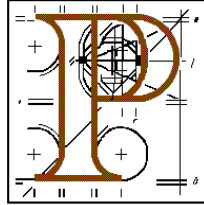


An Bord Pleanála Ref.: **PL O6D.245911**

An Bord Pleanála



Inspector's Report

Development:

Permission sought for demolition of house and outbuildings, construction of 12 no. houses with off street parking and new access from Knocksinna Crescent off Granville Road, Blackrock, Co. Dublin.

Planning Application

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Authority Register Reference: D15A/ 0431

Type of Application: Permission

Applicant: Floramount Ltd.

Planning Authority Decision: Grant permission

Planning Appeal

Appellants:

1. Floramount Ltd. (First Party)
2. David Rafferty
3. Frank and Zita Byrne
4. Edwin and Robin Tooke
5. Kieran and Hilda Leahy
6. Daniel and Jenifer Cullen
7. James O' Neill
8. Jim Caplis and Mary Cullinane

Type of Appeal: First Party and Third Party

Observer(s):

1. Ronan and Julie Deignan
2. Joseph and Jennifer Ruane
3. Martin Wall
4. Arnold and Miriam Edge
5. Hugh and Mary McLoughlin
6. Michael Glynn
7. Dara and Eleanor Kilmartin

Inspector: Emer Doyle

Date of Site Inspection: 8th March 2016

SITE LOCATION AND DESCRIPTION

The subject site with a stated area of 0.5039 hectares is located within a mature residential area in Blackrock, Co. Dublin. It is located approximately 1km west of Deansgrange village and 2.3km south of Blackrock. The N11 is located approximately 300m to the south-west of the site.

A two storey detached dwelling in reasonably good condition is currently located on the site. There is also a single storey structure to the rear of the main house that was originally permitted in 1978 as a one bed dwelling but which has ceased to be in residential use for some time and is used as a workshop/ shed. This property together with a site outlined in blue that has recently been granted permission for a dwelling are accessed from an established entrance off Granville Road. The entrance road is a narrow lane with tall conifers on both sides. This is the only part of the site directly visible from the public road.

The garden of the existing house is planted with a variety of trees, shrubs and perennial plants.

A set of photographs of the site and its environs taken during the course of the site inspection is attached.

PROPOSED DEVELOPMENT

Permission is sought for development comprising the following:

Demolition of the existing house and outbuildings (c. 326.5m²)

- Construction of a new residential development comprising 12 no. 2-4 bed detached and terraced units (ranging in size from c.89m² to c. 202m²). Type A provides for 2 No. 3 storey detached dwellings of c. 200m² to 202.3m². Type B provides for 5 No. 3 storey terraced units ranging in size from 152.3m² to 171.1m². Type C provides 4 No. 2/3 storey detached houses ranging in size from 136.6m² to 172.4m². Type D provides for a single storey detached dwelling of 89m².
- A new access is proposed from Knocksinna Crescent.
- All associated site development, landscaping, boundary treatment works and services provision.

Documentation submitted with the application includes the following:

- Planning Report
- Infrastructure Design Report
- Landscape Statement
- Arboricultural Assessment

Further Information was submitted to the Planning Authority dated the 27th of October 2015. The main details submitted include the following:

- Change to mix of units – 2 of the Type C detached houses are altered to provide for a pair of semi-detached houses.
- Changes to layout to provide for a re-orientation and relocation of houses 1 -4.
- Changes to roof profile of house No. 6.
- Statement that all units are 3 storey with the exception of the bungalow. Plans have been submitted for all House Type C with 3 floors.
- Tree Survey and Landscape Masterplan
- Quality Audit and Road Safety Audit.
- Provision of 2 car parking spaces per dwelling.
- Details of proposals in which it is intended to comply with Part V of the Planning and Development Act as amended.

