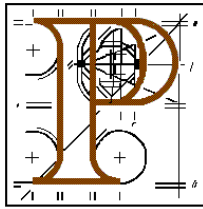


# An Bord Pleanála



## Inspector's Report

**PL06D.245741**

**DEVELOPMENT:-** Permission sought for demolition of a house and construction of 11 no. Apartments in two blocks at Stockwell, Sandyford Rad, Dundrum, Dublin 16.

### **PLANNING APPLICATION**

**Planning Authority:** Dun Laoghaire Rathdown County Council

**Planning Authority Reg. No:** D15A/0068

**Applicant:** Gerard Keogh

**Application Type:** Permission

**Planning Authority Decision:** **Grant**

### **APPEAL**

**Appellant:** (1) Tristan Lloyd & Sinead O'Leary  
(2) Dun Emer Residents Association  
(3) Leonard & Janet Fitzpatrick,  
Deidre Naessens & Cliff Kennedy

**Observers:** (1) David Broderick  
(2) Balally Residents Association.  
(3) Mark & Susan Hogan & Family  
(4) Jim & Mary Hayes  
(5) Tristan Dunne  
(6) Parkvale & Ballyolaf Residents Association.

**Type of Appeal:** 3rd-V-Grant

**DATE OF SITE INSPECTION:** 05th February 2016

**Inspector:** Colin McBride

## 1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area of 0.13 hectares, is located to the south east of Dundrum Town Centre and on the eastern side of Sandyford Road/R117. The site is located in close proximity to the junction of Sandyford Road and Dun Emer Road, with the dwellings along Dun Emer Road backing onto the northern boundary of the site. The appeal site is occupied by an existing single-storey dwelling with a vehicular access off the Sandyford Road. As noted above to the north of the site are the two-storey semi-detached dwellings along Dun Emer Road, to the west is a two-storey dwelling (no. 4 Ballyolaf Manor) and to the south is a dormer style detached dwelling (Masada) also accessed from Sandyford Road. Boundary treatment on site consists of existing walls along all boundaries of the site.

## 2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought for the demolition of a detached dwelling and the construction of 11 no. apartments in 2 no. three-storey blocks, consisting of Block A (5 no. Apartments with a total floor area of 485sqm) comprising of 1 no. one bed and 4 no. two bed units and Block B (6 no. apartments total floor area 571sqm) comprising of 1 no. one bed and 5 no. two bed units. The proposal entails provision of site development works, bin store, cycle and car parking, landscaping and boundary treatment and vehicular and pedestrian access. In reponse to further information Block B was revised to consist of 5 no. two bed apartments.

## 3. LOCAL AND EXTERNAL AUTHORITY REPORTS

### 3.1

- (a) Irish Water (25/02/15): No objection subject to conditions.
- (b) Transportation Planning (24/03/15): Further information required including among others demonstration of sightlines in accordance with DMURS, a revised parking layout providing for disabled spaces and details of junction radii.
- (c) Parks & Landscape Services (24/03/15): Further information required including a tree survey and assessment report, details of open space and play area provision and a landscape scheme.
- (d) Water & Waste Services (25/03/15): Further information required including a proposal for a green roof and demonstration of compliance with SuDS.
- (e) Planning Report (30/03/15): Further information required, in addition to the requirements of other sections, the applicant was requested to deal with concerns regarding impact on residential amenity of adjoining properties and concerns regarding potential overlooking.

- (f) Water & Waste Services (10/08/15): No objection subject to conditions.
- (g) Transportation Planning (14/08/15): Clarification of further information including details of ramped access, attenuation measures, revisions to the car parking layout, provision of electric car charging points and street lighting.
- (h) Parks & Landscape Services (20/08/15): Conditions to be attached in the event of permission granted.
- (i) Planning Report (24/08/15): Clarification of further information, in addition to the Transportation Planning section requirements, the applicant was request to deal with concerns regarding impact on residential amenity of the design and details of a landscaping scheme for the proposal.
- (j) Transportation Planning (14/10/15): No objection subject to conditions.
- (k) Parks & Landscape Services (20/10/15): No objection subject to conditions.
- (l) Planning Report (23/10/15): It was considered that the applicant had addressed the issues raised in the further information/clarification requests and that the proposal was satisfactory in regards to overall design, scale, impact on the amenities of adjoining properties and traffic impact. A grant of permission was recommended subject to the conditions outlined below.

