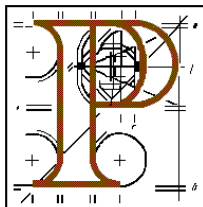


An Bord Pleanála



Inspector's Report

Development: Demolition of Shed, Construction of 3 no. Houses with Individual Gardens and Communal Parking for 6 no. cars accessed from a Single Entrance at "Somerton", Ballyboden Road, Dublin 14

Planning Application

Planning Authority: South Dublin County Council

Planning Authority Ref.: SD15A/0331

Applicant: Ray Goggin & Tony Brew

Type of Application: Permission

Planning Authority Decision: Grant with Conditions

Planning Appeal

Appellant: Glendoher and District Residents Association

Type of Appeal: 3rd vs Grant

Observers: Dodder Anglers Association Dublin

Date of Site Inspection: 16 May 2016

Inspector: Juliet Ryan

1 THE SITE

- 1.1 The appeal site, with a stated area of c.0.08 ha, is located c. 7.5 kilometres south of Dublin City Centre and c.1km south of Rathfarnham Village.
- 1.2 The site is relatively flat, irregularly shaped, and located on the southern bank of the Owendoher River (a tributary of the Dodder) and defined by the latter along its northwestern boundary and by Ballyboden Road along its southeastern boundary. At its southwestern end the site tapers almost to an apex. The eastern boundary is defined by a bungalow “Somerton” which is in office use and there is a two storey red brick office building “Riverbank House” to the east of this.
- 1.3 The site boundary along Ballyboden Road is defined by a c.2m high wall, with the boundary along the Owendoher River defined by a concrete retaining wall with post and wire fence over.
- 1.4 A number of large mature trees abutting the Owendoher river bank form part of a green corridor extending along both sides of the river. The site itself contains a number of mature trees.
- 1.5 The site has a hard standing surface and is currently in use as a builder’s yard. At the time of inspection there was a considerable degree of building material / debris and equipment being stored on site.
- 1.6 The wider area has an established low density residential character. Dwellings to the southeast on the opposite side of Ballyboden Road comprise gable fronted detached units dating from the 60s/70s. Houses to the northeast on Willowbank Drive comprise semi-detached units oriented towards the site. The junction of Ballyboden Road and Ballyroan Road to the southwest of the site is signalised and there is a bus lane on Ballyboden Road adjacent to the site.

2 THE PROPOSED DEVELOPMENT

- 2.1 The proposal comprises the demolition of the existing single storey shed on site and the construction of three detached two storey dwellings of 3 & 4 bedrooms. Each dwelling will have its own garden. Communal parking for 6 no. cars is to be provided at grade and accessed from a single entrance from Ballyboden Road.
- 2.2 The three units may be summarised as follows:

House 1 = 3 bed 101 sq m
House 2 = 3 bed 127 sq m
House 3 = 4 bed 131 sq m

The units will be oriented towards Ballyboden Road with low boundary walls and direct pedestrian links at this frontage.

- 2.3 Access is to be provided via the existing entrance to the overall lands located just in front of the existing bungalow (which is in use as a window showroom / office). From here a narrow access route will provide communal parking for 6 no. cars adjacent and north of the proposed dwellings.
- 2.4 The stated site coverage is 26% with a plot ratio of 0.52:1. Rear gardens are situated abutting the riverbank.
- 2.5 The detached dwellings will have feature red cedar timber on their front facades and otherwise will be finished in light grey render with zinc roofing and flashings.
- 2.6 The application was accompanied by the following:
 - Ecological Report prepared by Roger Goodwillie & Associates
 - Architect's Design Statement prepared by CDP Architecture
 - Engineering Report prepared by Molony Millar
 - Tree Survey & Plan of Preservation & Impact Assessment prepared by Arborcare

These may be summarised as follows:

2.6.1 Ecological Report

- Adjoining valley (i.e. opposite site at other side of river) has enough habitat to have characteristic woodland fauna and flora but the subject site contributes minimally to same
- The few trees on site (sycamore & ash) would form an extension only of the woodland canopy on the opposite bank
- No flora or fauna of significance occurs due to built-up nature of site, resulting in a low level of biodiversity interest

2.6.2 Architect's Design Statement

- Planning history of site indicates that both SDCC and ABP agree that 3 no. detached houses are appropriate on site
- Design of subject proposal responds to established residential character of area and makes contextual references to gable ended front elevations and hidden entrances in properties opposite