PLANNING HISTORY

Relevant planning history includes the following:

PA Reg. Ref. D14A/0440/ ABP PL06D.243937

Permission refused by Planning Authority and ABP for demolition of house and construction of 10 dwellings on this site. Permission was refused by the Board for one reason as follows:

Having regard to policy RE S7 of the current development plan for the area, the Board considered that the absence of design variety in the houses proposed together with the linear layout of the houses would seriously injure the visual amenities of the area. The Board considered that the shape and delineation of the open space provided would be likely to render it of little benefit to future residents and that the proposal would not, therefore, be in accordance with the proper planning and sustainable development of the area.

PA Reg. Ref. D14A/0857/ PL06D.244660

Permission refused by Planning Authority and granted on appeal to the Board for dwelling with off street parking and reusing the existing entrance on Granville Road on site outlined in blue on the site location/ layout maps.

PA Reg. Ref. D14A/0441

Permission refused by Planning Authority for two storey dwelling on lands to the south of the site.

PLANNING AUTHORITY REPORTS

Planning Report:

The planning report noted that 27 No. objections were received during the prescribed period. The main concerns raised in the first report were in relation to the mix of housing units and the low density proposed. The second report considered that a higher density was required for sites 1-6.

Transportation Planning:

The first report required Further Information. The second report recommended permission subject to conditions.

Housing Section:

The first report required Further Information. The second report recommended permission subject to conditions.

Building Control:

No objection subject to conditions.

Irish Water

No objection subject to conditions.

Surface Water Drainage Report

No objection subject to conditions.

Parks and Landscape Services

The first report required Further Information. The second report recommended permission subject to conditions.

PLANNING AUTHORITY DECISION

The planning authority granted permission subject to 30 No. conditions. Of particular note are the following conditions:

Condition 2: Nos. 1-6 to be omitted from the development with a revised planning application to be submitted with an increased density on this part of the site.

Reason: To achieve an appropriate density of residential development in accordance with the 2010-2016 Dun Laoghaire Rathdown County Development Plan.

Condition 3: The open space shall be maintained for the use of the permitted dwelling Nos. 7-12 to serve the future development of sites Nos. 1-6.

Reason: In the interests of residential amenity.

GROUNDINGS OF APPEAL

The following is a summary of the main issues raised in the appeal submitted on behalf of the **first party (Floramount Ltd.)**:

- It is requested that An Bord Pleanála omit condition No. 2 and grant permission for the scheme in full.
- A high density scheme is inappropriate on this site having regard to the nature and size of this infill backland site, surrounded by low density housing and existing residential amenities.
- The location for the proposed detached houses is perhaps the most sensitive area of the site having regard to existing residential development and the need to protect trees.

The following is a summary of the main issues raised in the appeal submitted by the **third parties (David Rafferty, Frank and Zita Byrne, Edwin and Robin Tooke, Kieran and Hilda Leahy, Daniel and Jenifer Cullen, James O' Neill, Jim Caplis and Mary Cullinane)**:

- Legal Interest
- Impact on Residential Amenity
- Density Inappropriate
- Impact on Traffic
- Impact on Trees and Boundary Treatment
- Impact on Existing Services
- Impact on Visual Amenity
- Finishes inconsistent with existing estate
- Site prone to flooding.

RESPONSE SUBMISSIONS

PLANNING AUTHORITY RESPONSE TO GROUNDS OF APPEAL

None.

FIRST PARTY RESPONSE

The first party response submitted can be summarised as follows:

- The issue of ownership is not a planning matter.
- The distance between dwellings is considered acceptable in maintaining a high level of residential amenity and privacy to surrounding dwellings.
- The density proposed is appropriate and will provide a mix of dwelling units to future occupants including first time buyers and older residents.
- It is considered that the scheme provides sufficient levels of car parking and the moderate scale of development will generate a volume of traffic that can be adequately consumed in the existing network.
- The majority of trees on the site are not rare or unusual and trees worthy of protection have been incorporated into the masterplan.
- Concerns in relation to flooding and drainage are unfounded.

