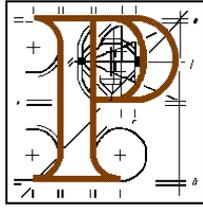


An Bord Pleanála



Inspector's Report

PL06D.245768

DEVELOPMENT: - Two-storey detached dwellinghouse, new entrance gate, wastewater treatment system, surface water drainage and fencing at St Catherine's, Falls Road, Shankill, Co. Dublin

PLANNING APPLICATION

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Authority Reg. No.: D15A/0308

Applicant: M. and K. McCauley

Application Type: Permission

Planning Authority Decision: Refuse Permission

APPEAL

Appellant: M. and K. McCauley

Type of Appeal: First v Refusal

Observers: Transport Infrastructure Ireland

DATE OF SITE INSPECTION: 13th February 2016

INSPECTOR: **Mairead Kenny**

1.0 SITE LOCATION AND DESCRIPTION

The site at Falls Road is within a low density area served by a narrow road network but located close to the N11. Access from the site to the wider context including the city centre and the nearby neighbouring facilities is by way of Stonebridge Road which traverses the N11 and then connects with the old Dublin road to the east. From that location the options are to travel northwards towards Loughlinstown / Cherrywood or in the other direction to Shankill / Ballybrack / Killiney.

The site is taken from a large garden attached to the house 'St Catherine's' to the south-east, which is the original family home. The stated site area is 0.1483 hectares. A separate residential plot was marked out within that garden at the time of my inspection – this relates to a permission recently granted by the Board for a dwellinghouse. The remainder of the garden is in use associated with the main house. The northern site boundary is defined by Falls Road and to the west (separated by a strip of land) is a two-storey dwellinghouse, which has its own access direct from Falls Road.

Photographs of the site and surrounding area are attached.

2.0 PROPOSED DEVELOPMENT

Permission is sought for a two storey dwellinghouse, entrance and wastewater treatment plant.

The stated area of the house is 289 square metres.

The new entrance is to be beside the entrance to the permitted residence (PL06D.245271).

The wastewater treatment plant is to be served by a 15 square metre sand polishing filter.

The existing mature screen planting is to be retained and protected.

It is stated on the application form that the site is not within the S49 scheme area for Luas. Nor is it within the s49 scheme area for Glenamuck District Distributor Road and Surface Water Attenuation Ponds.

3.0 PLANNING HISTORY

Under PL06D.245271 the Board granted permission for a dwellinghouse at a site to the south of the subject site. The decision of the Planning Authority to refuse permission was related to traffic safety. The Planning Authority noted the first party's offer to create a footpath and considered that this could be addressed by condition. The Board in granting permission, which was contrary to the Inspector's recommendation did not attach any condition relating to the provision of a footpath. It was considered that the proposed

development would not endanger public safety, would not adversely affect the use of Falls Road and would not give rise to an undesirable development precedent. The Board also had regard to the zoning and the pattern of development.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

The planner's report notes that the development is acceptable in principle. Capacity for increasing densities at Falls Road is limited by the lack of a foul sewer, which will be the case for the foreseeable future. There is a discrepancy in the site assessment report (depth to water table). There is an objective to protect trees on the adjacent sites to the west and a tree survey is required. Regarding the possible provision of a 2.4m footpath along the roadside the impact on trees needs to be assessed.

The report of the Transportation Planning section dated 24th June recommends further information including the provision of a pedestrian link to Stonebridge Road and revised plans detailing the setback of the front boundary wall to provide for a 2.4m footpath along the entire boundary with Falls Road.

The Transportation Planning section report of 14th October 2015 recommends refusal for 4 reasons all of which relate to prematurity and / or traffic hazard.

The report of the Senior Environmental Health Officer recommended permission subject to conditions.

The RPA refers to Luas Line B1 and recommends a condition under s49.

A submission from An Taisce notes the absence of a tree survey and recommends that a survey be requested and a condition to protect the roadside trees applied.

4.2 Planning Authority Decision

The Planning Authority decided to refuse permission for a single reason related to intensification of traffic, prematurity and lack of safe pedestrian facilities.