#### 4. DECISION OF THE PLANNING AUTHORITY

- 4.1 Permission granted subject to 17 conditions. Of note are the following conditions....

Condition no. 4: The applicant is to provide a green roof system.

#### 5. PLANNING HISTORY

- 5.1 D14A/0135: Permission refused for demolition of existing dwelling and construction of 3 no. two and a half storey dwellings. Permission refused due to the failure to provide a satisfactory standard of surface water drainage.

#### 6. PLANNING POLICY

- 6.1 The relevant plan is the Dun Laoghaire Rathdown County Development Plan 2010-2016. The site is zoned 'Objective A' with a stated objective "to protect and/or improve residential amenity".

## 7. GROUNDS OF APPEAL

7.1 A third party appeal has been lodged by Michael PG Wall Planning Consultant on behalf of Tristian Lloyd & Sinead O'Leary, 4 Ballyolaf Manor, Sandyford Dublin 16. The grounds of appeal are as follows...

- The proposal would constitute overdevelopment of the site by virtue of its scale, mass and bulk, would be injurious to the residential amenities of property in the vicinity.
- The proposal would be visually obtrusive and out of character at this location and be injurious to the visual amenities of the area.
- The conflicting vehicular movements generated would lead to noise, disturbance and congestion and be injurious to residential amenity and result in a traffic hazard.
- The layout of the development and proximity to the adjoining boundary would be injurious to the residential amenity of the adjoining properties.

7.2 A third party appeal has been lodged by the Dun Emer Residents Association. The grounds of appeal are as follows...

- The appellants raise concerns regarding the traffic likely to be generated by the proposal and its impact in regards to the existing road network on traffic, cyclists and pedestrians using such. It is considered that proposal provides for an unacceptable traffic risk relative to the existing road in regards to layout as well as adding to existing congestion.
- The height and scale of the proposal is excessive and out of character at this location. Concerns are expressed regarding overshadowing of adjoining properties.
- The appellants express concerns that the level of car parking provided is not sufficient for the proposed development.

7.3 A third party appeal has been lodged by ARC Architectural Consultants Limited on behalf of

Leonard & Janet Fitzpatrick, Masada, Sandyford Road, Dundrum, Dublin 16 and Deidre Naessens & Cliff Kennedy, Kilcree, Sandyford Road, Dundrum, Dublin 16.

The grounds of appeal are as follows...

- The proposal would represent overdevelopment of the site and would have an adverse impact on adjoining residential amenity due to proximity and scale, is

a poor quality development in regards to size of rooms, overlooking and lack of privacy and public open space.

- The proposal would have a negative impact on residential amenity in terms of adverse impact in relation to visual amenity, loss of privacy and overlooking, loss of light and traffic hazard. The proposal would be contrary the zoning objective in this regard.
- The proposal has a negative impact on architectural heritage in that it proposes demolition of an existing nineteenth century house. The proposal is not consistent with Development Plan policy in regards to architectural heritage.
- The proposal is premature in absence of hydrogeological investigation and completion of the CFRAM study and poses an unacceptable risk of increased flooding in an area subject to flooding.

## 8. RESPONSES

### 8.1 Response by Dun Laoghaire Rathdown County Council

- The PA has no new issues to raise and refer the Board to the Planning reports associated with the application.

### 8.2 Response by Michael PG Wall Planning Consultant on behalf of Tristan Lloyd and Sinead O'Leary, 4 Ballolaf Manor, Sandyford, Dublin 16.

- The response indicates support for and agreement with the contents of the other two appeal submissions.

### 8.3 There are three separate responses by the Hendrik W van der Kamp, Town Planner on behalf of the applicant, Gerard Keogh.

- It is noted that the proposal is not overdevelopment of the site and is an appropriate location for higher densities. It is also noted that the provision of apartment development is appropriate to provide for a mix of residential units in an area characterised by one type of housing development.
- It is noted that approved development has adequate regard to the residential amenities of adjoining properties in relation to design, scale, separation distances, window orientation and screening, and would not have an overbearing impact, or result in overlooking or loss of light.
- It is noted that the approved development would not be out of character at this location given its height and scale relative to adjoining properties and would be satisfactory in regards to the visual amenities of the area.