OBSERVATIONS

The following is a summary of the main issues raised in the appeal in the observations submitted by **Ronan and Julie Deignan, Joseph and Jennifer Ruane, Martin Wall, Arnold and Miriam Edge, Hugh and Mary McLoughlin, Michael Glynn and Dara and Eleanor Kilmartin:**

- Development out of character with the area.
- Unclear whether some of the houses are two or three storey.
- Development will set a poor precedent for future development.
- Insufficient Legal Interest

- Excessive Density
- Impact on Visual Amenity
- Loss of mature trees and biodiversity
- Traffic Safety

POLICY CONTEXT

Development Plan – Dun Laoghaire Rathdown Development Plan 2016-2021

The appeal site is within the area covered by the Dun Laoghaire-Rathdown County Development Plan, 2016- 2021, and has a zoning objective 'A' –'To protect and/or improve residential amenity.'

Policy RES 3 promotes higher densities with as a general rule a minimum default density of 35 units per hectare.

Policy RES 4 encourages the densification of existing built up areas.

Policy RES 7 encourages the establishment of sustainable residential communities by ensuring a wide variety of housing and apartment types.

Section 8.2.3 deals with Residential Development.

The Sustainable Residential Development in Urban Areas (DoEHLG 2009) identifies inner suburban/ infill sites as being appropriate for higher densities.

ASSESSMENT

I consider the key issues in this case to be the following:

- Principle of Development
- Density
- Housing Mix
- Loss of Mature Trees and Biodiversity
- Design and Impact on Residential Amenity
- Other Matters

Principle of Development

The subject site is zoned as 'A'- to protect and improve residential amenity. The demolition of an existing dwelling and the construction of 12 No. houses is therefore acceptable in principle under the provisions of the Development Plan.

Density

Two conflicting arguments are put forward in relation to density. The case is made in a number of the third party appeals and the observations that the proposal represents an overdevelopment of the site whilst the case is made in the first party appeal that the density is appropriate for the site. The planning authority considered that a higher density could be achieved on the northern part of the site and granted permission only for the southern part of the site. Condition 2 required a revised planning application for the northern part of the site with an increased density of development.

Section 5.9 of the Sustainable Residential Density in Urban Areas Guidelines relates to sites such as this one and 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 the amenities and privacy of adjoining dwellings, the protection of established character to provide residential infill.'

Development Plan policy advocates high quality design in new developments, the densification of existing built up areas and identifies particular locations suitable for higher densities at a minimum of 50 units per hectare within 500m of a Quality Bus Corridor, within 1km of a town or district centre or 1km of a rail station or luas line.

This is a serviced, residentially zoned site within walking distance of significant public transport infrastructure with a Quality Bus Corridor on the N11 in close proximity to the site. I would estimate that the walking distance from the site access going through Knocksinna Crescent is in excess of 500m.

The density proposed is 24 dwellings per hectare and the number of units from the previous appeal on the site increased from 10 to 12. This represents an increase in density from the 20 units per hectare previously proposed. I note that the Development Plan policy states that 'As a general rule the minimum default density for new residential developments in the County shall be 35 units per

hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule particularly in relation to 'greenfield' sites or larger 'A' zoned areas.'

I am of the view that the primary considerations in this case relate to the quality of the layout and mix of housing units in the proposed development and the impact on existing residential amenity. I am not satisfied that the revised design has had sufficient regard to the design of the site layout, the housing mix, or the character of the site with particular regard to the loss of mature trees on the site.

The site is of limited size and is not a greenfield site and sites such as this are more restricted in the sorts of density that can be achieved. However, I consider that the site layout submitted is not innovative, is wasteful of land and doesn't adequately attempt to protect and preserve trees and woodlands on the site. The Sustainable Urban Housing Guidelines (5.1) make the point that high quality design should achieve an efficient use of land appropriate to its context while avoiding the problems of overdevelopment. An appropriate mix of dwelling units is also crucial to achieving this quality. In my view, neither the quality of the layout or the mix of housing units is adequate and the applicant has made minimal attempt to address this issue notwithstanding the F.I. Request issued by the Planning Authority. I am of the view that granting permission for one part of the site only in accordance with condition two of the planning authority would make the site more difficult to develop as a whole and would therefore give the applicant less scope in an alternative innovative layout. I also note the concerns raised regarding 'piecemeal' development of the site and the frustration of local residents regarding same. As such, I am of the view that increased density would be more appropriate for the site and that this would be better achieved by an innovative layout for the site as a whole. The current proposal represents an inefficient, wasteful and unsustainable use of serviced, zoned land and would be in conflict with Policy RES 3 of the current Development Plan and the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.'