5.0 GROUNDS OF APPEAL

The first party appeal includes the following points:

- the applicant does not control any other lands and any proposals outside of this boundary cannot be considered
- the Board's decision at the adjacent site sets an unequivocal precedent
- the reason for refusal for 50 apartments at a nearby site was identical which is inappropriate
- objective 48 to prepare a LAP for Rathmichael / Ferndale Road refers – this has not commenced – the objective is removed from the draft CDP

- there are no specific objectives for upgrade of Falls Road or Stonebridge Road or to provide strategic pedestrian links
- future extension of LUAS B1 refers
- the Planner's report considered that the site is suitable outside of the issues raised by the Transportation Department
- a condition to provide a pedestrian footpath outside the subject site would be acceptable – a formal footpath is not necessary however
- there is no discernible intention in planning policy to upgrade or improve Falls Road
- family lands do not extend to Stonebridge Road
- additional pedestrian / cycle trips can be easily accommodated given the low levels of traffic and low traffic speeds on Falls Road
- the development would provide for housing stock on zoned family lands
- the enclosed Transport Technical Note including traffic survey refers.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

The Planning Authority consider the proposed development to be a traffic hazard and to be premature and to set an undesirable precedent.

6.2 Observations on grounds of appeal

TII recommend the attachment of a Section 49 Levy relating to Luas Line B1.

7.0 POLICY CONTEXT

The Dun Laoghaire Rathdown Development Plan 2010 - 2016 is the relevant County Development Plan for the area.

The site is located within an area zoned as Objective A 'To protect or improve residential amenity.'

Section 16.3.4 (v) of the Development Plan relates to development in corner/side garden sites.

Sustainable Travel - Policies T1 and T2.

Section 12.2.4 sets out a list of roads to be improved. There are no specific objectives relating to the improvement of this road.

Map 10 – Objective to protect and preserve Trees and Woodlands on adjacent sites to the west of the site.

8.0 ASSESSMENT

I consider that the main issues in this appeal relate to

- traffic safety,
- layout of overall lands
- tree protection
- wastewater treatment
- contributions.

Traffic Safety

Regarding vehicular movements I accept the first party's general position that Falls Road is not a through route and that the much of the traffic is likely to be generated by houses in the immediate area. The Board has previously decided that the addition of one house would be acceptable in terms of traffic safety. I note the report of the Transportation Department of DLRCC which recommends refusal on the basis of intensification of traffic. Having regard to the nature of the road, which is well-surfaced and is over 4.5m wide as well as the scale of the proposed development I do not consider that a reason for refusal on the basis of intensification of traffic is appropriate.

The Transportation Planning Section has raised issues relating to prematurity pending the determination of a road layout and because of the lack of adequate safe pedestrian facilities. The road is thus deemed to be unsuitable to carry the increased pedestrian traffic likely to result from the proposed development.

I note that the as well as a carriageway of over 4.5m wide there are grass verges, which provide a place of refuge for pedestrians in an emergency but do not constitute a suitable walking surface. In general there are no formal paths, with the exception of the narrow concrete path which commences east of the entrance to St Catherine's to Stonebridge Road.

The possible construction of a 2.4m wide footpath along the site frontage was raised in the request for additional information. The applicant indicates that the existing verge is 2-2.4m wide and that removal and reconstruction of the existing boundary wall to accommodate a wider path would have negative impacts on the trees. The matter is left to the local authority to form a path as it so wishes.

Notwithstanding the character of this area it is a suburban zone where it is reasonable to expect that journeys on foot would be undertaken. The development plan outlines a range of policies to support sustainable transport modes.

The question arises as to whether it is appropriate to facilitate continued development of single houses without providing pedestrian infrastructure. In drawing conclusions on this matter I consider it appropriate that the Board have regard to the potential for development at adjacent sites. The Board is advised that there a

current application for a dwellinghouse at Ardvarna to the west. Notwithstanding the limited scale of this development I consider that the decision of the Planning Authority to refuse permission for reason of prematurity and lack of adequate safe pedestrian facilities is reasonable and should be upheld.

In the event that the Board disagrees with the above the Board may wish to consider whether a special contribution condition should be attached in this case to provide for payment towards a footpath along the site boundary.

