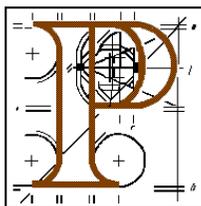


An Bord Pleanála



Inspector's Report

FILE REFERENCE: PL06S.245493

Location: 'The Bungalow', Hayden's Lane, Lucan, Co. Dublin

Proposed Development: Demolition of existing house and garage and the erection of 6 houses with converted attics in 2 blocks of 3 houses, with all associated site works.

APPLICATION DETAILS:

Applicant: Sean Dunleavy

Planning Authority: South Dublin County Council

P.A. Reference: SD15A/0084

P.A. Decision: Grant Permission

APPEAL DETAILS:

Appeal Type: First Party against Condition
Third Party against Grant of Permission

Appellant(s): Sean Dunleavy
Lucan Planning Council Ltd.

Observer(s): None on file

INSPECTOR: Sarah Moran

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The subject site is located in a suburban area approximately 2km south of Lucan village, Co. Dublin. This is a primarily residential area which has developed in the last few decades north of the Dublin Heuston to Cork / Limerick railway line. It is east of the new suburb of Adamstown and the associated STZ area. The site is accessed via Haydens Lane, a local road that serves several residential developments and ends in a cul-de-sac at the railway line. The Griffeen River runs nearby to the east, with an associated parkland, Griffeen Valley Park. There is a pedestrian access to the park a short distance to the south of the site entrance. The Grand Canal runs in an east/west direction further to the south, beyond the railway line. There is a suburban railway station at Adamstown.
- 1.2 The site has a stated area of 0.176 ha and is occupied by a 20th century bungalow with an extension, associated garage and a large garden. The existing buildings are set well back from the public road (c. 15m). The site falls gently from west to east, such that the eastern site boundary is c. 0.5m lower than the level of the road frontage at Haydens Lane. There is a cul-de-sac within the Old Forge housing estate to the rear (east) and other residential properties to the north and south. The pattern of development in the immediate area is predominantly 2 storey. There is an overhead power line running across the site. There is a mature hedgerow along the northern and eastern site boundaries.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposal as originally submitted involves the demolition of the existing house and the construction of 2 no. blocks of 3 terraced houses, all 2 storey with converted attics (ridge height 9m). The houses are all 4 bed with a total floor area of 140 sq.m. They face Haydens Lane with individual vehicular accesses from the road frontage and a single off-street parking space in front of each house. The site layout indicates the retention of the existing hedgerow along the northern and eastern boundaries. The development would connect to the existing public water supply and sewer.
- 2.2 The applicant submitted a revised proposal to the PA on 27th July 2015 in response to a further information request. This has a similar design and layout to the original but one of the houses is omitted to create a scheme of 2 pairs of semi-detached houses and one no. detached house, all 2 storey with converted attics. The floor areas and internal plans of the houses are unchanged. The revised proposal includes some additional landscaping, i.e. the retention of existing trees and additional trees along the road frontage, also the retention of part of the existing grass verge along the road frontage.

3.0 PLANNING HISTORY

3.1 SD05A/0288

- 3.1.1 Permission granted to Victor Blake for demolition of the existing bungalow and construction of a terrace of 6 town houses (4 no. 3 bedroom and 2 no. 4 bedroom). The layout had a single relocated vehicular entrance from Haydens

Lane with 12 no. parking spaces. The houses at each end of the terrace were 2.5 storey and the central 2 houses were 2 storey. Permission was granted for a revised proposal submitted as additional information, which reduced the ridge height to 2 storey level. Condition no. 2 of the permission required the omission of the central 2 houses in the scheme, such that a total of 4 terraced houses were permitted.

3.2 SD07A/0099

3.2.1 Permission sought by Hugh McGivern for demolition of existing dwelling and construction of 4 no. 2 storey detached houses, each with a separate entrance to Haydens Lane. Permission was granted for a revised proposal of 2 detached and 2 semi-detached houses, submitted as further information.

