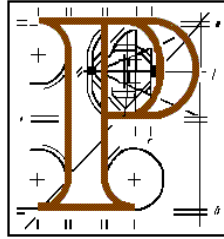


An Bord Pleanála



Inspector's Report

Development

Retention of Annefield as a single residential unit, construction of 10 no. houses, new boundary treatment and all associated works (protected structure RPS no. 1020) at Annefield, Taney Road, Dundrum, Dublin 14.

Planning Application

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Register Reference: D15A/0679

Applicant: Kavcre Taney Road Limited

Type of Application: Permission

Planning Authority Decision: Refuse

Planning Appeal

Appellant: Kavcre Taney Road Limited

Type of Appeal: First Party

Observers: Celine Fitzgerald & Others
Trustees of the estate of Mt O'Connell
An Taisce

Date of Site Inspection: 5th April, 2016

Inspector: Fiona Tynan

1.0 APPLICATION DETAILS

1.1 This is a first party appeal against Dun Laoghaire-Rathdown County Council's decision to refuse permission for the retention of the existing two storey detached dwelling and protected structure on site and to erect 10 no. dwellings within the grounds of "Annefield", Taney Road, Dublin 14.

1.2 The proposal includes the construction of 10 residential units comprising 3 no. terraced Type A dwellings (196sq.m.), 5 no. Type B dwellings (174sq.m.) comprising 2 no. semi-detached units and 3 no. terraced units, 1 no. detached Type B1 dwelling (174sq.m.) and 1 no. detached Type C dwelling (145.5sq.m.) within the grounds of "Annefield". It is proposed to retain "Annefield", a four bedroom house, as a protected structure and to retain 180sq.m. of rear private open space. To facilitate the works an existing shed of 12.5sq.m. is to be removed at the rear of the house. No works are proposed to the house or its ancillary structures. The existing vehicular entrance to the site will be upgraded to a 4.8m wide shared surface area. In order to provide adequate vision splays at the Taney Road entrance, it is proposed to remove the existing gate and partial section of the wall and 1 no. central pillar. In addition a number of trees along this road are proposed for removal to facilitate a safe access to the site. The internal road network of the scheme which encircles the public open space area is 5.5m. The existing gateway off the Kilmacud Road has been reconfigured to serve as a secondary pedestrian access to the development.

1.3 Submitted with the Application to the Planning Authority were the following documents:

- Tree Survey Report
- Architects Design Report
- Tree Protection Strategy

- Conservation Assessment
- Engineering Services Report

1.4 Objections to the proposal were received from Celine Fitzgerald & Others, Trustees of the estate of Mt O'Connell and An Taisce.

1.5 The reports received by the planning authority were as follows:

The Transportation Planning Report recommended a request for further information in relation to the vehicular access details, proposed pedestrian access at Kilmacud Road Upper, the internal footpaths, street lighting, compliance with the Council's Taking in Charge requirements and bicycle parking. The Dept. also sought an assessment in relation to noise and vibration from the adjacent Luas line.

The Conservation Officer recommended refusal as the proposed development would adversely affect the character, setting and amenity of the Protected Structure.

The Parks Department recommended refusal as a significant number of trees are proposed for removal on site whereon they are identified as having a good status, landscape plans are considered very basic, and discrepancies between the boundary treatments indicated in the landscape plan, boundary details and landscape report.

Irish Water's Report outlined no objections to the proposal subject to conditions relating to a connection agreement with Irish Water and constraints of the Irish Water Capital Investment Programme.

The Water & Waste Services Department recommended a request for further information and to submit an alternative design proposal that provides for the entire site to be drained to the surface water sewer on Taney Road.

The Planner noted departmental reports received. The Planning Officer considers that the proposal does not constitute the right design solution for the subject site. The impact on the residential amenity of the Protected Structure and the surrounding dwellings is unacceptable along with the impact on the setting and character of the Protected Structure. It is considered that the two reasons for refusal of the Board decision set out under PL06D.244653 have not been overcome.

- 1.6 On 17 of December 2015, Dún Laoghaire-Rathdown County Council refused permission for the proposed development for 2 no. reasons. Reason no. 1 cited the design, bulk and proximity to neighbouring properties which would give rise to overlooking and would be overbearing and visually unacceptable. Reason no. 2 stated that the siting, scale, height and proximity would materially affect the character, setting and amenity of the existing house “Annefield”, a Protected Structure, in particular by the absence of a meaningful and proportionate quantum of private open space to serve the house.