Layout of overall lands

The Board may wish to consider the potential for development at the overall family lands at this location. There are two issues:

- whether a pedestrian route to Stonebridge Road should be explored
- whether it is appropriate at this stage to consider the layout of the overall family lands for possible future residential development.

A footpath connection to Stonebridge road to the south was considered under the previous application and appeal. In the current application this matter was also raised by the Planning Authority and the applicant set out reasons for not providing such a link. The appellant under PL06D.245271 indicated that this could be explored if the Board saw fit. The first party has also queried the value of such a link. I agree that the desire line is along Falls Road and towards Shankill and not to the the south towards Old Conna. Primarily for this reason I am unconvinced of the merits of this idea. I note comments relating to land ownership and topography.

Regarding the possible layout of the overall lands I note that this site and the site of the permitted house to the south are within the original 1.35 hectare site of St Catherine's. From inspection it is clear that the current use of the overall plot is as part of St Catherine's with the exception of the aforementioned two sites. I question the approach to the layout of the lands particularly given the strip reserved to the east of the site, indicating a possible future entrance onto Falls Road. The shape of the current site means that there will be no option to access the remaining lands except through that entrance the suitability of which has not been examined. Density of wastewater treatment units could also become an issue in future applications as there is no imminent plan to provide public sewerage.

I consider that permission should be refused for this reason. However, I advise that it would constitute a new issue in this case. Therefore and because of the other substantive issues, I have not included this matter in the reasons and considerations below. The Board may wish to address it in the Direction.

Tree Protection

The two large Horse Chestnut roadside trees on site are not formally protected but their retention is feasible and is proposed to be undertaken. The public notices refer to the retention of these trees. The report of the Arboriculturalist notes that as the trees are to the north of the house and will not give rise to overshadowing there is no likelihood of removal due to their being perceived as a nuisance. The report also sets out special measures to ensure root protection as part of the foundations encroach within the root spread.

The arboriculturalist notes also that the construction of a footpath at the roadside would require significant pruning to the canopies and disturbance to the root zone. While it might be technically feasible to construct a path a detailed design would have to be considered and assessed.

I conclude that the development of the proposed house is compatible with the protection of trees on site and that a footpath could also be constructed subject to careful design.

Wastewater treatment

The site size defined for this application is 0.1483 hectares. In view of the small size the proposal includes a treatment system and sand polishing filter. The applicant has clarified by way of additional information received on 24th September 2015 that the water table (mottling) is at 1.3m below ground level and the sand filter at 0.9m below ground level resulting in a 0.4m separation between the two. The design is stated to comply with an amendment to the EPA code of practice released in 2012.

I consider that the small size of the site (0.1483 hectares) is noteworthy in view of the potential for development of other residences within the holding. I also note the absence of any information regarding the location of wastewater infrastructure serving the adjacent (unnamed) house to the east. The area is served by public water supply. Having regard to the results of the site suitability assessment and the existing pattern of development I consider that the development is acceptable subject to adherence to the standard condition.

S49 scheme

The applicant cover letter dismisses the need for a Luas B1 contribution, which TII considers is relevant. The application includes a map showing the site within the scheme boundary – PL-02-084 prepared by DLRCC. It is argued that the site is not within 1km and that the payment should not apply. I consider that the inclusion of

the site within the defined area of the scheme as described on the map is a material factor. I do not consider that the merits of the area defined on that map is a matter for the Board. I note that under the previous appeal the s49 contribution was required under condition. The same approach is appropriate in this case if permission is granted.

9.0 CONCLUSIONS AND RECOMMENDATION

I recommend that the Board uphold the decision of the Planning Authority to refuse permission for the reasons and considerations below.

REASONS AND CONSIDERATIONS

The site is located in a suburban area and is served by a local road which is narrow in width and lacking footpaths. It is considered that the proposed development is premature by reason of the lack of adequate, safe pedestrian facilities, which renders it unsuitable to carry the increased pedestrian traffic likely to result from the proposed development. The proposal is, therefore, contrary to the proper planning and sustainable development of the area.

Mairead Kenny

Senior Planning Inspector

16th February 2016