- Use of timber feature at front elevations makes positive contribution to streetscape and reflects straight lines evident on houses opposite
- Use of low boundary walls ensures connection with street and is in keeping with properties opposite
- Hidden terrace on House 2 is screened by timber and achieves a layer of depth at this façade
- Visual interest is achieved by varying depth of windows: flush when situated in timber cladding, and set back when situated in masonry
- Provides detailed architectural description of each unit
- Use of natural light is maximised, and windows are elongated to take full advantage of this
- Units are oriented onto Ballyboden Road to provide frontage along this stretch of streetscape
- Natural ventilation is maximised, solar photovoltaic panels are utilised, and it is proposed to achieve an A-band BER rating
- Proposal is accompanied by detailed Landscaping Plan

2.6.3 Engineering Report

- Includes Flood Risk Assessment
- Proposal will have no impact on river upstream given that it's not located in the river channel or floodplain
- There is a negligible impact on the downstream flood level
- Permeable paving will be used
- Proposal will improve quality of water draining into river over that currently discharged from site
- Note that flood event at Station 09009 in 1986 was measured downstream of subject site where Whitechurch Stream has connected with Owendoher
- Proposal exceeds total storage volume required for 100 year event (42.4 cubic metres)

2.6.4 Tree Survey & Impact Report

- Some two trees will require removal but should not result in a significant impact on the treescape of the area given the backdrop of trees from the far bank of the river
- One tree will be marginally affected, and should be fenced off prior to works
- Proposed planting of Rowan trees is appropriate at this riverbank location and will facilitate light penetration to the houses
- Two types of Betula will be planted, as requested previously by the Planning Authority
- Trees not to be retained must be removed prior to any other works
- Sets out detailed requirements for protective barriers and ground protection for trees to be retained

3 THE DEVELOPMENT PLAN

- 3.1 The South Dublin County Development Plan 2016-2022 was adopted on 16th May 2016 and has been operative since June 12th 2016. The site is zoned Objective A - *to protect and / or improve residential amenities.*
- 3.2 Specific housing policies in Section 2 of the Plan and implementation standards of Section 11 of the Plan apply (excerpt copies appended).
- 3.3 Site is within the River Dodder Catchment Flood Risk Assessment and Management Study Area (CFRAMS) - Area B – 1:1000 year flood risk.

4 PLANNING HISTORY

4.1 PL 06AS.244493 – June 2015 (file attached)

The Board refused permission (overturning South Dublin County Council's decision to grant) for the demolition of an existing shed and construction of a development of three detached two-storey three bedroom houses with individual gardens and communal parking for 8 no. cars accessed from a single entrance for the following reasons:

Having regard to its design, it is considered that the proposed development would fail to respond to the unique characteristics of the site, would not contribute to a sense of

place making and would create a poor quality streetscape at this location. The proposed development would, therefore, be contrary to the provisions of the current Development Plan for the area, would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

4.2 PL06S.244064 (SD11A0243) (File Attached)

The Board overturned the Council's decision to grant permission for demolition of dwelling and construction of four semi-detached two storey two bedroomed houses for the following reasons:

"It is considered that the traffic turning movements generated at the proposed entrance to the communal car park which is located in close proximity to a busy junction to the south of the site would endanger public safety by reason of obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

It is considered that the proposed development would fail to respond to the unique characteristics of the site would not contribute to a sense of place-making and would create a poor quality streetscape at this location. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

The site is located in an area where the land use zoning objective is to protect and / or improve residential amenity as indicated in the South Dublin County Council Development Plan 2010-2016. It is considered that the public and private open space provision on site is substandard in qualitative terms resulting in a substandard form of residential amenity for the future occupants of the houses and would, therefore, conflict with the land use zoning objective for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area."

4.3 SD11A/0046

Application on wider landholding incorporating the appeal site and the adjacent office buildings 'Somerton' and 'Riverside House'. The proposal sought permission to demolish the bungalow (Somerton) and construct a mixed use development comprising 4 houses, 2 garages

and a two storey extension to the existing office building Riverbank House. Permission was refused by the Planning Authority.

4.4 PL06S.232349 (SD08A/0698) (File Attached)

Application on wider landholding incorporating the appeal site and the adjacent office buildings 'Somerton' and 'Riverside House'. The Board refused permission for demolition of bungalow and construction of mixed use development comprising 4 houses, 2 garages and a two storey extension to an existing office building on grounds of overdevelopment of the site, inadequate provision of off street parking, and flood risk.

4.5 S94A/0071 Permission granted for construction of a two storey office building (Riverbank House).

5 PLANNING AUTHORITY DECISION

5.1 Internal Reports

5.1.1 The following Sections of South Dublin County Council prepared reports confirming no objections subject to condition:

- Water Services
- Environmental Services
- Environmental Health
- Roads

In addition, Irish Water had no objections to the proposal.