2.0 SITE DETAILS

2.1 Site Inspection

I inspected the appeal site on 5th April, 2016.

2.2 Site Location and Description

The appeal site comprises of “Annefield”, a two storey detached dwelling within its own grounds on the southern side of Taney Road (R112), Dundrum. The stated site area is 0.605ha. The site is planted with a significant number of trees, which align both the boundaries of the site and are dispersed throughout the lawn of “Annefield”. The Luas line bounds the south-western boundary of the site, whilst the residential development of Taney Lawns is located to the north-western boundary, and residential

dwellings are located on the north-eastern and south-eastern boundaries on Sydenham Road and Kilmacud Road Upper. A footpath provides access to the site from Kilmacud Road Upper, providing access within minutes to Dundrum Main Street and Dundrum Shopping Centres old and new. Dundrum College of Further Education is located along the south-eastern boundary of the site. Vehicular access to the site is from Taney Road via a narrow but lengthy driveway.

2.3 Dun Laoghaire County Development Plan 2016-2022

Zoning

The new County Development Plan 2016-2022 was adopted on the 16th March 2016 whilst the appeal has been lodged with the Board. The site is zoned Objective A: *“To protect and/or improve residential amenity”* and the residential dwelling identified as Annefield is designated as a Protected Structure. I note that the adjacent dwellings on Sydenham Road are part of an Architectural Conservation Area which includes a number of Protected Structures. Taney Road, to which the driveway of Annefield connects, is designated as a proposed Bus Corridor/Bus Priority Route. Whilst to the south of the site the Dundrum College of Further Education is the subject of Specific Local Objective No. 80 which seeks to *“facilitate, support and enhance educational facilities in the County, in particular the activities of Dundrum College of Further Education that will foster strong links between education, community and the business sector in the County”*. The appeal site adjoins lands zoned Objective MTC where the objective is *“to protect, provide for and/or improve major town centre facilities”*. Residential development is considered in Section 8.2.3, 8.2.3.4 vii, and archaeological and architectural heritage is considered in Section 8.2.11 of the Development Plan.

2.4 Planning History

PL06D/244653 / P.A. Ref. D14A/0855

Permission was sought on the subject site for the construction of 33 no. houses and retention of “Annefield” (Protected Structure), construction of boundary railing, wall, screen and gate at “Annefield House”, Taney Road, Dundrum, Dublin 14. Permission was refused by the Council and upheld on appeal to the Board. The following reasons were issued by An Bord Pleanála on the 27th July 2015:

- 1. Having regard to the design, bulk and proximity to neighbouring boundaries of the proposal, it is considered that the proposed development would have an unacceptable impact on the residential amenity of the adjoining dwellings and the Protected Structure “Annefield”, would give rise to overlooking and would be overbearing and visually unacceptable. The proposed development would be contrary to the zoning of the site which is “A” “to protect and or improve residential amenity” and would seriously injure the amenities of property in the vicinity. The proposed development, would, therefore, be contrary to the proper planning and sustainable of the area.*
- 2. The proposed development, by reason of its siting, scale, height and proximity, would materially affect the character, setting and amenity of the existing house “Annefield” , a Protected Structure, in particular by the absence of a meaningful and proportionate quantum of private open space to serve the house. The proposed development would, therefore, be contrary to Policies RES3 and DM4 of the Dun Laoghaire-Rathdown County Development Plan 2010-2016 and would be contrary to the proper planning and sustainable development of the area.*

Adjacent Site:

Reg. Ref. D14A/0858:

An application was lodged by the Applicant, Kavcre Taney Road Ltd., to run concurrently with the subject site for permission for the renovation and extension of the existing dwelling (148sq.m.) on site. Works to the property included part demolition, two storey extension and elevational changes to the front, sides and rear of the dwelling. Permission was refused by the Planning Authority for two reasons relating to design, proximity to shared boundaries, revisions of boundary treatment would be contrary to the proper planning and development of the area. No appeal was submitted on this decision. Part of this site has been incorporated into the current application at “Annefield” in order to provide for longer garden for two houses.

