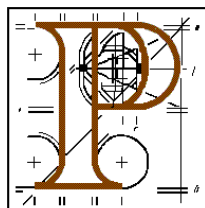


An Bord Pleanála



Inspector's Report

An Bord Pleanála Ref.:

PL. 06.S.245853

Development:

Permission for the construction of 2 no part single storey, part 2 storey, 3 bedroom end of terrace houses and two no 2 storey 2 bedroom mid terrace houses, together with individual vehicular entrances and gardens, associated siteworks and services.

Location:

24-27 Collinstown Grove, Clondalkin, Dublin 22.

Planning Application

Planning Authority:

South Dublin County Council.

Planning Authority Reg. Ref.: SD15A/0285

Applicant:

Tuath Housing Association

Type of Application:

Permission.

Planning Authority Decision:

Grant permission with conditions.

Planning Appeal

Appellants:

Thomas Davis, Adrian Byrne and others.

Type of Appeals:

3rd Party v Permission.

Observers:

None

Date of Site Inspection:

22nd March 2016.

Inspector:

Bríd Maxwell.

1.0 SITE LOCATION AND DESCRIPTION

1.1 The appeal site, which has a stated area of 0.0759 hectares, comprises an undeveloped / gap site, presently grassed within a well-established housing development, Collinstown Grove in north Clondalkin, Dublin 22. The site is roughly rectangular in shape and is relatively level. The south-eastern boundary of the site backs onto the rear gardens of two storey dwellings on Palmerstown Woods. There are terraced two storey dwellings to the north eastern and the north western sides of the site whilst there is an open space / amenity area opposite to the northwest. There is a footpath and grassed verge with two trees along the street frontage of the appeal site.

2.0 PROPOSED DEVELOPMENT

2.1 The proposed development involves the construction of 2 no part single storey part two storey 3 bedroom end of terrace houses and 2 no two storey 2 bedroom mid terrace houses together with individual vehicular entrances and gardens, associated site works and services. The proposal adopts the established building line, eaves and ridge lines and incorporates the materials of the established dwellings in the vicinity. The proposed end units, numbers 24 and 27 are designed to accommodate the specific needs of wheelchair users as they provide ground floor accessible bedroom and bathroom within a single storey rear projection. The proposed accommodation is summarised as follows:

	Floor Area	Private Amenity Space
House No 1. 3 bed.	128.52m ²	58.56m ²
House No 2. 2 bed.	84.06m ²	55.44m ²
House No 3. 2 bed.	84.06m ²	55.85m ²
House No 4. 3 bed.	114.15m ²	60.64m ²

3.0 DEVELOPMENT PLAN CONTEXT

- 3.1 The South Dublin County Development Plan 2010 – 2016 applies. The site is zoned Objective A - to protect and / or improve residential amenities.
- 3.2 Section 1.4 Sustainable Neighbourhoods.
- 3.3 Policy SN25 Minimum Required Private and Semi-Private Amenity Space Standards.
- 3.4 Policy SN19 Minimum Standards for New Residential Units.

(Relevant extracts are appended to this report.)

4.0 NATIONAL POLICY

4.1 Sustainable Residential Development in Urban Areas May 2009

4.1.1 The Guidelines encourage high quality sustainable residential development, urban form and design. They are concerned to promote a sequential approach to development and to create an overall design framework with linkages to the existing developed area. They support Local Area Plans and the phasing of development, also having regard to the availability of infrastructure. Regard is had to the availability of community facilities, public transport and the quality of open space. Chapter 3 concerns the role of design. Chapter 4 provides for planning for sustainable neighbourhoods. Chapter 6 refers to growth in small towns and villages, which it defines as 400 to 5,000 persons and provides that higher densities are appropriate in certain locations.

4.1.2 Chapter 7 deals with the home and its setting and discusses issues such as daylight, sunlight, privacy, open space and communal facilities. Regard is had to the accompanying DOEHLG 'Urban Design Manual-A best practice guide 2009' and to the 12 criteria to promote quality

sustainable urban design discussed in this document. Regard is also had to the application of these criteria, which are divided into three sections: Neighbourhood, Housing Site and Home.

