as, the Council Cycle Network, an expanded Bus Network”.

5.1.6. Section 2.2.5 of the Plan outlines the following in relation to Bus transport

The continued expansion of the Bus Network is of the utmost importance. In addition, the continuation and improvement of existing bus services along radial and orbital routes, subject to sufficient demand and availability of finance, is also considered a priority.

Table 2.2.3 of the Plan outlines the principle new Bus Priority Schemes to be implemented during the Plan period and include the following:

Cherrywood to Dun Laoghaire via Wyattville Dual Carriageway, Church Road, Sallyglan Road, Upper Glenageary Road and Mounttown Lower (including Graduate and Deerhunter Roundabouts).

5.1.7. Table 2.2.5 outlines the 6-year road objectives of the Plan and includes the following:

Cherrywood to Dun Laoghaire Strategic Route (R118, Wyattville Road to Glenageary Roundabout).

5.1.8. Map No.7 of the DLR CDP 2016-2022 also includes the objective for the Bus Priority Route along Church Road.

5.2 Natural Heritage

None relevant.

5.3 Environmental Impact Assessment - Preliminary Examination

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The first party appeal can be summarised as follows:

- The proposed development will have no impact on the future layout of the proposed bus priority scheme.
- The layout as presented provides for the reservation for the proposed Bus Priority Scheme, a 5 metre set back is illustrated on the Site Plan submitted to facilitate the development of a future bus corridor.
- Busconnects.ie does not include for a bus corridor along Church Road.
- The identification of the Cherrywood to Dun Laoghaire Strategic Route (R118, Wyattville Road to Glenageary Roundabout) being included as one of the 6-year road objectives within the DLR CDP 2016-2022 is accepted. This 6-year road proposal has been included within DLRCC Development Plans as far back as the 2010-16 DLR CDP.
- Reference is made to a recent decision from the Bord ref no. ABP -303043-18, which related to permitting the development of a single dwelling off a cul-de-sac off Church Road further north of the current appeal site. This site is

located 190 metres east of Church Road and would not impact upon the roads/bus corridor objectives.

- Reference is also made to a recent decision by Dun Laoghaire Rathdown County Council, planning ref. no. D19A/0198 pertaining to the granting of planning permission for an extension to an existing childcare facility at the Parish Hall, St Mathias Church, Church Road.
- The proposed development (one additional residential unit) would have very little impact on existing volumes of traffic on Church Road
- In relation to housing mix and low density, the Board should assess the current application in the light that the proposed development comprises a single house that respects the character, building line and setting of Harrow House and that access is proposed via a long established entrance and driveway.

6.2. Planning Authority Response

- 6.2.1. No additional issues are considered to arise from the appeal statement. The Board are requested to uphold the decision of the Planning Authority, and the reasons set out within the detailed Planning Report.

6.3. Observations

- 6.3.1. One observation has been submitted by an adjoining property owner to the south. The main issues set out in the observation include the following:

- No objection to the principle of the development.
- The current development proposals address the concerns raised in the submissions made by the observer to the Planning Authority and to the Board in respect of the previous applications on the subject site.
- The proposed development provides an adequate response to the previous reasons for refusal.

7.0 Assessment

7.1. The main issues in the appeal are those raised in the grounds of appeal and observations. Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Transportation Issues
- Density & Housing Mix

7.2. Transportation Issues

- 7.2.1. The main traffic issues relate to prematurity pending the determination of the road layout for the area and traffic safety.
- 7.2.2. Under planning ref. no. DA17A/1054 ABP 301074-18 decided in 2018 the Board cited just one reason for refusal in relation to the development being premature pending the determination of the road layout for the area and the detailed design for the Bus Priority Scheme, both objectives within the DLR CDP 2016-2022.
- 7.2.3. The first reason for refusal cited by the Planning Authority in the subject case is similar.
- 7.2.4. The main case made in the appeal is that no difficulty is seen over the reservation for the proposed Bus Priority Scheme. A 5-metre set back is illustrated on the Site Plan submitted to facilitate the future development of the Quality Bus Corridor.
- 7.2.5. However, I note that the provision of a 5m set back was also included in the previous proposal refused permission by the Board.
- 7.2.6. I am not satisfied that the planning application or the grounds of appeal address the previous reason for refusal by the Board. I consider that the proposed development remains premature pending the determination of a road layout for the area and detailed design for the proposed Bus Priority Scheme as set out within the Development Plan objectives.
- 7.2.7. In terms of traffic safety, the second reason for refusal cited by the Planning Authority refers to the additional traffic turning movements generated by the proposed development onto the heavily trafficked Church Road adversely impacting upon the carrying capacity of this road with consequent implications for public safety.

- 7.2.8. Only 1 No. additional dwelling unit is proposed within this current scheme. The existing established access on Church Road is to be used to access Harrow House and the proposed dwelling. Vehicular access to the proposed dwelling will be via a link off the existing internal access avenue within the site.
- 7.2.9. Having regard to the low impact on traffic volumes and the fact that the proposed scheme relates to the development of an additional single dwelling unit, I am satisfied that the proposed development is acceptable from a traffic safety perspective. I note the Board did not refer to this issue in its previous decision.

7.3. Density and Housing Mix

- 7.3.1. The third and fourth reasons by the Planning Authority concern low density and absence of a housing type, mix and tenure.
- 7.3.2. The appeal response deals with these two issues together and asks the Board to assess the current application as it is presented in the application.
- 7.3.3. Whilst I agree with the Planning Authority regarding the absence of a housing mix and the low density of development as presented within the current planning application, this is not my primary concern. Achieving a higher density and more variety in the housing type is not always desirable. There are many examples of large dwellings on generous plot sizes along Church Road. It is noted that the site area comprises 0.47 ha. Densification as per the Guidelines for Planning Authorities for Sustainable Residential Development in Urban Areas is encouraged on sites of 0.5ha or greater. I also note that the Board in its previous decision on this site did not refer to this issue.

8.0 Appropriate Assessment

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

9.0 Recommendation

9.1. I recommend a refusal of permission based on the following reasons.

10.0 Reasons and Considerations

1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016-2022 and to the objective to provide a Bus Priority Scheme along Church Road (part of the route from Cherrywood to Blackrock), it is considered that the provision of the said scheme, would entail a significant alteration of the existing road layout for the area. It is therefore considered, that the proposal would be premature pending the determination of the road layout for the area and the detailed design for the proposed Bus Priority Scheme. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.'

Fergal O'Bric
Planning Inspector

19th December 2019