5.1.2 The Parks Department report raised a number of concerns in respect of the proposal, including the lack of a Landscape Plan; the extent of Japanese Knotweed on site, which it noted required extreme care when handling; the substandard arborocultural submission; the increasing threat of pluvial flooding; and Objective 89 of the Development Plan for a linear park along the Owendoher River. The Parks department recommended a number of conditions be attached to any grant of permission to address these issues.

5.2 Planner's Report

The Planner's Report considered the proposal acceptable and to have overcome the Board's previous reason for refusal.

5.3 Third Party Submissions

5.3.1 Some three submissions were received by the Planning Department, two of which were from the Appellants and Observers to the instant appeal, and the issues raised are generally reflected by their submissions to the Board.

5.3.2 The third submission was made by Ms Gretta Hannigan, which noted that the Owendoher River was an important salmonid nursery; that no alteration to the river was proposed; and that best practice should be followed in respect of construction on site, particularly having regard to the existence of Japanese knotweed and the need to protect the river and water quality.

5.4 Decision

The Planning Authority decided to grant permission subject to 19 no. conditions.

6 GROUNDS OF APPEAL

The appeal submitted by Glendoher & District Residents Association may be summarised as follows:

- Proposal is contrary to principles of sustainable development and planning
- Proposal is contrary to objectives and policies of Development Plan
- There have been a series of applications on site, and the Applicant does not demonstrate regard for previous reasons for refusal
- Proposal is a landmark site that requires a thoughtful intervention that would respond to the surroundings and create a sense of place
- Potential of site to make a unique design statement has been lost
- Provides lengthy summary of planning history of site
- Applicants have taken a narrow approach to 'design' and rely on achieving a relationship with elevational elements on houses opposite to address this. Should have taken more holistic approach and addressed unique site and context.
- Refers to most recent Inspector's Report, which emphasised need for contemporary design approach and innovative place-making

- Subject site is part of larger landholding which requires a masterplan rather than piecemeal development.
- Query plans for remaining adjoining bungalow should subject development proceed
- Site is located beside an ecological corridor and therefore should provide public open space for ecological purposes and to facilitate green linkages
- SDCC Development Plan requires 10 metre setback (LHA 21) from Owendoher River. This is not achieved in subject proposal, and so Planning Authority has failed to implement its Development Plan
- Family- type homes such as these require kick-about space
- In previous applications on site the Applicant proposed public open space, and the provision of same was a Condition of the Planning Authority's decision in SD11A/0243
- Proposal constitutes overdevelopment given that no space is available for a play area
- Express concerns regarding the lack of an accompanying Shadow Study
- Express concerns regarding proposed unit closest to junction. Submit that its rear boundary fence cannot be constructed without a retaining wall, which is not currently in place.
- Private open space will not be sufficiently screened and will result in substandard internal amenity for future residents
- Failure to respond to requirements of Parks Department and to provide detailed landscaping proposals
- Tree Survey does not take account of potential damage arising from current storage of builders debris / machinery on site
- Extent of material being stored on site prevents appropriate inspection
- Density of proposal at 36 units per ha is inappropriate at this site, and significantly exceeds recently permitted densities for comparable sites in surrounding area
- Extent of overdevelopment on site means that any minor future householder developments will not be exempted development

- Voice concerns regarding lack of visitor parking
- Express concerns about traffic impact and the lack of a TIA
- By addressing concerns relating to roads and traffic from previous applications, contribution to the streetscape has been compromised
- Planning Authority's assessment has failed to have regard to Specific Local Objectives (SLO) 7, 89, and 93
- Applicants have failed to address flood impacts appropriately, which were a reason for refusal of PL06S.232349
- Refers to neighbouring property that adjoins Owendoher River which has been subject to flooding
- Planning Authority has failed to secure its Development Plan objective of providing linear park along Owendoher River
- Parks Department Report indicates that ideal route for linear walkway would be through subject site
- The subject site was earmarked for Phase 2 of the Ballyboden Village Plan, which has never been prepared. The overall objectives of the initial Plan should not be ignored, however
- Planning Authority has failed to address Tree Retention and Protection objectives pertaining to site
- Applicants have not carried out an assessment of hedgerows on site, which appear to be ancient
- Subject proposal fails to recognise and protect valuable habitat function of site and immediate surrounds
- Existing concrete retaining wall at the eastern boundary is injurious to residential amenity, which was recognised in the Parks Department's report
- Proposed Boundary treatment is not in character with the area
- Appends, *inter alia*, objection made to SDCC by Dodder Anglers Association Dublin

7 PLANNING AUTHORITY RESPONSE

The Planning Authority states that it has no further comment to make; and refers the Board to its Planner's Report.