Housing Mix

Two different layouts have been submitted for the proposed development. The first layout provides for 5 terraced units, one bungalow and 6 large detached dwellings. The second layout submitted on the 27th of October 2015 provides for 5 terraced units, one bungalow, 4 large detached dwellings and 2 large semi-detached dwellings. With the exception of the bungalow, all of the properties are

large three storey dwellings. The F.I. response states that it is envisaged that the scheme will attract couples or families with children whilst the single storey house would be well suited to an older couple or single person.

I consider that this development is market led and a response to the over supply of mainly apartments in the Dun Laoghaire Rathdown area in the recent past. The lack of housing mix is strongly related to the density on the site and I see no reason why the developer couldn't achieve a greater mix of sizes and house types on this particular site to include apartments or duplexes to suit the trends within the County which show a decline in family housing and an increase in elderly and single person households. The density proposed represents an unacceptable and wasteful use of zoned and serviced land close to good public transport links and existing services and facilities. A proposal for a higher density scheme consisting of an increased number of smaller dwelling units would improve the overall mix of dwelling types in the area and would allow for a greater number of households in a highly accessible and convenient location. Moreover, this approach would respond better to the anticipated trend towards smaller households in the medium to long term.

Loss of Mature Trees and Biodiversity

Concern has been raised in a number of the observations and third party appeals submitted regarding the loss of mature trees and the impact on biodiversity. A tree survey was submitted with the application which included a tree assessment of all existing trees on site, an arboricultural impact assessment and an arboricultural method statement. Further Information was requested by the Council as it was considered that the Arboricultist's reports were insufficient. Revised details were submitted to the Planning Authority dated the 27th day of October 2015. It is proposed to remove the majority of trees from the site in order to construct the proposed development. The varieties of trees proposed to be removed include birch, cherry, pine, myrtle, gleditsia, maple, gum, cherry, pine, sycamore, and lime. The majority of trees to be removed are of low and moderate quality (B or C grades) and it is proposed to remove same due to the proposed development. Only one sycamore tree is to be removed due to its condition, that is sycamore tree 350 (U Grade). It is stated in the landscape statement submitted to the Planning Authority dated the 27th day of October 2015 that much of the planting throughout the garden is overmature and overgrown and that the most imposing specimen on the site, a large Holm Oak will be retained. Other trees to be retained include 2 No. sycamore trees and a horse chestnut tree. In total, 4 trees are to be retained compared to the 9 retained trees

in the appeal to the Board under PL06D.244937. The landscaping plan proposes approximately 60 trees within the open space, verges, and private gardens. It is proposed to replicate the original species and patterns to respect the context and diversity of plants introduced to the area by the previous owners. It is proposed to retain as much boundary planting as possible, particularly the Rhododendron, Camellia and Magnolia plantations on the eastern boundary of the site.

I note that parts of the garden are overmature with the majority of planting commercially available and could not be considered to be rare. I share the view in the landscape statement that 'there are glimpses of the site vegetation from Granville Road, but the site trees do not form a significant element of the visual environment of the public realm.' I would consider that the most significant visual impact would be from the private open space of surrounding dwellings. I note from the observation submitted by the Kilmartin family that there is a bee teaching apiary adjacent to the site boundary and the concern that the proposed development would be damaged or made unmanageable by the proposed development. I consider that the loss of mature trees on this site is unnecessary and contrary to the objective on the site 'to preserve trees and woodlands.' Whilst I note that tree protection measures are proposed, together with significant additional planting, I am of the view that a better quality layout could provide for a higher density of housing (apartments or duplexes) with smaller footprints moved back from the site boundaries where much of the existing mature trees are located.