- It is noted that the proposal development is satisfactory in term of quality in regards to apartment size, public open space, and access to local services and public infrastructure.
- The proposal would be satisfactory in regards to traffic safety with adequate sightlines and sufficient off-street car parking.
- It is noted that the proposal raises no concerns regarding architectural heritage with the demolition of the existing dwelling acceptable.

## 9. OBSERVATIONS

### 9.1 Observations have been received from the following...

David Broderick, 19 Dun Emer Road, Dundrum, Dublin 16.  
Balally Residents Association.

Mark & Susan Hogan & Family, Banna, Sandyford Road, Dundrum, Dublin 16.

Jim & Mary Hayes, 6 Dun Emer Road, Dundrum, Dublin 16.

Tristan Dunne, 41 Parkvale, Sandyford Road, Dublin 16.  
Parkvale & Ballyolaf Residents Association.

The contents of these observations are to be summarised together.

- The proposal is considered to be overdevelopment of the site and excessive in scale relative to adjoining properties to the detriment of the visual amenities of the area and residential amenities through overshadowing and overlooking.
- The existing layout of the road network at this location in the context of existing junctions and the heavily trafficked R117 is raised with concerns regarding the impact of additional traffic in regards to traffic safety and existing congestion in the area. Concerns are also raised regarding the proximity of the vehicular entrance and associated turning movements to an existing major road junction and traffic lights between the R117 and Dun Emer Road,

## 10. ASSESSMENT

### 10.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/Development Plan policy,  
development control standards

Visual amenity/residential amenity

Traffic

Other issues

## **10.2 Principle of the proposed development/development plan policy:**

10.2.1 The proposal is to demolish an existing dwelling and construct two three-storey apartment blocks and associated site works. The site is zoned 'Objective A' with a stated objective "to protect and/or improve residential amenity". The proposed use is consistent with the zoning objective and would be consistent with Policy RES 3. In terms of density the approved proposal entails the provision of 10 apartments on a site of 0.13 hectares. This gives a density of 77 units per hectare. This is a high density in the context of existing density levels in the area. Development Plan policy and planning guidance would recommend higher densities in close proximity to public transport with it recommended that densities of 50 units per hectare and over are possible. In this case the site is not far from Dundrum Town centre and good public transport facilities in the form of the Luas line. I would however be cautious regarding density as the site is a small infill site located in an established residential area where the pattern of development on adjoining sites is for much less dense development. The appropriateness of the proposal in density terms would be contingent on the design and scale of the development being acceptable in the context of development control standards, impact on adjoining uses, visual amenity and traffic impact.

10.2.2 In regards to development control standard the approved proposal is for 10 apartments in two blocks. Block A contains 4 no. two bed apartments and 1 no. one bed apartment, while Block B contains 5 no. two bed apartments. Block A has a two bed unit on the ground floor (92sqm with a 8.2sqm private open space), at first floor level there is 2 no. two bed apartments (87.5 and 88sqm with 10.2 and 8sqm of private open space) and at second floor level there is 1 no. one bed apartment (67sqm and 6.1sqm of private open space) and 1 no. two bed apartment (104sqm and 10.2sqm of private amenity space). Block B has a 2 no. two bed apartments on the ground floor (85sqm and 86sqm with 8sqm of private open space for each apartment), at first floor level there is 2 no. two bed apartments (85 and 85sqm with 10.2 and 8.10sqm of private open space for each unit) and at second floor level there is 1 no. two bed apartment (118.6sqm and 10.3sqm of private open space). All apartment units have private open space in the form of a terrace area or balcony and all have internal storage. Table 16.1 of the County Development Plan outlines the minimum requirements for private open space and internal storage for apartment developments with all units having meeting the required standards for both storage and private open space.