5.0 PLANNING HISTORY

5.1 No planning history on the site.

6.0 PLANNING AUTHORITY'S DELIBERATIONS AND DECISION

6.1 Submissions to the Planning Authority

- Third Party submission from Collinstown Grove, Palmerstown Woods Residents objects to the development of the site on grounds of health and safety concerns, noise, traffic disturbance, precedent for introduction of water meters, anti-social behaviour if houses are used as part of rehabilitation programme, impact on sunlight on 23 Collinstown Grove, devaluation of property, damage to visual aesthetics of Collinstown Grove. Proposal will compound social deprivation and disadvantage. Houses at Collinstown Grove were purchased based on plans which had no intention of infill housing. Alternative options to purchase housing should be pursued.
- Adrian Byrne, 46 Collinstown Grove outlines the background to Collinstown Grove a private estate with owner occupier tenure located to large social housing estates. Objects based on unacceptable high density overdevelopment of Collinstown Grove estate and loss of open aspect. Precedent for loss of green space. Unacceptable concentration of social housing resulting in dilution of existing social cohesion.
- Irish Water - No objection

6.2 Interdepartmental Reports

- Water Services report seeks additional information regarding sustainable urban drainage system measures.
- Roads Department - no objection subject to conditions.
- Planner's report recommends permission subject to conditions.

6.3 Decision

6.3.1 South Dublin County Council issued its notification of decision to grant permission dated 13th November 2015 subject to 11 conditions which included the following of particular note:

- *Condition 2. Revision to vehicular access to house 3 relocated to ensure retention of existing mature tree at grassed verge. Planting pit at vehicular access to house 1 and 2. Gable ended roof structures to single storey rear elements to houses 1 and 3 to be hipped and pitched in profile.*
- *Condition 3. Drainage infrastructure.*
- *Condition 4. Single occupancy of each unit.*
- *Condition 5. Construction management plan.*
- *Condition 6. Bin storage.*
- *Condition 9. Bond €500 to ensure protection of southern street tree.*
- *Condition 10. Numbering 24- 27 Collinstown Grove.*
- *Condition 11. Hours of construction.*

7.0 GROUNDS OF APPEAL

7.1 The third party appeal is submitted by Thomas Davis and Adrian Byrne on behalf of Collinstown Grove and Palmerstown Woods Residents. The grounds of appeal are summarised as follows:

- Unacceptable planning towards high density overdevelopment of Collinstown Grove Estate.
- Loss of open aspect green areas and amenities.

- Unacceptable encouragement of social housing into an area affected by a concentration of poverty.
- Transient occupancy of housing association tenancies will create social instability and will undermine the social fabric.
- Impact on housing values.
- Inconvenience and health and safety impacts during construction phase.
- Insecurity and fear arising from potential use for high dependency residents or people with special support needs.
- Design of houses out of character with the existing estate.
- Proposal will not generate renaissance or regeneration rather it will reinforce existing systematic inequalities and deprivation.

8.0 RESPONSES TO THE APPEAL

8.1 First Party Response to the Appeal

8.1.1 The response received on behalf of the first party comprises submissions from Collins Maher Martin, Architects. Response is summarised as follows:

- Issues raised in the appeal were those raised in submissions to the local authority.
- Collinstown Grove is a development of 29 houses on a site of 1.43 hectares giving a density of 20.27 houses per hectare. Proposal will bring total to 33 at a negligible increase in density to 23.07 per hectare. This could not be described as high density. Density is in keeping with established pattern.
- There is no loss of amenity space as the site was always clearly intended to be a site for four houses as evidenced by the gap in numbering. Collinstown Grove is very well serviced by open space and directly adjoins a large public park.
- Addition of 4 housing association houses cannot be said to be an unacceptable encouragement of social housing into North Clondalkin.

- It should not be assumed that the beneficiaries of the development will be problematic and there is no evidence to suggest properties will be of transient occupancy.
- Tuath Housing Association has a strong record of selecting responsible tenants and will play an active role in managing tenancies.
- No impact on market value of houses.
- Proposal will improve the material fabric and character of the area with the addition of sympathetically designed properties of superior build quality.
- Construction phase inconvenience will be temporary.
- Health and safety issues during construction will be carefully risk assessed and managed.
- Integration of social housing is actively encouraged by government policy.
- One of the most effective and sustainable ways to regenerate an area is to carry out appropriate infill developments to make sustainable use of zoned and serviced land with access to amenities and services, thereby increasing effective support population or those services.
- Proposal for appropriate housing on an appropriate infill site to meet a strong housing need is entirely in keeping with planning policy for the area.

8.2 Planning Authority Response to the Appeals

8.2.1 The Planning Authority did not respond specifically to the grounds of appeal.

9 ASSESSMENT

9.1 Having examined the file, considered the prevailing local and national policies, inspected the site and assessed the proposal and all

submissions, I consider that the key issues arising in this appeal can be considered under the following broad headings.

