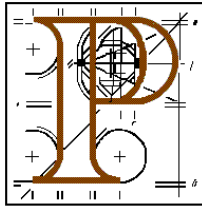


An Bord Pleanála



Inspector's Report

PL06D.246051

DEVELOPMENT:-

Demolition of house and construction of 8 no. houses. Houses no.s 1 and 2 will have access from Sandyford Road and no.s 3-8 will have access via Bearna Park. The site is at 'Kenler', Sandyford Road, Dublin 18.

PLANNING APPLICATION

Planning Authority: Dun Laoghaire Rathdown County Council
Planning Authority Reg. No: D15/0439
Applicant: Grattan Butler
Application Type: Permission
Planning Authority Decision: Grant

APPEAL

Appellant: Deirdre Fox
Type of Appeal: 3rd-v-Grant

DATE OF SITE INSPECTION: 15th April 2016

Inspector: **Colin McBride**

1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area of 0.24 hectares, is located south east of Sandyford Village (just south of the M50) and off the Sandyford Road. The site is occupied by an existing two-storey detached dwelling with vehicular access off the Sandyford Road. The site is surrounded on all sides (north west, south east and north east) by the existing housing development of Bearna Park), which is a development of two-storey terraced dwellings. To the north west along Sandyford Road there is two-storey, semi-detached dwelling and to the south east a single-storey detached dwelling. A green area within Bearna Park adjoins part of the south eastern boundary, while existing dwellings within Bearna Park including a cul-de-sac/turning area adjoin the north western boundary. Existing boundary treatment around the site includes a mixture of hedgerow, railings and walls.

2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought for the demolition of an existing dwelling and the construction of 8 no. two-storey dwellings. The dwellings consist of...

House Type A: 2 no. Two-storey 4 bed detached dwellings (135sqm).

House Type B: 2 no. Two-storey 3 bed terraced dwellings (125 and 125.5sqm)

House Type B1: 1 no. Two-storey 3 bed terraced dwelling (132.7sqm).

House Type C: 2 no. Two-storey 3 bed terraced dwellings (125.3 and 125.9sqm).

House Type C1: 1 no. Two-storey 4 bed terraced dwellings (154.3sqm).

Dwelling no.s 1 and 2 will have access from Sandyford Road and no.s 3-8 will have access via Bearna Park.

3. LOCAL AND EXTERNAL AUTHORITY REPORTS

3.1

(a) Parks and Landscape Services (11/07/15): Grant of permission subject to conditions.

(b) Irish Water (11/08/15): No objection subject to condition.

(c) Transportation Planning (19/08/15): Further information required including a detailed analysis of traffic movement on and off the Sandyford Road as

well as house no. 3, details of how the proposal will tie into the existing Bearna Park access road, details of consent to access the site through removal of the existing boundary wall, details of how the proposal will deal with traffic movements associated with service vehicles, details of visitor parking, lighting details and construction management proposals.

- (d) Planning report (27/08/15): Further information required consisting of the information sought by the Transportation Planning section.
- (e) Planning report (29/10/15): Clarification of further information required including details of how the internal footpaths will tie into the existing footpaths in Bearna Park, a detailed site layout plan showing individual traffic movements associated with dwelling no. 3, details of visitor parking and street lighting.
- (f) Transportation Planning (17/12/15): No objection subject to conditions.
- (g) Planning report (18/12/15): It was considered that the proposal was consistent with land use zoning and that the design and scale of the proposal was acceptable in regards to the visual amenity of the area, amenities of adjoining properties and development control standards. The proposal was also considered to be acceptable in the context of traffic safety and convenience. A grant of permission was recommended subject to the conditions outlined below.

4. DECISION OF THE PLANNING AUTHORITY

4.1 Permission granted subject to 23 conditions.

Condition no. 2: The 2 no. Visitor parking spaces shown on drawing no. 14.123.PD02 shall be omitted and replaced with public open space.