3.3 Recent Permission in Vicinity of Site SD14A/0271

3.3.1 Permission recently granted to demolish an existing disused factory at the southern end of Haydens Lane and to construct a 120 bedroom residential nursing home.

4.0 PLANNING AUTHORITY DECISION

4.1 Technical Reports

4.1.1 Housing Department report dated 29th April 2015. Part V condition to be attached to any grant of permission. Second report dated 4th August 2015 repeats this recommendation.

4.1.2 Environmental Section report dated 1st May 2015. Acceptable subject to conditions.

4.1.3 Water Services report dated 12th May 2015. Requires additional information in relation to surface water drainage. Second report on foot of the additional information submission has no objection subject to requirements.

4.1.4 Irish Water comment 15th May 2015. No objection.

4.1.5 Roads Department report 21st May 2015. Recommends conditions. Second report dated 31st July 2015. Recommends conditions.

4.1.6 First planning report date illegible. Recommends additional information request for revised proposal to address concerns regarding height, impacts on residential amenities, surface water drainage, financial contribution in lieu of open space provision, landscape proposals. Second planning report dated 21st August, on foot of the further information submission. Recommends permission subject to conditions.

4.2 Third Party Submissions and Elected Members

4.2.1 I note that there are several third party submissions on the planning application file, submitted by local residents, which relate to both the initial planning

application and to the revised proposal submitted as additional information. These object to the scheme on grounds generally relating to overdevelopment of the site, excessive height, visual impacts due to the layout and design of the development and to the removal of existing mature vegetation, traffic and parking issues, possible flooding and impacts on residential amenities by way of overlooking and overshadowing. Councillor William Lavelle made submissions on behalf of the local community in relation to both the planning application and the further information, which object to the development on similar grounds.

4.3 Decision

- 4.3.1 The PA requested additional information on 28th May 2015 for issues relating to overdevelopment of the site due to height and total no. of residential units, impacts on the privacy of dwellings to the north nos. 80 and 81 The Old Forge, compliance with CDP *Policy SCR42: Public Open Space and Children's Play Areas*, landscaping and visual impact.
- 4.3.2 The applicant's response to the request was considered acceptable and the PA granted permission subject to 10 no. conditions on 21st August 2015. Condition no. 2 specifies permission for 4 no. houses only, requiring the omission of house no. 1 from the revised scheme, for the following stated reason:

To provide for development consistent with the character of the surrounding area and to ensure that the development shall be in accordance with the permission and that effective control be maintained.

Condition no. 6 specifies that finished floor levels shall be at least 500mm above highest known flood levels. Condition no. 7 requires the retention of the hedgerow along the site boundary. The remaining conditions imposed are considered standard for this type of development.

5.0 GROUNDS OF APPEAL

5.1 First Party Appeal

- 5.1.1 The applicant has appealed condition no. 2 of the permission, i.e. the omission of house no. 1. The main points made in the grounds of appeal may be summarised as follows.
- The planning history has been given undue weight in the assessment of the current application. The proposed development should be considered on its merits.
 - The proposed 5 unit scheme is a quantum of development which balances the need to make efficient and sustainable use of zoned and serviced land with respecting the residential amenities of the area. The scheme meets and exceeds the quantitative standards for residential development as set out in the development plan and will not have a negative impact on residential amenity of the site or the surrounding area. A reduction in the number of units would result in an under use of the available land resource and would be contrary to development plan policies and objectives for sustainable development.