3.0 FIRST PARTY APPEAL

3.1 The first party appeal was lodged by Kavcre Taney Road Limited. Their appeal seeks to highlight the following points:

3.2 Previous Board Decision

- The current scheme was designed taking account of a recent refusal on the site by the Board for a development of 33 no. residential units comprising 30 apartments, and 3 houses (Reg. Ref. D14A/0855 / PL06S.244653). The height of the apartment block then proposed was 15.4m.
- Find it difficult to fathom how two different schemes can obtain the same reasoning for refusal.
- Minor revisions made to take account of the Planning Authority’s decision.
- In line with the previous board decision, the scheme has moved away from a high bulk building to a small housing development which allows that any adverse impacts could be minimised.

- Comments by the Planning Inspector in relation to the private open space provision for the Protected Structure have been complied with and the open space has been duly increased by 30sq.m. The Conservation Report accompanying the application was satisfied that a reasonable balance was struck to ensure the setting of the Protected Structure is not adversely affected while facilitating a scale of development that does not dwarf it.
- The rear private gardens of House Plots 1 and 2 were increased to c. 13m.
- The proposed dwellings on house plots 5-10 will be subservient to Annefield, located c. 40 metres away and separated by an open space area with a naturally landscaped character. House Type B units are located a sufficient distance away from Annefield (9 metres) and will allow the dominance of Annefield to remain.
- The scheme as submitted to DLRCC improved upon the previous decision by increasing distances to boundaries of Taney Lawn dwellings. It also offered improvements in relation to the dwelling “Drummartin”, on Kilmacud Rd. Upper. It provided greater privacy and garden area to Annefield and improvements in relation to overlooking.

3.3 Impact upon Protected Structure:

- Rob Goodbody, Conservation Officer was commissioned to carry out a Conservation Assessment and to comment on the DLRCC’s decision on the proposed development. He was asked to comment on the assertion of the Conservation Department that the proposed alteration and rebuilding of part of the rear boundary wall of Annefield will negatively affect the character of the protected structure. Mr. Goodbody concluded the following:

“In its present state, the section of wall between Annefield and St. Anne’s is not so adjacent to the house as to form part of the immediate setting and it is more a part of the grounds. There is a change in levels between the ground alongside the house and the land on which this wall stands and there is a dense belt of trees and shrubs in the space between the house and this wall. If this site is to be developed it is inevitable that this stretch of boundary wall would no longer be within the grounds associated with the main house. It is not realistic to consider the wall, with this new setting, as being a critical part of the character of the protected structure...In essence, should the grounds of Annefield be developed for residential purposes the stretch of wall in question would be isolated from the protected structure and there would be no good reason why it should not be taken down and a similar wall built on a new alignment.”

The Applicants argue that an area of 245sq.m. is far in excess of the minimum 60sq.m. private open space required for a 3, 4, or 5 + bed dwelling. There is an additional large area of private open space to the south of the house off the kitchen. This will comprise a seated area amenity space to serve the house and additional green space which is graded upwards to the east in order to allow access to the main area of private open space i.e. the 180sq.m. The privacy of this space will also be enhanced by the increase in height of the shared boundary wall to House Type A1 to 1800mm.

3.4 Contravention of Dev Plan Policies RES3 and DM4:

- Contravention of Development Plan Policies RES3 and DM4 formed the second reason for refusal issued by the Planning Authority. Rob Goodbody in his Conservation Assessment Report states that the proposal takes both Policy REAS3 and DM4 into account as follows:

“The development for which permission is now sought would be significantly lower than the previously-proposed apartments, while also

being at a much greater distance from the protected structure. The combined effect of these two changes to the design are further enhanced by the significant fall in ground level, which would result in the proposed houses being at a lower level than the earlier scheme. The houses now proposed would also not obstruct any views that are presently seen from the house”.

- It is argued that the grounds of Annefield have no particular element with “special significance in relation to the character of the protected structure”.

3.5 Modifications submitted to the Board:

- Architectural visualisations have been submitted.
- A revised proposal before the Board now seeks to provide a distance of 2.8m between Plot 10 and the boundary wall as compared to 1.5m initially submitted.
- Now seeks to remove the bay window of House Type C on Plot 4 which faces the boundary wall of “Drummartin”.
- The shared boundary wall between Annefield and House Type A and Plot 1 has increased in height from 1.1m to 1.8m resulting in a total private open space of 245sq.m. for Annefield.
- To provide for improvements in relation to overlooking it is stated that there is also an increase in the boundary wall/screen height between House A1 and Annefield, translucent glazing on windows on north east elevation of House Type A1 on Plot 1 and an additional rear window at 2nd floor level of House Type A1 on Plot 1 to ensure appropriate light access to this dwelling.