Condition no. 7: The applicant is to ensure the provision of a minimum depth of 5.5m for each in curtilage parking space for dwelling no.s 3-8. The applicant is also to realign to perpendicular with the access road the proposed in curtilage parking spaces of dwelling no.s 3-5.

Condition no. 13: Special Development contribution (Section 48(2)(c)) in lieu of the provision of open space on site.

5. PLANNING HISTORY

5.1 No planning history on the appeal site.

6. PLANNING POLICY

6.1 The relevant plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned Objective A with a stated objective 'to protect and/or improve residential amenity'.

6.2 RES3: It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:

- 'Sustainable Residential Development in Urban Areas' (DoEHLG 2009).
- 'Urban Design Manual - A Best Practice Guide' (DoEHLG 2009).
- 'Quality Housing for Sustainable Communities' (DoEHLG 2007).
- 'Irish Design Manual for Urban Roads and Streets' (DTTaS and DoECLG, 2013).
- 'National Climate Change Adaptation Framework - Building Resilience to Climate Change' (DoECLG, 2013).

RES4: It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

7. GROUNDS OF APPEAL

7.1 A third party appeal has been lodged by Deirdre Fox, 32 Bearnna Park, Sandyford, Dublin 18. The grounds of appeal are as follows...

- The appellant notes that despite the site having its own entrance the proposal to access through Bearnna Park would be detrimental to the amenities of residents in Bearnna Park due to the additional traffic generated in the cul-de-sac.
- The appellant notes that there are existing issues with turning movements and parking within Bearnna Park due to its layout and the width of the roads and that the proposal will generate additional turning movements and have an adverse impact in regards to existing parking issues as well as the additional waste collection required.
- It is noted the Bearnna Park has flooding issues with concerns that the proposal may exacerbate such issues.

- It is noted that density of development is out of character and this location
- It is noted that 75% of the residents of Bearna Park object to the proposal and a list of signatures to this effect is attached to the appeal submission.

8. RESPONSES

8.1 Response from Dun Laoghaire Rathdown County Council.

- It is noted that condition no. 2 omits two parking spaces in favour of open space and reduced the number of car parking spaces within the scheme.
- The number of parking spaces proposed is consistent with Development Plan requirements.
- The density (33 per hectare) is marginally below the requirement under Development Plan policy (35) but is considered acceptable.
- The issue of turning movements has been adequately dealt with in response to further and clarification of further information.

8.2 Response by Cunnane Stratton Reynolds on behalf of the applicant Grattan Butler.

- In regards to traffic safety it is noted that proposal is designed in accordance with the recommendations of the Design Manual for Urban Roads and Streets. A construction management plan was sent to the Council and includes use of the Sandyford Road entrance as far as practicable.
- It is noted that the cul-de-sac is of sufficient standard to cater for the traffic associated with the proposal and associated service vehicles. It is also noted that sufficient car parking has been provided to serve the proposed development.
- In relation to waste disposal it is noted that a designated spot is provided for bins to be put out for collection and that such would not interfere with existing properties.
- In regards to flood risk it is noted the flood maps do not identify any flood incidences in close proximity to the site and that a Strategic Flood Risk Assessment was carried out by the Council with no flood risks identified at Bearna Park. It is noted the proposal would not result in a flood risk due to the drainage proposals and requirements to be put in place.
- In regards to density it is noted that the density proposed is consistent with the requirements of Development Plan policy.
- It is noted that the status of green area within Bearna Park will not be altered and that the applicant has been charged a levy in lieu of the provision of public open space on site.

8.3 Further response by Dun Laoghaire Rathdown County Council.

- It is considered that the grounds of appeal do not raise any new matter that would justify a change in attitude to the proposed development.