- Significant development has taken place at Haydens Lane since 1995. It is now part of a network of residential streets compared to its formal character as a rural lane. The house on the subject site is one of the few detached and semi-detached 20th century houses which would have predated the recent developments in the vicinity. The character of the residential development along Haydens Lane is typical 'residential estate' type development of terraced and semi-detached houses and duplex units. The individual residential estates are poorly physically and visually integrated and present walled/fenced boundaries to Haydens Lane rather than addressing the street. The pre-existing houses do not form an established building line or significant visual or residential character. The proposed development is an opportunity to create an active frontage to the street and would generate pedestrian movements in the area, particularly at the pedestrian entrance to Griffeen Valley Park at the end of the lane.
- The planning report on file considers that the visual character and amenity of the proposal and the palette of material used are in keeping with the area. The development has been carefully designed and does not detract from the overall visual or residential amenity of the surrounding context.
- Other quantitative and qualitative issues such as parking, drainage, internal and open space standards are also considered acceptable by the planning authority.
- The development has a density of 28 units per ha. A total of 4 units on the site would have a density of 22 units per ha. The 5 unit proposal would comply with County Development Plan objectives regarding residential densities, ref. policy H3, H8 and section 1.2.23 of the plan. The development is at the lower end of the density spectrum with regard to development plan policy regardless of whether the location is considered as brownfield or outer suburban/greenfield.
- The proposed layout of semi-detached pairs and one detached house is identical to the surrounding estate developments of semi-detached houses with occasional detached dwellings. The development is comparable in density to the Old Forge estate and is less dense than the residential estates at the western end of Haydens Lane. It therefore is not overdevelopment of the site or an intensification of density relative to the general pattern of surrounding development.
- The footprint of the proposed 5 houses at 75 sq.m. is directly comparable to those of the houses in Old Forge, which vary between 68 sq.m. and 97 sq.m. depending on house type. Separation distances to side boundaries are directly comparable while front and rear garden sizes are considerably larger than most in the vicinity.
- The difference in ridge height between 80-81 The Old Forge and the proposed development is approx. 0.78m. There is a natural fall across the site, which accounts for approx. 0.25m - 0.3m of this difference. The proposed ridge height as measured from the ground is actually c. 0.5m – 0.53m higher than the Old Forge houses. This increased height is due to the attic conversions in compliance with Building Regulations, which is in line with overall objectives to making the best use of available resources and providing flexibility and variety in housing types.
- The appeal is accompanied by photographs of the site and the vicinity.

5.2 Third Party Appeal

5.2.1 The third party appeal requests the Board to consider the application *de novo*. It comprises an appeal submission as well as copies of submissions made in relation to the original application and comments on the proposal submitted as additional information. The Board is requested to take all submissions into account. The main points made overall may be summarised as follows.

- The application did not assess potential impacts on Bats or the Grand Canal pNHA. Bats are protected under the Habitats Directive and a bat survey should be conducted at an appropriate time of year prior to any consideration by the Board of the merits of the development.
- The application does not acknowledge the flooding history of the area, particularly extensive floods in 2001 which impacted on residential developments. The proposed efforts to improve the drainage of the site are inadequate. The developer has failed to take into account the cumulative impacts of additional development in the area with consequent loss of permeable ground. Pressure for parking in the area would result in occupants of the scheme 'concreting over' the greenspace to the front.
- The appellants question the definition of the site as 'brownfield', it is submitted that the site is occupied by a habitable dwelling which is currently occupied. The site is 750m or 9 minutes walk from a bus stop and is remote from shops and schools, therefore the development would be car dependent.
- Inadequate parking provision as only one parking space is provided and there is inadequate space on Haydens Lane for off street parking. Extra traffic from the scheme would impact on walkers using Haydens Lane to access Griffeen Valley Park.
- Overdevelopment of the site. The 3 storey design is excessive in scale, out of proportion with existing houses and the character of the area. Development out of alignment with existing houses. The proposed landscaping would not mask the scheme and could result in difficulties with services in the future.
- The proposed density of development would be out of keeping with the surrounding area. County Development Plan H9 should apply in this case.
- Overlooking impacts. The third floor would overlook adjacent residential properties.
- Overshadowing impacts on adjacent residential properties.
- Impacts on shared boundaries, concern that the existing hedgerows would be removed or damaged in the course of the development. Consequent biodiversity impacts.
- The revised proposal does not fully address the issues raised by the PA in the further information request.