10.2.3 In relation to public open space, the proposal provides for an open space of 216sqm located adjacent the southern boundary of the site and located between Block A and B. This gives a total of 16% of the site area dedicated to



public open space. The applicants have also noted that the site is in close proximity to existing park facilities in the area. I would consider that the level of public open space provided is consistent with Development Plan requirements. In relation to off-street car parking it is proposed to provide 16 car parking spaces. The requirements under table 16.3 of the Development Plan are 1 space per one bed apartment and 1.5 per two bed plus apartment units. The approved development would therefore have a requirement of 14.5. In this case the number of car parking spaces is sufficient to satisfy development plan requirements.

10.2.4 The proposal meets a lot of the basic standards set down under Development Plan policy, namely, private open space, public open space and car parking. One of the appeal submissions raises concerns regarding the quality of the development from the point of view of room dimensions and level of separation between blocks, privacy and public open space. It is notable under 16.3.2 (iv) that relates to Apartment Development and specifically separation distances between blocks it is noted that...

"All proposals for residential development, particularly apartment developments and those over three-storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects, and provide sustainable residential amenity conditions and open spaces".

"The minimum clearance distance of circa 22 metres between opposing windows will normally apply in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size and design. In certain instances, depending on orientation and location in built- up areas, reduced separation distances may be acceptable".

I would note that in the case of Block A and Block B and opposing Windows including balconies, this separation distance is not achievable and I have concerns regarding the quality of the layout and consider such is symptomatic of the high density of development sought on a small infill site. I would consider that the inadequate level of separation between the Blocks would give rise to a poor level of amenity for future residents of the proposed development.

10.2.5 One of the appeal submissions is critical of the layout and dimensions of the apartments in the context of guidelines such as Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes, Sustaining Communities and Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities. I would note that the

apartments approved would comply with the standards set down under the most recent guidelines regarding apartment sizes and layout, Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (December 2015). I am satisfied that this aspect of the proposal would be acceptable, however I would reiterate concerns regarding separation distances between the two blocks on site.

### **10.3 Visual amenity/residential amenity:**

10.3.1 The approved proposal is in the form of two three-storey blocks. The adjoining development to the south consists of a detached dwelling fronting onto the Sandyford Road and to the north is the housing development of Dun Emer consisting of two-storey semi-detached dwellings. The proposal is a departure from the type, density and pattern of development on adjoining sites. Although a departure from such is not out of the question with it appropriate to seek higher densities in appropriate locations, such should be contingent on the proposal having adequate regard to the established pattern of development, the visual amenities of the area and the amenities of adjoining properties.

10.3.2 The proposal seeks to construct a three-storey block (A) right on the road frontage and another three-storey Block (B) to the rear of the site. In terms of overall visual impact the height and scale of the three-storey blocks are not significantly higher than the adjoining dwellings due to their flat/shallow pitch roof profile. Despite this fact I would have some concerns that the overall visual impact of the proposed development is jarring at this location. The design of the Blocks are of no great architectural merit and would be out of character and scale at this location due to their location on a small site in the middle of a suburban area. In particular Block A is located right on the road frontage of the site and would have an adverse visual impact when viewed in the surrounding area.

10.3.3 As noted earlier the proposal does not conform to the established pattern of development in that it is seeking to increase densities and provide for apartment development in an established area characterised by suburban type development. The proposal does attempt to take account of the amenities of adjoining properties in regards to orientation of windows and balconies. In the case of the dwellings to the north in Dun Emer the Blocks are sited away from the northern boundary with separation distances between opposing Windows meeting the required standards under Development Plan policy (22m). In the case of the dwelling to the south, the southern elevation of Block A and B are devoid of windows to avoid overlooking. In the case of the existing dwelling to the south west, Block B has a few windows on the western elevation and such include at first floor level high level windows serving the kitchen, stairwell and a bathroom and at second floor level there are two high level windows serving bathrooms in addition to this floor being setback further

from the lower floors. The main focus of the windows serving living space and balconies is to the west in the case of Block A and east in the case of Block B focusing internally onto the public open space. In response to further and clarification of further information the applicants included screens to the sides of balconies to alleviate the Planning Authority's concerns regarding overlooking and residential amenity. I am satisfied that the layout and orientation of windows and balconies does have adequate regard of the amenities of adjoining properties and the proposal would not result in any undue overlooking of adjoining properties. I would note that there is an issue regarding separation distance between the Blocks on the site as noted in the previous section of this report.