Design and Impact on Residential Amenity

The main concerns raised in relation to design and impact on residential amenity relate to the impact of three storey houses in a community where one and two storey houses are the long established norm. Concern is also raised in relation to the uncertainty that local residents may face in the future by the additional application required by condition No. 2 which requires an increased density on the site and the overbearing and oppressive effects of three storey houses on higher ground than the bungalows in the vicinity of the site. Concern is also raised in relation to uncertainty as to whether the Type C houses are two or three storey.

I consider that the concern raised in relation to Type C houses has been addressed in the F. I response. These houses were initially designed to be either two stories or 3 stories (Site Layout Drawing REV4) however the F. I. Response clarifies this issue and provides for all Type C houses to have three floors.

This general area is characterized by large single and two storey detached dwellings with a very low density. Planning policy is now encouraging a higher density on sites such as this and whilst I accept that the type of development is very different to the existing pattern of development, the replication of the existing pattern of development is not compatible with planning policy in relation to increased densities. I note from the land levels on the site and the contextual levels submitted with the appeal response that the majority of the houses are located on a lower level than existing houses on Granville Road.

It is submitted that a contextual elevation should have been submitted with the application showing the proposed elevations in comparison to the bungalows in Knocksinna Crescent. I am of the view that this is unnecessary however regard to the proposed road between these bungalows and Knocksinna Crescent and the distance from the existing dwellings. Having regard to the significant distances between the bungalows and other housing in the area and the proposed dwellings I am not unduly concerned in relation to the potential for overlooking. I consider that the heights and external finishes proposed are appropriate for the site but consider that the impacts of the height will be exaggerated due to the loss of mature trees on the site.

OTHER MATTERS

Legal Issues

A number of the third party appeals and observations refer to a legal issue regarding a right of way known as Granville Lane. This is not considered to be a relevant matter for the Board. If planning permission is granted by the Board and if a third party considers that the planning permission cannot be implemented because of landownership or title issue, then Section 34 (13) of the Planning and Development Act 2000 is relevant. This section of the Act states that a person shall not be entitled solely by reason of a permission under this section to carry out any development.

Appropriate Assessment

Having regard to nature and scale of the development involving the demolition of an existing dwelling and shed on a site where public water /foul water collection systems are in place, it is not considered that Appropriate Assessment issues arise. 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 any European site.

Flooding

Concern is raised regarding potential flooding of the site. Section 7.0 of 'The Infrastructure Design Report' submitted with the application deals with this issue. It is stated that there have been 35 flood events within 2.5km of the site since 1978 but there are no recordings of flooding within or in the vicinity of the subject site. The OPW Flood maps indicates that the site is in zone C and is not affected by fluvial, pluvial, coastal or groundwater flood events.

Services and Drainage

Concerns are raised regarding inadequacies in existing foul and water services in the area. Section 3.0 of 'The Infrastructure Design Report' submitted with the application deals with this issue. An existing 225mm dia. foul sewer runs along the northeast footpath of Knocksinna Crescent. The foul network associated with the proposed development will connect into this existing sewer. It is proposed to connect to the existing watermain. I note that the Drainage Planning Water Services Report has no stated objection and raises no concerns in relation to the capacity of existing services.

Traffic

The main concerns raised in relation to traffic relate to the safety of children playing in the cul de sac of Knocksinna Crescent where the new access is proposed and the capacity of the road network in the area. Having regard to the suburban location of the appeal site together with the low number of additional dwellings proposed, I am satisfied that the road network in the area has the capacity to cater for the additional traffic proposed.

RECOMMENDATION

Having considered the contents of the application, the provisions of the development plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that the Board refuse permission for the development for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

1. Having regard to density of the development proposed on this inner suburban/ infill site, it is considered that the proposal represents an inefficient and unsustainable use of serviced, zoned land in a highly accessible and convenient location. Furthermore, it is considered that the proposal fails to contribute to the overall mix of housing typologies in area dominated by traditional suburban housing. The proposed development would therefore contravene Policy RES3 and Policy RES7 of the Dun Laoghaire Rathdown County Development Plan 2016- 2022 and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issued by the Department of Environment, Heritage and Local Government, 2009. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Emer Doyle

23rd March 2016