6.0 SUBMISSION OF PLANNING AUTHORITY

6.1 The submission states that the PA confirms its decision and that the issues raised in the appeal have been addressed in the planning report on file.

7.0 RELEVANT PLANNING POLICY

7.1 National Planning Policies on Residential Development

7.1.1 Quality Housing for Sustainable Communities – Best Practice Guidelines DoEHLG 2007

The purpose of these Guidelines is to assist in achieving the objectives for Delivering Homes, Sustaining Communities contained in the Government Statement on Housing Policy which focuses on creating sustainable communities that are socially inclusive.

Section 1.4.1 of the Guidelines promotes the use of suitable infill sites for housing schemes as a way to facilitate a mix of residential tenure within an area, help to promote social integration and facilitate the creation of vibrant, sustainable communities; help to restore, strengthen or upgrade the social and physical fabric of an area and eliminate derelict, under-utilised areas; maximise use of existing infrastructure; act as a catalyst for urban regeneration; and improve the appearance of an area, enhance the public realm and help to give a sense of place for the people who will live there. Section 1.4.6 notes that it is important to recognise the existing character, street patterns, streetscapes and building lines of an area, particularly in the case of infill sites or where new dwellings will adjoin existing buildings.

Chapter 3 deals with the urban design objectives of housing provision. There is guidance on site layout, open space provision, building size and scale and relationship with the public realm. Designs for infill sites should make full use of any of the site's natural features and integrate with the surrounding built environment, using the correct materials, forms and landscape elements e.g., by respecting existing street lines and existing urban structures. Chapter 4 deals with detailed design considerations. Section 4.3.4 states the following with regard to residential density:

Infill developments and urban redevelopment projects should respect the character of the existing neighbourhood. However, densities need not normally be restricted to comply with existing densities, where the latter are no longer appropriate having regard to the nature of the site location and transport accessibility.

Section 4.4.4 promotes the use of the use of existing natural drainage patterns to limit the requirement for separate offsite disposal of surface water through the use of Sustainable Urban Drainage System (SUDS) methods to help lessen the risk of flooding.

Chapter 5 provides guidance on dwelling design. Table 5.1 sets out specific floor area requirements for houses and apartments.

7.1.2 Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities DoEHLG 2008

These Guidelines set out the key planning principles for the assessment of planning applications for residential developments in urban areas. Section 3 of the Guidelines explains the role of design in the planning process. Section 3.12 states that permission should be refused in cases where the design is of such poor quality that it would result in a sub-standard housing environment. Section

5.9 deals with infill residential development at sites such as small gap infill. Section 5.9 (i) states:

In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

Section 5.9 (ii) notes that there may be a possibility to permit more intense residential usage on sites in outer urban and suburban areas, particularly those that consist solely of semi-detached houses, which are close to existing/improved public transport corridors. Chapter 7 of the Guidelines provides guidance in the design of individual houses including issues of overshadowing, overlooking, parking, open space provision and residential density.

7.1.3 Urban Design Manual – A Best Practice Guide DoEHLG 2008

This best practice design manual accompanies the above residential development Guidelines. It provides examples of good quality residential development at a variety of development locations including infill sites in urban areas. The design criteria set out in the manual provide a framework for the appraisal of applications for residential development.