10.3.4 Notwithstanding the above assessment of overlooking, I do consider that the proposal as approved would have an overbearing impact in relation adjoining properties by virtue of the pattern of development, scale and proximity to boundaries of adjoining sites. I would note in particular that the Blocks do not have regard to the pattern of development to the south and that the location of three-storey blocks are in close proximity to the rear amenity space and front garden associated with the dwelling to the south and would give rise to an overbearing impact on this property. The same point could be argued in regards to the existing dwelling to the west, however the impact of the scale and proximity of Block B is negated to a degree by a high level of the existing trees along the western boundary of no. 4 Ballyolaf Manor. Without the trees the development is excessive in height with an overbearing impact and there is no guarantee that the trees will be retained with the appellants who own the property showing photographs where the existing trees have been trimmed in height to the rear of their dwelling.

#### **10.4 Traffic:**

10.4.1 The appeal site is occupied by a single-storey detached dwelling with an existing vehicular entrance from Sandyford Road/R117. The proposal entails revision of the layout of vehicular access to serve the approved apartment development of 10 units. The existing road layout here entails a significant level of individual access points onto Sandyford Road. To the north of the site is Dun Emer Road, which forms a junction with the Sandyford Road/R117 in close proximity to the site. There is a signalised junction between the two roads and Dun Emer Roads serves a sizeable residential area. Although there is an existing vehicular entrance serving the site and the area is characterised by individual entrances onto Sandyford Road, I would have some concerns regarding the additional traffic movements generated in the context the location of vehicular entrance in close proximity to the junction of the Sandyford Road/R117 and Dun Emer Road. The Sandyford Road/R117 is a heavily trafficked route and the proposed development would entail the replacement of single dwelling with a multiple residential unit development

that would entail a significant increase in traffic movements on and off the public road. Although sightlines are of a reasonable standard it is the creation of such increased traffic movements in such close proximity to a significant junction on the Sandyford Road/R117 that would pose the risk of conflicting traffic movements with existing traffic using the main road and turning movements generated from Dun Emer Road. In this regard I would consider that the proposed development would have the potential to give rise to traffic hazard and endanger the public safety. I would therefore consider that the proposal would be contrary to the proper planning and sustainable development of the area.

10.4.2 As noted in a previous section the level of car parking proposed is consistent with the requirements of Development Plan policy.

### **10.5 Other Issues:**

10.5.1 One of the appeals submissions raises the issue of flooding as a concern regarding the proposal. I am not convinced that there is a flooding issue in relation to this site, but note that there is no information provided to discount such. The Board may wish to request submission of a Flood Risk Assessment. I would note given the assessment of the proposal, in which there are numerous issues of concern that such issue is immaterial and could be dealt with in any future proposals. However if the Board is minded to permit the proposed development they may wish to seek the relevant flood report to deal with this issue.

10.5.2 One of the appeal submissions also raises the issue of architectural heritage noting that the proposal entails demolition of a nineteenth century dwelling. In regards to the existing dwelling, such is not a protected structure and I do not consider that an appropriately designed proposal of good quality should be precluded on this site on the basis of architectural heritage.

10.5.3 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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.

### **RECOMMENDATION**

I recommend refusal of permission based on the following reasons.

### **REASONS AND CONSIDERATIONS**

1. The proposal by virtue of the fact it will generate significant additional traffic and turning movements on and off the heavily trafficked Sandyford Road/R117 and in

very close proximity to a signalised junction with Dun Emer Road would give rise to conflicting turning movements. The proposed development would, therefore, constitute a traffic hazard and endanger public safety. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development by virtue of its proximity, height and scale relative to adjoining residential properties to the south and west, would have an overbearing impact and would be injurious to the residential amenities of these properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development by virtue of its excessive density would constitute overdevelopment of the site, would give rise to a poor quality development that would fail to provide for an adequate degree of separation between the two Blocks on site that is contrary to Development Plan standards and would result in a poor quality outlook and lack privacy for the future occupants the scheme. The proposal would give rise to a poor standard of development and would be contrary to the proper planning and sustainable development of the area.

4. The proposal by virtue of its height, scale, form and layout and its failure to have adequate regard to the prevailing pattern of development and character of the area, would be visually obtrusive and detrimental to the overall visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride  
16th February 2016