4.0 PLANNING AUTHORITY’S RESPONSE TO APPEAL

- 4.1 The planning authority submitted comments to the Board that the Appeal submission by the Applicants has been prepared without reference to the Planner’s Report which outlines in detail why permission should be refused.

The Planning Authority urge the Board not to grant permission for a modified scheme as proposed, as doing so impacts on the rights of Third Parties to comment and reduces the input of internal specialist departments.

5.0 OBSERVER SUBMISSIONS

5.1 Observation by Celine Fitzgerald & Others

The observers, who reside at Taney Lawn (primarily), raise concerns relating to:

- Statutory planning notices are factually incorrect as neither identifies that part of St. Anne's, Sydenham Road is within the red line boundary of the application site. The rear gardens to the proposed plot nos. 1 and 2 encroach on the rear garden of St. Anne's. [Refer to statement at the end of page 17 of the planning report submitted by the Applicant.]
- The current proposal does not address the fundamental issue raised by the Transportation Dept and ABP's Inspector on the previous application, namely the proximity of the access to the junction of Taney Lawn and Taney Road. It is recommended that the solution to this issue can only be achieved by moving the proposed access east and away from Taney Lawn or as that isn't viable, utilising St. Anne's, Sydenham Road as per the Board's direction on the previous application.
- Plot no. 4 should be omitted due to overlooking of no. 1 Sydenham Place (1.656m separation distance from rear boundary wall) and as it is proposed to be constructed over the line of the foul drainage from Nos. 1 and 2 Sydenham Place.

- Plot No. 10 will impact upon the amenity of No. 8 Taney Lawn and it will be too close to the site boundary, leaving inadequate room for a wayleave either side of the proposed storm sewer which is shown between the table elevation and the boundary with the rear garden of no. 8. The entirely blank gable elevation would be 11.21m will have a substantial negative visual impact on the rear garden of no. 8. However it is highlighted that the Site Sections A-A (pS(EL)-001) do not correspond to the floor plan of Plot no. 10, as they illustrate a gable window to the 2nd floor side elevation.
- No consent has been provided by the Railway Procurement Agency to the applicant to connect into the combined drainage within the Luas reservation.
- The proposed development will have a detrimental impact on the setting of “Annefield”, a protected structure, as it will “detach” the historic access avenue from the house and it will alter the position of its historic gate piers. No consideration of this issue has been given in the Conservation Report that accompanies the application. This was previously raised as an issue by the Inspector in the earlier appeal.
- Already two of the best trees, 2 cedars, have been felled and a further 36 no. trees are identified for felling solely as a result of this proposal. Despite this scheme being for 10 no. additional dwellings with no apartments or underground parking, the proposal appears to entail the felling of more trees than in the previous application-according to CMK Drg. No. 102 Rev B Tree Protection, only 5 trees will be retained post construction.
- Express dissatisfaction that their commission of Trafficwise’s Report and its assessment of the proposed access at Taney Road was not

adequately considered by the Planning Officer or the Transportation Dept.

- The application has failed to provide the requisite information to demonstrate if vehicular access at 4.8m in width plus a 1.8m wide footpath can be provided along the existing and historic narrow driveway to Annefield. There is insufficient width along the driveway to cater for two way traffic with a footpath plus lighting and landscaping. This will also be an issue for refuse vehicles.
- Whilst the appellant has reduced the density in line with the previous decision to refuse permission, nonetheless a reduced density does not coincide with reduction in impact on the local residential amenity.
- The proposal to increase the much reduced curtilage of Annefield house by only 30sq.m. is an irrelevant change in the context of a protected structure with attendant grounds in the order of 0.7ha (7,000sq.m.).
- The principle elevation of “Annefield” will face towards any new development within this property, so it is critical that the nature, extent and scale of that development respect the setting of the protected structure.
- The proposed development is closer to the properties of 1 Sydenham Place and 8 Taney Lawn respectively than the previously proposed apartments.
- A number of planning conditions are attached in the event that permission is considered. These recommend alterations to boundary treatment, the omission of House type D on Plot no. 4 and to omit one unit from Plots 5-10 and increase the setback with no. 8 Taney Lawn. Also to omit unit 1, relocate the remaining two units in Block A away

from the southern boundary of the site and to submit a revised site layout showing retention of tree nos. 209, 231-234, 242, 243, 251, 254, 256-260, 262, 263, 265, 277, 268, 271, 273 and 275.