8 S.131 CIRCULATION

The Board circulated the appeal file to Inland Fisheries Ireland ERBD in accordance with article 28(1)(q) of PDR 2001-2013. No responding submission has been received.

9 OBSERVATION

An Observation was received from Dodder Anglers Association in support of the Third Party Appeal. It may be summarised as follows:

- The Owendoher river is a major nursery of the Dodder River (which is salmonid), and should not be built upon, but left with natural flora with access provided for fishery staff.
- The river bank will require stabilisation to facilitate the project, which will result in interference with the river bed.
- It is not possible to establish river levels due to the overgrown nature and extent of builder's debris on site.

10 FIRST PARTY RESPONSE TO APPEAL

A response to the appeal was submitted on behalf of the First Party by Manahan Planners, which may be summarised as follows:

- Sets out land use context and planning history of site
- Proposal should be welcomed given that it will introduce residential use in accordance with the site's zoning objective
- Design was the key remaining issue that needed to be addressed in the subject application, given that issues of zoning, traffic, overall layout, open space etc had generally been deemed to be acceptable in the previous proposal.
- The subject proposal is appropriate and represents a significant improvement on the current non-conforming use as a builder's yard, which exhibits an untidy appearance
- The proposal will make a vital contribution to housing supply in an established urban residential area

- The reduction to 3 no. houses in the subject proposal responds to concerns regarding site capacity
- The subject layout has arisen consequent to a re-examination of the previously refused layout, which had been subject to significant scrutiny by the Planning Authority, Third Parties, and the Board.
- The Planning Authority's decision to grant is based on considered reasoning
- The proposal was acceptable to the Roads Department
- The Planner's Report considered the design to have addressed ABP's expressed requirement that a 'sense of place' be created.
- Proposal has addressed ABP's previous concerns and responds to the site's unique characteristics
- Request Board to uphold Planning Authority's decision.

11 ASSESSMENT

Given that the subject site is not either individually nor in combination with other plans and projects likely to affect a Natura 2000 site, an Appropriate Assessment was not considered necessary in the instant case.

11.1 Principle of Proposal

11.1.1 The subject site is zoned for residential development in the statutory Development Plan, whereby the proposed construction of three houses in an established urban area would be acceptable in principle. This does not, however, override the need to meet minimum site development standards, to accord with the proper planning and sustainable development of the area, and to comply with other strategic and statutory policies.

11.1.2 It is noted that in the previous Development Plan, there was a stated objective to provide a linear park along the Owendoher River. This specific local objective is no longer in the current Development Plan, which nonetheless seeks to promote an integrated green infrastructure network. The Board is referred to the appended Figure 8.1 which illustrates schematically the objective to strengthen north-south connections along the Owendoher River south of the subject site. In addition, Section 8.2 of the Plan has specific policies pertaining to the County's Watercourses Network. This will be addressed further below.

11.1.3 The Board is referred to the extensive planning history of the site, as outlined in Section 4.0 above. In the more recent proposals, the extent of development has been reduced from 4 no. to 3 no. dwellings; and the various issues pertaining to traffic, parking, flooding, overdevelopment, and residential amenity had largely been addressed successfully in the most recent proposal, with the Board's single reason for refusal of it being a failure to respond to the site's unique characteristics, with a resulting lack of place-making and poor quality streetscape. Notwithstanding that all applications must be judged on their own merits (and all else being equal), I consider the stated need to respond to the uniqueness of the site and to create a sense of place is critical to the success of the subject proposal.

11.2 Layout & Residential Amenity

11.2.1 The Appellants object to the density of 36 units per ha, stating that it is inappropriate for the subject site and excessive given the surrounding context. I would not agree, and consider the density to be appropriate, given the site constraints and having regard to Departmental Guidance, which advocates densities of at least 35 dwellings per ha in new developments (*Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities(2009)*).

11.2.2 The proposed dwellings have the following areas:

House 1 = 3 bed 101 sq m
House 2 = 3 bed 127 sq m
House 3 = 4 bed 131 sq m

These are in compliance with the minimum unit size advocated by Section 11.3.1 of the Development Plan, which in turn complies with the standards set out in *Quality Housing for Sustainable Communities Guidelines, DEHLG (2007)*. Similarly, private open space provision meets required standards in space terms, though as noted in the Planner's Report, the depth of gardens is restricted. In response to the latter, Condition No. 2 of the Planning Authority's decision prohibits the usually exempt householder development provided for by Classes 1, 3 & 7 of PDR, 2001, as amended, without a prior grant of permission. Whilst I have no objection to the latter in and of itself, particularly on a constrained and zoned urban site, I would consider its necessity raises questions with regard to the success of the overall design approach. This will be addressed further below.