- Principle of development.
- Quality of design and layout and impact on established residential amenity.
- Other matters.

9.2 Principle of development

9.2.1 As regards the principle of development, the site is zoned Objective A to protect and/or improve residential amenity and the proposal to provide residential development on the site is appropriate in terms of this zoning objective. Having regard to the character of the site as a gap site, and as evidenced by the adjacent house numbering and the omission of numbers 24-27 Collinstown Grove, the development of four dwellings was clearly envisaged from the outset of development in this estate. In this regard I do not accept that the proposal will set a precedent for development on open space / amenity areas. As regards the proposed density, whilst low in character, it is clearly in keeping with the established pattern of development in the vicinity. Having regard to this context I consider that the proposed density is appropriate. As regards issues raised in relation to tenure and development by Tuath Housing Association, as highlighted by the first party in response to the appeal, integrated housing is government policy and there is no basis for concerns that the proposal will undermine the established social fabric. I note the submissions on behalf of Tuath Housing Association outlining their commitment in terms of managing tenancies. On this basis I consider that the principle of development of the site for residential use is welcome and therefore the focus for assessment is on the detailed nature of the development.

9.3 Quality of Design and Layout and Impact on Established Residential Amenity.

9.3.1 As regards the issue of the residential amenity of the proposed dwelling units, I note that the floor areas of the proposed dwellings generally meet the minimum standards in terms of layout floor areas and private open space provision and provide for an adequate standard of residential amenity. Whilst the separation distance from dwellings to the rear in Palmerstown Wood is 20.9 which falls short of the development plan standard of 22m, the distance is the same as that of adjacent dwellings in the vicinity. Proposed end units, and in particular proposed number 24, provides a substantial single storey rear projection resulting in a smaller rear garden area of 58m². Noting that the Development Plan requirement is 60m², I consider that the shortfall is marginal and has been justified on the basis of the specific requirements for universally accessible accommodation. Whilst the single storey rear elements to the end of terrace units are substantial in terms of projection and proximity to party boundary walls, on the basis of their height and design, I would consider that they will not impact unduly on adjacent dwellings. I would concur with the approach of the Local Authority Planner to provide for hipped gable roofs to mitigate impact. I consider that the proposed layout will not give rise to a significant impact on established residential amenity in terms of overlooking or overshadowing.

9.3.2 As regards the design and material finish of the proposed dwellings, I consider that the proposal draws from its context borrowing from the features of the established dwellings in the vicinity and integrates well with the established pattern of development.

9.4 Other Matters

- 9.4.1 As regards servicing, technical reports on file raised no specific concerns in terms of public sewer capacity and public water supply.
- 9.4.2 On the matter of appropriate assessment, having regard to nature and scale of the proposed development and nature of the receiving environment and proximity to the nearest European site, it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European Site.

10.0 CONCLUSION & RECOMMENDATION

- 10.1 Having read the submissions on file, visited the site and had due regard to the provisions of the South Dublin County Development Plan 2010-2016 and all other matters arising, I consider that a permission for the proposed development, subject to compliance with the conditions set out below, would not, seriously injure the residential amenities of the area would be acceptable in terms of visual impact and overall design idiom and would thereby accord with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The vehicular access point to dwellings shall be relocated as necessary to provide for the protection of existing mature trees in grassed verge.
 - (b) The gable ended roof structures proposed in the single storey rear elements to proposed houses 1 and 4 shall be hipped and pitched in profile.

Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) A plan to scale of not less than [1:500] showing –
 - (i) Existing trees which are proposed for retention as features of the site landscaping.
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period.
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder [which shall not include *prunus* species]

(iv) Details of roadside / street planting [which shall not include prunus species]

(b) A timetable for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species.

Reason: In the interest of residential and visual amenity.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. Each proposed dwelling unit shall be occupied as a single residential unit.

Reason: In the interest of residential amenity.

9. (a) A plan containing details for the management of waste (and, in particular recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screen bin stores, which shall accommodate not less than 3 standard sized wheeled bins within the curtilage of each house plot.

Reason: In the interests of residential amenity.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of residential amenity.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority

prior to commencement of development. The plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects” published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste generated during site clearance and construction phases and detail of the methods and locations to be employed for the prevention, minimization, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

12. The development hereby permitted shall be carried out and completed at least to the South Dublin County Council Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer, or in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

Brid Maxwell
Planning Inspector
23rd March 2016