6.2 Observation by Trustees of the Estate of MT O'Connell

The Trustees of the Estate of MT O'Connell, are the owners of the adjoining property, Tudor House, Taney Road, Dundrum. They raise concerns relating to:

- Tudor House is located within and forms an intrinsic part of an Architectural Conservation Area by virtue of Variation No. 16 to the DLRCDP 2010-2016. The trees which screen the boundary between Annefield and Tudor House, form an intrinsic element of the natural landscape and has not been addressed in the Conservation Report submitted by the Applicant.
- The issue of boundary between Annefield and Tudor House has been settled with the applicant, and is shown as a solid line on the applicant's drawing no. OCSC N 201-C04.P1 which forms a part of this application. It is accepted that Tree nos. 268, 271, 273 and 275 will be protected in the course of an in consequence of any future works on Annefield lands. It has been agreed that to facilitate any future development by the applicant, the trustees agree to the removal of tree nos. 276, 278 and 279. Nonetheless, the Board are requested to condition the execution of any future works to ensure the interim and long term protection of the mature trees and hedgerow screen on the eastern boundary of the access to the development between Annefield and Tudor House as a significant feature of the relevant landscape.

6.3 Observation by An Taisce

An Taisce raised the following concerns:

- Support the Council's reasons for refusal.
- Applicant has argued that there is increased separation distance between the Protected Structure and House Type A on Plot no. 1, as compared to the previous application, but the increase as shown on the respective Site Plans is only from 8.874m to 9.000m, a difference of 0.126m which is insignificant.
- The Appellant's comparative photographs in Figures 8 and 9 on page 9 of the Appeal show that there has been no significant change in the impact of the 3 flat-roofed house of Type A on the setting of the Protected Structure, as compared to Block B of the previous application.
- Highlight the need for shadow diagrams in relation to the northern gable wall of the house on Plot no. 1 and its proximity to the private open space of the Protected Structure.
- The 30 sq.m. additional private open space to Annefield is low quality and does not overcome the deficiency in private open space to serve the Protected Structure.
- It is overlooked by the Appellant that all of the garden of Annefield exists currently as its private open space. In that context, the location of a car-parking area for the house should be unimportant but the Appellant's plan to extend the public open space right up to the steps leading to the front door completely alters the significance of that part of the setting.

7.0 ASSESSMENT

7.1 Introduction

I consider the main issues requiring consideration in this assessment to be:

- Principle of development,
- Planning History
- Aboricultural Context of Site
- Traffic Considerations
- Appropriate Assessment

I note some miscellaneous issues have been raised and they will be addressed also.

7.2 Principle of Development

7.2.1 The proposal for residential development accords with the zoning objective of the site “to protect and/or improve residential amenity”. I note that the dwelling on site is a Protected Structure and this may limit the development potential of the site.

7.2.2 This is a serviced, residentially zoned site within walking distance of the Dundrum Luas stop and is in close proximity to a number of bus routes on Taney Road and Dundrum Road. It is also proximate to a number of supporting facilities such as schools, shops, places of worship and sources of employment. The re-development of this site is acceptable in principle subject to compliance with the newly adopted Dun Laoghaire Rathdown County Development Plan 2016-2022 and government guidance with respect to residential development.

7.3 Planning History

- 7.3.1 As previously outlined, the Board refused a proposal by Kavcre Taney Road Ltd. for the construction of 33 no. houses and retention of Annefield House under PL06D.244653. I have had regard to the first reason issued by the Board where it is stated that the proposed development would have an unacceptable impact on the residential amenity of adjoining dwellings and the Protected Structure “Annefield” and would give rise to overlooking and would be overbearing and visually unacceptable. In the current proposal before the Board, the Applicant has sought to increase the private open space to be retained for “Annefield” by including an area for parking (currently in gravel) within the boundary wall to enclose the garden area. The increase in space is minimal and fails to add to the setting of Annefield over and above what was previously proposed. The Applicant’s argument that the provision of private open space for “Annefield” far supersedes the standard for a 3-5 bedroom dwelling, is evidence of the Applicant’s failure to address the provision of a setting and context for “Annefield” as a protected structure.
- 7.3.2 The principle amendment in the proposal is the replacement of Block A located to the west of the site with 6 houses. These houses are orientated to overlook the central public open space. In terms of overall footprint of the proposal, in my opinion there is minimal change to that previously proposed. The dwellings along the western boundary are provided with a 10m setback so as to provide adequate rear garden area. This is an increase over that previously proposed where Block A was only 4.7m from the western boundary. Aside from the minimal alteration to the footprint of the proposal, I have noted the following in relation to residential amenity offered by the scheme.