7.2 **South Dublin County Development Plan 2010-2016**

- 7.2.1 The subject site has the zoning objective A, *'To protect and/or improve residential amenity'*.
- 7.2.2 Section 2 of the plan sets out policy on housing. Policy H1 *'Higher Residential Densities'* seeks to encourage higher residential densities at suitable locations, particularly close to existing or proposed major public transport corridors and nodes, and in proximity to major centres of activity such as town and district centres. Section 1.2.13 identifies the following locations as appropriate for higher residential densities: town centres, brownfield sites, public transport corridors, inner suburban/ infill – where appropriate and institutional lands.
- 7.2.3 Policy H4 *'Public Transport Corridors Densities'* promotes increased densities within 500m walking distance of a bus stop, or within 1km of a light rail stop or a rail station. The capacity of public transport will be taken into account. In general, minimum net densities of 50 dwellings per ha will be applied to public transport corridors, with the highest densities located at rail stations/bus stops, and decreasing with distance from such node.
- 7.2.4 Policy H5 *'Inner suburban/ infill Densities'* promotes the provision of additional dwellings on appropriate sites within inner suburban areas, proximate to existing or due to be improved public transport corridors, particularly to eliminate where there is proven anti-social behaviour in the area, by facilitating infill residential development or sub-division of dwellings.

- 7.2.5 Policy H13 '*Sustainable Development of Existing Built-Up Areas*' promotes the appropriate sustainable development of existing built-up areas in order to retain population levels and delivery of local services.
- 7.2.6 Policy H14 '*Infill Development in Residential Areas*' encourages the consolidation of the County through well designed, responsive infill developments, located where there are good connections to public transport and services, and that are compliant with the policies and objectives of the plan.
- 7.2.7 Section 1.4 of the plan, '*Sustainable Neighbourhoods*' provides guidance for the design of housing developments including urban design, street environment, building height, residential amenity, internal layout and open space provision.

8.0 ASSESSMENT

8.1 The following issues are relevant to the consideration of this case:

- Principle of Development
- Standard of Residential Accommodation
- Open Space Provision
- Access and Parking
- Impacts on Visual and Residential Amenities
- Density
- Drainage Issues
- Ecology and Appropriate Assessment
- Development Contributions

These issues may be considered separately as follows.

8.2 Principle of Development

8.2.1 The proposed scheme involves the development of a serviced site located in an established residential area, which is zoned for residential development. The wider area in which the site is located has rapidly become urbanised in the past 30 years, with the provision of significant public facilities, most notably railway stations and new roads. The area varies in density and layout from the modern high density of Adamstown to more typical outer suburban densities in the areas around the development site. In such areas, policy H1 of the development plan outlines a general policy objective to encourage higher residential densities at suitable locations, particularly close to existing or proposed major public transport corridors and nodes, and in proximity to major centres of activity. Section 1.2.13 of the development plan states that increased densities will be encouraged on residentially zoned lands including brownfield sites and inner suburban / infill where appropriate. The 'densification' of such sites is also generally in keeping with national planning policies on residential development as outlined above. I do not accept the argument of the third party that the site is unsuitable for development due to distance from shops and public transport. There is a cluster of neighbourhood facilities nearby on the Lock road, consisting of a large pub (the Lord Lucan) and some smaller shops. There is a larger district centre nearby to the north at Lucan village. There is a variety of schools in the wider suburban areas of Lucan and Adamstown. Adamstown station is located c. 2 km to the west and is connected to Griffeen Avenue nearby by Dublin Bus route 25b (I

estimate the intervening walking distance to the bus stop be c. 750m), which also runs to Merrion Square in the city centre.

- 8.2.2 Development plan housing policy H4 states that increased densities will be promoted within 500m walking distance of a bus stop or within 1km of a light rail stop or a rail station. In general, minimum net densities of 50 dwellings per ha, subject to appropriate design and amenity standards, will be applied to public transport corridors, with the highest densities located at rail stations/bus stops, and decreasing with distance from such nodes. The PA applied policy H5, relating to densities at inner suburban and infill sites, as set out above. I also note development plan policy H3, which relates to brownfield sites:

Any land which has been subjected to building, engineering or other operations, excluding temporary uses or urban green spaces and in particular to maximise redundant industrial lands identified as Enterprise Priority One zoned lands to consolidate the County and where such sites are identified that are close to existing or planned future public transport corridors, the opportunity for their redevelopment to higher densities will be promoted, subject to safeguards outlined in Sustainable Neighbourhoods in Section 1.4 and in accordance with Local Area Plans or Approved Plans.