8.4 Response by the appellant Deirdre Fox.

- There has been no consultation or details provided regarding a pedestrian pathway through the open space of Bearna Park.
- The appellant reiterates concerns regarding the impact of traffic movements and the potential for traffic hazard.
- The appellant reiterates concerns regarding existing level of parking in the cul-de-sac and the impact on the safety of residents as a result of the additional turning movements.
- In relation to waste collection it is noted that the additional parking in the cul-de-sac will cause difficulties for service vehicles such as waste collection.
- The appellant reiterates concerns regarding flood risk due to increased impermeable surface area.
- The appellant notes concerns that the proposed development would impact adversely on the character of the area.
- The appellant expresses concerns about the potential change to the green area as result of additional pedestrian pathways.

9. ASSESSMENT

9.1 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

Density/development control standards

Visual/adjoining amenity/pattern of development

Traffic/parking

Other issues

9.2 Principle of the proposed development/development plan policy:

9.2.1 The appeal site is on lands zoned Objective A under the Dun Laoghaire Rathdown County Development 2016-222 with a stated objective 'to protect and/or improve residential amenity'. The proposed residential use is consistent with this zoning objective. The proposal also complies with objectives RES 3 and RES 4 as set down under Section 2.1 of the Development Plan relating to Residential Development. The proposal provides for an increased density on residential zoned lands and a more

efficient use of serviced land. I would consider the principle of the proposed development is acceptable subject to the proposal being acceptable in regards its impact upon the amenities of adjoining properties, the visual amenities of the area and being acceptable in the context of traffic safety and convenience.

9.3 Density/development control standards:

9.3.1 Section 8.2.3.2 relates to Qualitative Standards for residential development. In regards to density it is noted that "In Dún Laoghaire Rathdown, apart from in exceptional circumstances, (e.g. where an LAP has identified sites where lower densities may be considered or in sites where mature tree coverage prevents minimum densities being achieved across the entire site) minimum residential densities should be 35 dwellings per hectare". In the case of the proposed development the density proposed is 33 units per hectare. I would consider given the nature of the proposed development and the existing pattern of development in the vicinity that the density proposed is satisfactory and does generally meet Development Plan objectives to provide for increased densities and the proposal is only marginally short of the 35 per hectares standard identified.

9.3.2 In regards to development control standards there are a number of standards relevant, which relate to open space provision and car parking. In relation to private open space all dwellings have a rear amenity space with such ranging in size from 61sqm for the smallest up to 95sqm for the largest. The requirement under Section 8.2.8.4 is 60sqm minimum for a three bed dwelling and 75sqm minimum for a four bed dwelling. The proposed development is consistent with this standard. Under the same section there is a requirement that "a minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, normally resulting in a minimum rear garden depth of 11 metres". The layout and design of the proposal also complies with this requirement of the County Development Plan.

9.3.3 In regards to public open space under Section 8.2.8.2 of the County Development Plan it is noted that "for all developments with a residential component – 5+ units - the requirement of 15 sq.m- 20 sq.m. of Open Space per person shall apply based on the number of residential/housing units. For calculation purposes, open space requirements shall be based on a presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. A lower quantity of open space (below 20 sq.m per person) will only be considered acceptable in instances where exceptionally high quality open space is provided on site". In the case of the proposed/approved development, there is a small area of public open space along the south

eastern boundary of the site and according to the plans this is to be incorporated into an existing public open space area within Bearna Park that is 2,549sqm in size. Based on Development Plan requirements a level of 420-560sqm is required.

9.3.4 Although the level of public space provided is way less than the amount required, I would consider a number of factors that should be taken into account. The size and shape of the would not lend itself well to the provision of this level of open space and it would be difficult to incorporate such without compromising the layout and maybe result in a much less dense development. I would note that Development Plan policy does provide for situation in which public open space is not provided. Under Section 8.2.8.2 (ii) it is noted that "where a new development is located in close proximity to (within 1km and/or 10 minute walking distance) an established high specification public park, the Planning Authority may, in certain cases, relax standards and seek a financial contribution in lieu of providing the full quantum of open space. I would note that the proposal is in close proximity to an existing area of public open space and the proposal does entail the development being accessible to such space. Also the site is in close proximity to an existing sports field located to the north west of the site. the proposal provides access to the existing green area in the south eastern boundary, however it proposes no other changes as this area is outside of the site boundary. The proposal under consideration does not entail any layout or landscaping changes to the existing green area despite the concerns expressed in the appellant's response. The proposal was subject to a special development contribution (section 48(2)(c) in lieu of the provision of public open space under condition no. 15. I would recommend that such a condition be imposed in the event of grant of permission.