- Plots no. 4 and 5 will be bounded by a 1.8m high wall to their northern, southern and western boundaries. This is undesirable as it will form the boundary to the public walkway through the site.
- The dwelling on Plot no. 10 will be 1.5m from the shared boundary with no. 9 Taney Lawns which includes a second floor window on its northern gable. I note that the appeal submission has provided alternative elevations with this window omitted. This omission is acceptable. Nonetheless, I note that no shadow diagrams have been provided to ascertain the impact of the proposed development upon the adjacent single storey dwellings in Taney Lawns.
- The dwelling on Plot No. 4 is located 1.65m from its shared eastern boundary. In the proposal to the Council, bedroom no. 3 included a bay window on its eastern elevation. The submission to the board has relocated the window to its northern elevation. However, I would question the residential amenity value provided by the bedroom 3 and 4 of this property which are 2.1m wide.
- The design of House Type A located along the western boundary is such that balcony areas are proposed on its east and west elevations. The location of the kitchen to the rear which is to be recessed under one such balcony is such that during the winter months minimal light will be gained in this room. This is not acceptable.

7.3.3 In my opinion the proposal has addressed concerns with respect to overlooking of adjacent dwellings, taking account of drawings submitted to the Board. Nonetheless, in my opinion there is minimal alteration to the overall built footprint of the residential scheme and given the three storey scale of the dwellings along the western and northern boundary, the overbearing nature of the scheme remains.

7.3.4 The second reason issued by the Board cited the siting, scale, height and proximity of the development would affect the character, setting and amenity of the existing house “Annefield”. The applicant has argued that the open space for Annefield is now 245sq.m. and considers this to be significant. The Architects Design Statement which includes visualisations of the said scheme illustrate the impact and proximity of the development to “Annefield” and the considerable negative impact that the proposed development would have. Taking account of the quantity of trees to be felled and the proximity of the three storey dwelling (as per House Type A), any setting previously associated with Annefield would be irretrievably lost. I concur with the Conservation Officer’s comments that *“a sensitive approach to development is required on this site that will respect the existing natural and built environment, placing at its core the retention and enhancement of Annefield, its setting and amenity”*.

7.4 Arboricultural Context of Site

7.4.1 I have had due regard to the Tree Survey Report prepared by CMK on behalf of the Applicant wherein 62 trees were surveyed. The survey is accompanied by two drawings, the survey drawing and the drawing detailing those trees to be retained/removed. I note that in accordance with Drawing no. 102, 48 trees are to be removed, of which two are given an A2 rating in the survey. These are the Yew (No. 254) and the Common Lime (no. 209), both described as being good specimens. I note that the majority of the remaining 46 trees to be removed to facilitate the development are given a B2 rating, which the Survey describes as having a landscape value. Of those trees to be retained, there are 5 in number which are two Scots Pine, two Sycamore and 1 Redwood tree. The remaining 9 are stated to be of very low value and it is argued that they should be removed for reasons of sound arboricultural management. I note that the latter are primarily located along the access driveway and along the boundary with the Luas line. Clearly the loss of 57 trees will considerably and irretrievably alter the

landscape and silvicultural nature of this site. Having regard to the Parks Department report of the Planning Authority, I note that they refer to the Turkey Oak, No. 257 as being an excellent specimen. Furthermore, reference is made to the 30-40 years life expectancy of many of the trees which the Applicant proposes to fell to accommodate the proposed scheme. The Applicant as submitted does not include an assessment of the potential impact of the loss of these trees. The proposal which provides for the felling of the large proportion of tree cover on site regardless of their quality, life expectancy or its contribution to the landscape value of the site is not acceptable. I consider that the scheme as proposed which necessitates the removal of the majority of tree cover on the site to be contrary to Council policy whereby "*new developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees*":¹

