



An  
Bord  
Pleanála

## Inspector's Report ABP-305694-19

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<b>Development</b>	Outline permission for a detached house, vehicular entrance, septic tank and associated site works.
<b>Location</b>	Belline, Killiney Hill, Killiney, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire-Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D19A/0539
<b>Applicant(s)</b>	Raymond Reilly
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse outline permission.
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Raymond Reilly
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	11 <sup>th</sup> December 2019
<b>Inspector</b>	Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The site comprises an almost rectangular shaped area of undeveloped land located to the west of the Killiney Hill Road/ R119 on the section south of the Military Road. The site area is given as 0.079 hectares and was overgrown on the day of the site visit. The front boundary consists of a timber post and wire mesh fence, though it appears that the boundary did consist of a wall in the past. The other boundaries consist of a mix of block walls and timber fencing.
- 1.2. The area is characterised by mostly detached housing located on either side of the Killiney Hill Road, which is a relatively narrow road with a footpath only on the eastern side. The western side boundary is built up to the roadside edge. The detached houses adjacent to the subject site are single storey. To the west/ rear of the site is Abberley, a large residential development of two-storey houses. In-fill housing in the immediate area has been in the form of two-storey units with a higher density than was the established norm in the area.

## 2.0 Proposed Development

- 2.1. The proposed development consists of outline permission for a detached, single storey house with a floor area of circa 190 sq m providing for four bedrooms, vehicular entrance, septic tank and percolation area, in addition to all associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to refuse permission for one reason as follows:

*1. Having regard to the restricted visibility at the proposed entrance, the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise. The proposed development would, be contrary to Section 8.2.4.9(i) of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 (Vehicular Entrances and Hardstanding Areas (i) General Specifications) and would*

*be contrary to the proper planning and sustainable development of the area.*

#### *Planning Authority Reports*

##### 3.1.1. **Planning Reports**

The planning report reflects the decision to refuse permission for the proposed development. The Case Officer reported that the site is zoned 'Objective A' permitting in principle residential development and that infill development is encouraged once all other criteria including residential amenity and traffic safety are met. As this an outline application, full details relating to the house design and provision of private amenity are not provided. Car parking provision for only one car is proposed and concern was raised that the type of entrance gate was not clear i.e. was it to be electrically or manually operated; an electric gate requires a 6 m set back from the roadside edge. The issue of traffic safety relates to the restricted access to the site and the provision of cctv and mirrors to aid visibility is not acceptable.

##### 3.1.2. **Other Technical Reports**

**Transportation Planning:** Refusal recommended on traffic hazard grounds. The maximum achievable sightlines of 10 m to the north and 10.3 m to the south are not acceptable and do not comply with the minimum of 45 m set out in Table 4.2 of the Design Manual for Urban Roads and Streets (DMURS). The proposed entrance is substandard and hazardous. The proposed provision of cctv and mirrors as visual aids is not acceptable. Parking for one car is proposed, though the development plan requires 2 parking spaces for a four-bedroom house as proposed and it is not clear if the entrance gates are to be manually or electrically operated.

**Environmental Health Officer:** Further information is requested with regards to the proposed wastewater treatment system.

**Drainage Planning – Municipal Services Department:** No objection subject to recommended conditions.

##### 3.1.3. **Prescribed Bodies**

**Irish Water:** No objection subject to recommended condition.

## 4.0 Planning History

There are no recent, relevant applications on this site.

## 5.0 Development Plan

5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned A ‘To protect and/or improve residential amenity’. Residential development is listed within the ‘Permitted in Principle’ category of this zoning objective.

5.1.2. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to ‘Principles of Development’ and the following are relevant to the subject development:

8.2 ‘Development Management’ – with particular reference to section 8.2.3 ‘Residential Development’ and 8.2.3.4 ‘Additional Accommodation in Existing Built up Areas’. The following are relevant to this development:

**Table 8.2.3: Residential Land Use-Car Parking Standards: 2 spaces per 3-bed unit+ (depending on design and location).**

### **8.2.4.9 Vehicular Entrances and Hardstanding Areas**

#### **(i) General Specifications**

The following is relevant:

*Proper provision shall be made for sightlines at the exit from driveways in accordance with the requirements in DMURS and as appropriate to the particular road type and speed being accessed.*

*Automatic electronic gates into residential developments are not favoured, and should be omitted. Electronic or automatic gates are not acceptable in terms of road safety unless the entrance is set back 6.0m from the back of the footway to avoid the roadway or footway being obstructed by a vehicle while the gate is opening. In general outward opening gates will not be considered acceptable.*

Also relevant is **Section 8.2.3.6 Rural Housing** with reference to (ix) *Waste Water Treatment Systems*.

## 5.2. National Guidance

- *Design Manual for Urban Roads and Streets (DMURS).*

## 5.3. Natural Heritage Designations

None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The applicant has appealed the decision of the Planning Authority to refuse permission and the issues raised include:

- Notes the reason for refusal – restricted visibility at the entrance giving rise to traffic hazard and in addition also notes comments regarding shortfall in car parking, uncertainty over type of access gates and insufficient sightlines at the site entrance. The subject site is located in a residential area, 1.1 km from Killiney DART station and is close proximity to schools, Cherrywood Luas, M50/N11 and is accessible to the city centre
- Drawings BL-KHR-01 and BL-KHR-002 have been submitted in support of the appeal and demonstrate that the gates can be set back by 6 m from the roadside edge.
- The provision of sightlines in accordance with DMURS is difficult to achieve due to the symmetry of the road and the historic masonry walls. Disagrees with the Planning Authority that the use of CCTV and mirrors would set an undesirable precedent and provides examples of similar in the area – referencing P.A. Ref. D06A/0790 – Paddock Wood, Killiney Hill Road where visual aids were provided.
- The applicant has consulted with neighbours regarding revisions to the site boundaries to provide the necessary sightlines, but such proposals have been rejected.
- Two convex mirrors are proposed at the entrance and would address the need to revise site boundaries of neighbouring properties.