11.2.3 Third Party concerns regarding the lack of community / public open space provision are noted. I would agree with the Planner's Report that this would not be a reasonable ground for refusal given the modest scale of development; the constrained nature of the site; and the proximity of nearby green spaces (e.g. the open space at Willowbank Drive).

11.2.4 With specific regard to future internal amenity, I am generally satisfied that the houses are well conceived. I would have reservations as to the usability and amenity of the private terraces, given their location on Ballyboden Road, which is a busy vehicular route with a QBC. I would also have concerns as to the internal amenity of House No. 1, particularly having regard to its ground floor plan configuration, and the availability of natural daylight to the living room (which is constrained given usable floorspace and privacy considerations).

11.2.5 The use of green roofs; solar panels; natural ventilation, and the aim of achieving an A-BER rating are all to be welcomed.

11.3 Access and Road Safety

11.3.1 The proposed access and parking arrangements are unchanged from the previous proposal – i.e. access from the existing vehicular access on Ballyboden Road that will lead to a communal at grade parking area for 6 no. cars. This is considered acceptable.

11.4 Water & Green Infrastructure

11.4.1 The Appellants have noted that the Development Plan requires a 10 metre setback from the Owendoher River, which is not achieved in the subject proposal. Whilst the appeal was made under the previous Development Plan, the Board is advised that this Objective is repeated by Policy G3 Objective 2 of the current Plan, which seeks to maintain a biodiversity protection zone of not less than 10 metres from the top bank of all watercourses in the County.

11.4.2 Whilst I would concur with the general findings of the arborocultural report submitted by the Applicants insofar as the subject site contributes little to biodiversity, and that the opposite side of the river is the main contributor to same, I do not consider this removes responsibility to comply with Development Plan objectives regarding the enhancement of green infrastructure.

11.4.3 The site is located in a 1:1000 year flood event probability. The Flood Risk Assessment submitted with the proposal concludes that there will be no impact of the proposed development on flood water level upstream, with negligible impact downstream. The proposed development will increase water quality in the Owendoher River as the proposed permeable paving system will remove urban runoff pollutants. The proposal provides in excess of the total storage volume required for 100 year event (42.4 cubic metres). I consider this to be acceptable, and I would note that the increased quality of water run-off will address concerns regarding the river being a salmonid nursery.

11.5 Has Proposal Overcome ABP's Previous Reason for Refusal?

11.5.1 As outlined above, I consider the key to the success of the subject proposal is overcoming the Board's previous reasons for refusal whereby it was decided that the proposal failed to:

"... respond to the unique characteristics of the site, would not contribute to a sense of place making and would create a poor quality streetscape at this location"

The Board is referred to Dwg. No.GB-14-001-Rev A from the previous proposal and to the Site Layout Plan Dwg No.C01 J of the subject proposal. It can be seen that the plan layouts, including private open space configuration, are virtually unchanged. Whilst I acknowledge that the site constraints diminish layout options, I would not consider the subject proposal has engaged fully with the Board's previous reasons for refusal. In forming this opinion I welcome the revised internal arrangements of the houses and the significant improvements to the elevational treatments. These latter elements produce a proposal that is considerably improved in terms of its impact on the streetscape. However, I am of the opinion that the unique characteristics of the site (particularly its riverside setting) have largely been overlooked, and would echo the concerns of the previous Inspector, that an opportunity for an innovative and site specific design response has been missed.

12 CONCLUSION AND RECOMMENDATION

12.1 Conclusion

I have had regard to all other matters raised in the instant case, but do not consider them to be so material to the consideration of the merits of this proposal as to warrant a different conclusion from that set out below.

12.2 Recommendation

I have read the submissions on file and visited the site and surrounding area, and had due regard to the provisions of the Development Plan, and all pertinent strategic planning documents. Following from this I conclude that planning permission should be refused for the reason set out below.

REASON

1. Having regard to its design, it is considered that the proposed development would fail to respond to the unique characteristics of the site; would not contribute to a sense of placemaking, and would fail to comply with the South Dublin County Council Development Plan 2016-2022 objectives in respect of Green Infrastructure in general, and Biodiversity Protection Zones (Policy G3 Objective 2) in particular.

Juliet Ryan
Senior Planning Inspector

4 July 2016