In addition, development plan policy H13, *Sustainable Development of Existing Built-Up Areas*, seeks to promote appropriate sustainable development of existing built-up areas in order to retain population levels and delivery of local services and policy H14, *Infill Development in Residential Areas* seeks to encourage the consolidation of the County through well designed, responsive infill developments, located where there are good connections to public transport and services.

- 8.2.3 I also note that the demolition of the existing house and the redevelopment of the site have already been permitted twice as per the above planning history. I would be satisfied that the principle of a housing development on this site has already been established. The proposed development is therefore acceptable in principle and should be considered on its merits. It should be noted that the following assessment is based on the revised scheme as granted by the PA, i.e. 5 houses.

8.3 Standard of Residential Accommodation

- 8.3.1 The design and layout of the scheme may be considered with regard to national planning guidance on residential development and to the policies set out in section 1.4 of the development plan, '*Sustainable Neighbourhoods*'.
- 8.3.2 With regard to the overall layout, I note that each of the houses has an enclosed private open space to the rear, measuring a minimum of 115 sq.m. up to 222 sq.m, well in excess of the standards provided in Table 1.4.2 of the development plan. Although no public open space is provided, the scheme is c. 200m from a pedestrian access to Griffeen Valley Park which is identified in the development plan as one of the major open spaces in the county (regional park status in the hierarchy of public open spaces). The applicant also proposes to retain the existing hedgerow on the northern and eastern site boundaries in accordance

with development plan policy SN3, *Existing Site Features*, and to plant trees in the front spaces facing the street. These measures are desirable. The proposed layout and open space provision are acceptable overall on this basis.

- 8.3.3 The internal layouts of the individual houses fall somewhat short of the recommendations of Table 5.1 in the *Quality Housing for Sustainable Communities – Best Practice Guidelines*. In particular, the aggregate living accommodation is less than the recommended total of 40 sq.m. for 3 storey 4 bedroom houses. However, the overall standard of living accommodation provided is considered acceptable due to the provision of utility rooms and internal storage facilities. In addition, the total gross floor area of 140 sq.m. per dwelling is well in excess of the recommended minimum of 120 sq.m. To conclude, it is considered that the proposed development provides a reasonable standard of residential accommodation with regard to national and development plan policy.

8.5 Access and Parking

- 8.5.1 The development presents an active frontage to the street with individual access to each house. Each frontage has one car parking space. This arrangement is compatible with development plan policies SN4 *Street Design*, SN5 *Use of Local Streets*, SN6 *Residential Frontage* and SN7 *On Street Activity*. Development plan policy T34, Car Parking Standard Requirements, states:

It is the policy of the Council that in areas well served by public transport or alternative means of access the car parking standards provided in the Development Plan shall be taken to be the maximum provision required. In other areas less well served they shall be taken to be a minimum provision required ...

... Within residential areas and where residential properties are proposed one or two car parking spaces per dwelling should generally be provided in purpose designed parking bays.

- 8.5.2 As discussed above, the development site is close to a bus stop that connects to Adamstown Railway Station but is not adjacent to a public transport corridor such as a QBC. I note the point made in the third party appeal that there is limited availability of off street parking in the area. This was confirmed at the site inspection, when I noted that Haydens Lane is narrow at this point, leaving little space for on-street parking. In addition, there is likely to be a high demand for off street parking due to the proximity to the entrance to Griffeen Valley Park. This demand could increase with the construction of the permitted residential nursing home to the south. However, I note the report on file by the Roads Department of the PA, dated 7th April 2015. This comments that the development provides adequate parking and has no objection to the scheme. On balance, given that the Roads department of the PA has no objection, the proposed parking layout is satisfactory.
- 8.5.3 There is a second Roads report relating to the revised proposal submitted as additional information, dated 31st July 2015. This notes that the applicant proposes to omit the footpath along the road frontage and to provide an intermittent verge. It recommends that the verge should be provided in addition to

the footpath and not instead of same. There is no other objection. This issue could be resolved by way of condition if the Board is minded to grant permission.