9.3.5 In relation to car parking standards the proposal entails the provision of 2 no. off street car parking spaces for each dwelling. The layout of the proposal did include the provision of 2 no. visitor parking spaces at the end of the cul-de-sac however such are to be omitted in lieu of open space under condition no. 2. I would note that the development proposed/approved is fully compliant with the minimum car parking standards set down under Table 8.2.3.

9.4 Visual/adjoining amenity/pattern of development:

9.4.1 The proposal provides for 8 no. two-storey dwellings. To the front of the site facing Sandyford Road are 2 no. detached two-storey dwellings (House Type A), back to back with these is a terrace of 3 no. two-storey dwellings (House Type B/B1) which front onto an access road that links into the existing service road of Bearna Park. On the northern side of this access road is another terrace of 3 no. two-storey dwellings (House Type C/C1). As noted all dwelling are two-storeys and feature a pitched roof and ridge heights varying from

7.577m (House Type A) up to 8.323m (House Type C/C1). The dwellings are laid out in a manner that has full regard to the pattern of development on adjoining sites. In the case of House Type A, both dwellings conform to the building line and orientation established by the existing dwellings on either side along Sandyford Road. The same can also be said of the other dwellings on site. The terrace of dwellings consisting of House Type B/B1 also conforms to the building line and primary orientation of the existing dwellings immediately to the north west in Bearna Park (no.s 35-39). The terrace of dwellings consisting of House Type C/C1 also conforms to the building line and primary orientation of the existing dwellings immediately to the north west in Bearna Park (no.s 32-34). The design, scale and layout of the dwelling has adequate regard to the pattern of development on adjoining sites and would be acceptable in the context of the amenities of adjoining properties. The layout, separation distances and orientation of windows is such that the proposal would have an acceptable physical impact in relation to adjoining properties and would not result in a loss of privacy or light levels to any of the adjoining properties.

- 9.4.2 In relation to visual amenities the proposal provides for two-storey dwellings in an area that such is the predominant house type. I would consider that the overall design and scale of the proposed dwellings is consistent with the established pattern of development and character of the area. As noted earlier where the site has road frontage along the Sandyford Road, the proposal is consistent with the building line and scale of existing dwelling on adjoining sites. I am satisfied that overall design and scale of the proposal has adequate regard to the visual amenities of the area.

9.5 Traffic/access:

- 9.5.1 The proposal is for 8 no. dwellings on the appeal. Two of the dwellings (House Type A), which front onto the Sandyford Road, are to have individual entrances side by side, whereas the remainder of the dwellings (House Types B, B1, C and C1) are to be accessed through the existing service road in Bearna Park and link into the cul-de-sac that adjoins the north western boundary of the site. The appeal submission raises concern about accessing the bulk of the dwellings through Bearna Park. Firstly I would note that the site has road frontage along the Sandyford Road and could be exclusively accessed from this road frontage. I would note that if such were to be the case the likelihood that the number of dwellings that could be facilitated would be less due to the shape of the site and the need to provide a significantly longer service road than currently proposed. It is possible that such could be viewed as a less efficient use of the zoned and serviced land.

- 9.5.2 As noted the proposal entails the provision of two entrances side by side off the Sandyford Road to serve the individual houses fronting the public road.

This pattern of development is consistent with the established pattern of development, which has a significant number of dwellings along the road with individual access points. In terms of horizontal and vertical alignment and footpath provision, the existing road is of a good standard in regards to the provision of adequate sightlines and pedestrian facilities. In this regard I would consider that the proposed access arrangements along the Sandyford Road to be acceptable in context of traffic safety and convenience.