7.5 Traffic Considerations

7.5.1 Traffic impact did not form a reason for refusal on the current proposal by the Planning Authority, rather it was appended as a note to the previous proposal considered by the Board wherein it was stated that "*the Board...noted that it had previously been proposed to access the site from Sydenham Road and considered that this option might usefully be re-considered in any future redesign*". This has not been considered or referred to in the Applicant's documentation with the application/appeal. Therefore, the issue regarding the downgrading of the original entrance serving "Annefield" as described by the previous Reporting Inspector, with whom I concur, remains unresolved. I note that the ownership of the property on Sydenham Road as described as a potential entrance to the site remains in the Applicant's ownership to date. As per the current

¹ Dun Laoghaire Rathdown County Development Plan 2016-2022, Section 8.2.8.6.

proposal, the Transportation Department requested further information in relation to the elevation detail of the proposed vehicular access, parking, and the provision of a footpath on the access driveway. The proposal before the Board is lacking in detail in relation to the vehicular access. The drawing entitled "Vehicle Swept Path Analysis" illustrates the proposed entrance is to be widened, yet the piers are presented as retained. I would express concerns regarding the movement of traffic into and out of the entrance would constitute a traffic hazard having regard to the proximity of the vehicular entrance to Taney Lawns to the west. An Observer to the Appeal, Celine Fitzgerald & Others, commissioned Trafficwise to consider the traffic implications of the proposal. Their Report illustrates a conflict of traffic movements between the subject site and Taney Lawns. It is argued by Trafficwise that the proposed access on Taney Road needs to be relocated significantly further eastward and not simply reconfigured at which is essentially the existing location. Having considered the appeal submission which is silent on the Board's previous comments requesting the Applicant to consider an alternative vehicular entrance, the Transportation Department Report and the submission by Trafficwise, it is my opinion that the concerns raised in the previous proposal on site are still outstanding and have not been addressed in a meaningful way. Refusal is recommended.

7.6 Appropriate Assessment

- 7.6.1 No AA screening report was submitted with the subject application. In the Planning Statement prepared by the Applicant it is outlined that in the previous appeal to the Board, that the Reporting Inspector noted that having regard to the nature and scale of the development and proximity to the nearest Natura 2000 site, they were satisfied that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to Appropriate Assessment. I

find no reason to differ from the previous Reporting Inspector in respect of the current proposal and therefore do not consider that Appropriate Assessment issues arise in this instance.

8.0 CONCLUSION

8.1 I have serious concerns with respect to the scale of the scheme which is close to shared boundaries and the necessity to remove all but 5 of the trees on site regardless of their quality or life expectancy. Whilst a high density scheme on lands that are proximate to the Luas line and public transport and MTC lands is to be encouraged, it should not be at the expense of the character and setting of “Annefield”, as a protected structure. Furthermore, the Applicant has failed to resolve the issue of vehicular access to the site, which is presently via the original gates and piers of “Annefield”, and has given no indication of investigating the alternative access from Sydenham Road, an issue that was flagged by the Board in the previous appeal decision on site.

9.0 RECOMMENDATION

I recommended that permission is refused for the proposed development for the following two reasons:

Reasons and Considerations

1. Having regard to the scale and height of the residential scheme and the amendments submitted with this appeal to the Board, its proximity to boundaries and the level of residential amenity provided within the new units, it is considered that the proposed development would have an unacceptable impact on the residential amenity of “Annefield”, would detract from its setting and would be visually and physically

overbearing. The proposed development would be contrary to the zoning of the site which is “A” to protect and or improve residential amenity” and would seriously injure the amenities of property in the vicinity. The proposed development, would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The current proposal before the Board has provided no evidence of investigating an alternative means of access to the site, rather than via the existing original gates and piers associated with Annefield. The Applicant was advised in a previous Board decision pertaining to the site Sydenham Road might provide an alternative access to the site and that “*this option might usefully be re-considered in any further re-design*”. Having regard to the proximity of the access to the site vis-à-vis Taney Lawns and the potential for conflict of traffic movements, it is considered that the proposal as submitted would constitute a traffic hazard and or obstruction or road users and would downgrade the association of the gates and piers with Annefield as a Protected Structure.

Fiona Tynan

Inspectorate

07/04/2016