8.6 Impacts on Visual and Residential Amenities

8.6.1 I note that there are several third party submissions on the planning application file relating to both the initial planning application and to the revised proposal submitted as additional information. These have been submitted by local residents and object to the scheme on grounds generally relating to overdevelopment of the site, excessive height, visual impacts relating to the design of the development and to the removal of existing mature vegetation and impacts on residential amenities by way of overlooking and overshadowing. These issues have been considered with regard to the guidance provided in sections 1.4.18 and 1.4.19 of the development plan.

8.6.2 Overlooking

Potential for overlooking primarily arises in relation to the private spaces associated with other residential properties within the Old Forge estate to the rear (east) of the development site. There is a minimum rear garden depth of c. 12m, which is in accordance with standards generally considered acceptable in residential developments. There is no direct overlooking between first floor windows. Residential development with a similar orientation has already been permitted at this site. The proposed design has dormer windows to the front elevation and opaque glazing in the side elevations. Therefore there would not be any additional overlooking to the side or rear. It is noted that 2 storey houses with a similar orientation have already been permitted twice at this site. However, those permissions granted total of 4 no. houses whereas the subject proposal of 5 houses would result in increased overlooking above that already permitted.

8.6.3 Overshadowing

There is clearly potential for overshadowing to the north and west of the scheme. The submitted documentation does not include a detailed shadow analysis, therefore it is difficult to ascertain the exact extent of the additional overshadowing. The proposed development would involve dormer units with a total ridge height of 9m, greater than the standard 2 storey houses already permitted at this site. While it is accepted that the site is slightly lower (up to 0.5m) than the residential properties to the east, the proposed scheme is substantially bulkier than those already permitted. Having inspected the site and with regard to the overall design and layout and the proximity of existing residential properties, I consider that the development would have a significant adverse impact on the residential amenities of adjacent properties to the north and east by way of overshadowing.

8.6.4 Design and Visual Impacts

The third party appeal submits that the development is out of character with the surrounding area due to its design and height. I do not consider that the proposed contemporary 2 storey plus dormer design differs dramatically from the adjacent 2 storey houses. In any case, it is desirable that there would be some

variety in the types of residential accommodation in the area. I also note that the permitted nursing home at the site of the disused factory to the south of the development site is a 3 storey, flat roofed modern structure.

8.6.5 Conclusion

The overall bulk and scale of the current proposal are significantly greater than those permitted at this site under SD05A/0288 and SD07A/0099. Even allowing for the revised design submitted as further information, the proposal would result in 5 no. 2 storey plus dormer houses where 4 no. 2 storey houses have already been permitted. This is an infill site that is surrounded by existing residential properties and the protection of existing residential amenities in accordance with the site's zoning objective is paramount. It is considered that the proposed development of 5 houses would have adverse impacts on adjacent residential properties by way of overlooking and overshadowing. In my opinion, the omission of one house, as required by condition no. 2 of the permission, would reduce the level of overlooking to an acceptable degree but would not satisfactorily prevent unacceptable overshadowing. In addition, the proposed retention of existing vegetation along site boundaries would not ameliorate these adverse impacts.