9.5.3 The main issue of contention in the appeal concerns the access from Bearna Park. It is proposed to access the site from through the north western boundary and provide a shared surface area with a turning area and two off-street car parking spaces for each of the new dwellings. In regards to traffic impact the proposal is for six dwellings to be accessed through Bearna Park. I would consider that the type and level of traffic proposed would not out of keeping with existing traffic levels and does not represent a hugely significant increase in traffic with Bearna Park. In addition I would note that the existing service road in Bearna Park is of a good standard in terms of width and alignment and pedestrian facilities. I would also consider that the provision of access from the existing cul-de-sac would not impact upon the function of the existing turning area. I would consider that the proposal would be acceptable in regards to service vehicles and note that the proposal is for additional dwellings access through an existing residential development and is essentially generating the same type of traffic already using the existing service road (including service vehicles). In regards to car parking each of the new dwellings has two car parking spaces and the level of car parking proposed is consistent with the minimum requirements of the County Development Plan as already noted earlier. It is notable that it was proposed to provide two visitor car parking spaces and that such were omitted by way of condition (no. 2). I would consider that such spaces should be retained as it provides additional defined visit parking and I would consider such more beneficial than incorporating the space dedicated to such into public open space in this case. I am satisfied that overall layout subject a few minor amendments (the requirements set down under condition no. 7), that the overall design and layout of the proposal is satisfactory in regard to traffic safety and pedestrian movements and that the additional traffic movement generated would have no adverse impact upon the amenities of existing properties within Bearna Park or on the traffic/pedestrian movements of existing residents. In this regard the proposal is satisfactory in the context of traffic safety and convenience.

9.6. Other Issues:

9.6.1 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.

9.6.2 The proposal entails demolition of an existing two-storey detached dwelling. The dwelling although not in poor condition is of no significant architectural heritage value and is not on the record of protected structures or within a designated architectural conservation area. The demolition of the existing dwelling in lieu of the provision of an increased density of dwellings is consistent with Development Plan policy and in this regard the proposal to demolish the existing dwelling is in accordance with the proper planning and sustainable development of the area.

9.6.3 The appellant raises the issue of flooding. There does not appear to be any record of any significant flood incidences at this location. I would note that the proposal was considered satisfactory in regards to drainage and subject to adequate conditions dealing with surface water, I am satisfied that the proposal would not entail a significant flood risk over and above the existing level of development on site.

RECOMMENDATION

I recommend a grant of permission subject to the following conditions.

REASONS AND CONSIDERATIONS

Having regard to the location of the site on residentially zoned lands in the Dun Laoghaire Rathdown County Development Plan, to the design, scale and layout of the development and to the pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would have no adverse impact on the character and setting of a protected structure and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance 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, and as amended by the plans submitted on the 5th day of October 2015 and the 27th day of November 2015, 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 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. 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.

4. 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 noise management measures, traffic management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

5. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

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

Reason: To provide for the appropriate management of waste and recyclable materials, in the interest of protecting the environment.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

9. The applicant shall ensure the provision of a minimum depth of 5.5m for each off-street car parking space for house no.s 3-8 to ensure parked vehicles do not obstruct the shared surface access carriageway or footpath. The applicant shall realign to perpendicular with the access road the proposed off-street car parking spaces for house no.s 3-5 to ensure provision of adequate parking space widths. 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 interests of orderly development.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

11. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the provision and improvement of public open space in the local area that will benefit the proposal in lieu of the provision of sufficient public open space on site. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are

not covered in the Development Contribution Scheme and which will benefit the proposed development.

12. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the cost of the extension of Luas Line B from the Sandyford Depot to Cherrywood (Luas Line B1) as per the term of the adopted supplementary development contribution scheme in place. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Colin McBride
17th April 2016