- The existing entrance has been used since 1981 without difficulty.
- The site is zoned for residential development and the site is suitably serviced.

## 6.2. **Planning Authority Response**

- The submitted details do not change the opinion of the Planning Authority.

## 6.3. **Observations**

- None.

## 7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to the appeal can be addressed under the following headings:

- Principle of Development
- Site Entrance and Issue of Traffic Hazard
- Impact on the residential amenity of the area
- Other Issues
- Appropriate Assessment Screening

### 7.2. **Principle of Development**

7.2.1. The proposed development is for outline permission for a detached single storey house providing for four bedrooms and a floor area of circa 190 sq m. The site is suitably zoned and from the submitted plans it is evident that a house with suitable private amenity space can be provided here. As the application is for outline permission, the design and layout of the house is not provided.

7.2.2. I note that the Planning Authority referenced that only one car parking space is proposed and the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 generally requires two parking spaces for houses of three and more bedrooms. From the submitted plans and the fact that the final design of the house has not been provided, it should be possible to provide for two parking spaces on this site thereby

meeting the requirements of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022.

### **7.3. Site Entrance and the Issue of Traffic Hazard**

- 7.3.1. Refusal was recommended by the Planning Authority as insufficient sightlines were proposed at the site entrance. On the day of the site visit it was apparent that traffic in the area was regular, sightlines were restricted by the existing boundaries with particular reference to walls at the front of houses and was further restricted by the lack of a footpath/ set back on the western side of the Killiney Hill Road.
- 7.3.2. The Planning Authority queried whether the proposed gates to the front of the site were manually or electrically operated. The applicant has submitted revised plans and details on Drawings BL-KHR-01 and BL-KHR-002, that indicate that a 6 m set back from the roadside edge can be provided; this is noted and is acceptable but does not address the primary concern of the Planning Authority.
- 7.3.3. The applicant has not disputed the fact that necessary sightlines cannot be achieved in this location. Drawing BL-KHR-002 submitted in support of the appeal clearly indicates that sightlines to the north of the entrance of 10 m can be provided and 10.5 m to the south; these fall far short of the necessary 45 m set out in DMURS for a road design speed of 50 kmh. The proposed sightlines are therefore unacceptable and would give rise to a traffic hazard and obstruct road users.
- 7.3.4. The revision of existing site boundaries is the only method I can foresee of improving the sightlines to an acceptable standard. This would involve alterations to boundaries that are outside of the applicant's control and this is not therefore possible to achieve without third party consent.
- 7.3.5. The provision of 'visibility aids' in the form of mirrors and/ or cameras is not acceptable. Whilst this may provide the driver with more information with regard to approaching traffic, there is no certainty with regard to such aids as cameras may malfunction, mirrors can be damaged/ put offline and in turn this may provide the driver with incorrect information. A driver having to have regard to two mirrors and a CCTV monitor displaying two different views all at the same time in addition to normal sightlines (even though heavily restricted) would provide for 'information overload' and cannot give any comfort that such an approach would provide for safe access onto the public road. I also note that no consent has been provided for the

proposed location of the mirrors and I would also be concerned that such mirrors could pose a hazard to other road users in terms of glint and glare.

#### **7.4. Impact on the Residential Amenity of the Area**

- 7.4.1. As this is an outline application, the layout and design of the proposed house has not been provided. However, it should be possible to design a house that does not give rise to overlooking leading to a loss of privacy of neighbouring properties and similarly overshadowing leading to a loss of daylight should not arise.
- 7.4.2. I would have concern regarding the visual impact of the use of railings over the low plinth wall as indicated on Drawing No. BL-KHR-004. I appreciate that this is proposed in the interest of improving sightlines, however it would erode the established character of the area which is achieved through the use of medium height walls that are finished in stone or dash. A low stone wall would be appropriate in this location; in addition to the type of boundary proposed, the height is excessive. This issue could be addressed by condition if a grant of permission were under consideration.

#### **7.5. Other Issues**

- 7.5.1. It is not clear why the applicant is proposing a septic tank with associated percolation area in an urban location, I would assume that mains drainage is available in the immediate area. Whilst the site may be able to accommodate such a treatment system it is not best practice to introduce such systems to a built-up area. I would also query how maintenance/ emptying of the septic tank is to be carried out with such restricted access to the front of the site.

#### **7.6. Appropriate Assessment Screening**

- 7.6.1. Having regard to the nature and scale 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 give rise to a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. I recommend that permission be refused for the following reason and considerations as set out below.

## 9.0 Reasons and Considerations

1. The proposed development for outline permission for a detached house is to be served by a single vehicular entrance onto to the Killiney Hill Road. This road is relatively narrow and does not have the benefit of footpaths or set back on the western side of the carriageway, where the subject site is located. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on the Killiney hill Road at a point where sightlines are restricted in the north and south directions along the public road.

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Paul O'Brien  
Planning Inspector  
13<sup>th</sup> December 2019