8.7 Density

8.7.1 The proposed development of 5 houses on a site of 0.176 ha would result in a density of c. 28 houses per ha. This is well below the minimum net density of 50 dwellings per ha, to be permitted at public transport corridors as per development plan policy H5. Housing policy H8 refers to a density of 35-50 dwellings per ha in residential developments, in order to ensure the greatest efficiency of land usage and states that development at net densities less than 30 dwellings per ha will generally be discouraged, particularly on sites in excess of 0.5 ha. While the above analysis concludes that the design provides a satisfactory standard of open space provision, residential accommodation and parking provision, it also concludes that the development would have adverse impacts on residential amenities by way of overlooking and overshadowing. National and development plan policies on increased residential densities are subject to the protection of residential amenity in existing areas, ref. section 1.2.18 and policy H11 of the development plan.

8.8 Drainage Issues

8.8.1 There are concerns in relation to flooding as there is a history of flooding in the area. The proposed development has been considered with regard to the *Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009), which advocate a sequential approach as follows: (i) avoidance of flood risk where possible; (ii) substitution of less vulnerable uses where avoidance is not possible and (iii) mitigation and management of risk where avoidance and substitution are not possible. The site is within the catchment of the Griffeen River, a tributary of the Liffey. The OPW flood mapping, as submitted with the flood risk assessment, indicates a record of a flooding incident at the Griffeen River at this location in 2000. I note the documentation on the file of SD14A/0271 indicates that site was severely flooded in November 2000 but also comments that flood alleviation measures have been

carried out in the area since that event. Condition no. 4 of that permission requires the submission of a Stage 3 detailed flood risk assessment in accordance with the DoEHLG Flood Risk Guidelines. The site is well outside the potential flood zones indicated in the CFRAM draft flood hazard map for this area. The proposed drainage design, as detailed in a report submitted with the application, includes SUDS measures in accordance with development plan policy and provides surface water drainage calculations. Section E of the report comprises a flood risk assessment, which notes that the site is elevated above the Griffeen River and does not anticipate flooding from this source. The final Water Services report of the PA, dated 17th August 2015, states no objection subject to conditions and recommends a condition requiring finished floor levels to be 500mm above the lowest point on the site boundary in order to prevent flooding. With regard to these issues, I conclude that the proposed development would not present an unacceptable flood risk.

8.9 Ecology and Appropriate Assessment

8.9.1 The third party appeal raises the possibility of bat roosts on the site. I consider that this issue could be dealt with by way of a condition for their safe removal under the relevant legislation if they were to be found. There are no Natura 2000 sites in the vicinity of the appeal site. The closest designated sites are those in Dublin Bay – the nearby Griffeen discharges to the Liffey which in turn discharges to the Bay. Having regard to the nature and scale of the proposed development and the distance to the nearest European sites, 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. The proposed development is significantly below the EIA threshold set for urban development in the 2001 Regulations as amended. While the proximity of the Griffeen River valley is noted, I do not consider that there is any specific environmental sensitivity which would justify a requirement for an EIA. The third party appeal refers to the Griffeen Valley Park pNHA, however there is no record of any such designated area on the NPWS site.

8.10 Development Contributions

8.10.1 The PA imposed a condition requiring a development contribution in accordance with section 48 of the Planning and Development Act 2000, i.e. the Development Contribution Scheme. There was no requirement for any supplementary development contribution under section 49 of the Act. A bond was imposed to ensure satisfactory completion of the scheme. Similar conditions could be imposed if the Board is minded to grant permission.

8.11 Conclusion

8.11.1 Despite the desirability and sustainability of increased densities at a general level, I consider that the proposed development would have an adverse impact on the residential amenities of adjoining properties by way of overlooking and overshadowing. I therefore consider that permission should be refused for this development.

9.0 RECOMMENDATION

- 9.1 Having regard to the foregoing, I recommend that permission be refused for this development for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to the restricted nature of the site, and the proximity of the proposed development to the site boundaries, and having regard to the design and orientation of the proposed development, it is considered that the proposed development would seriously injure the amenities of property in the vicinity by reason of overlooking and overshadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

**Sarah Moran,
Senior Planning Inspector
18th January 2016**