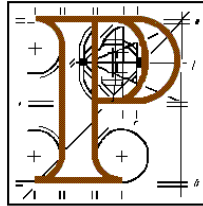


An Bord Pleanála



Inspector's Report

PL06D.246271

DEVELOPMENT:-

Demolition of 2no. existing dwellinghouses, construction of 13no. dwellings, entrance from Glenageary Road Upper, access road, parking, landscaping, boundary treatments, site development works and services at 230 and 234 Glenageary Road Upper, Glenageary, Dun Laoghaire, Co. Dublin

PLANNING APPLICATION

Planning Authority: Dun Laoghaire Rathdown County Council
Planning Authority Reg. No.: D15A/0808
Applicant: Starlingbrook Limited
Application Type: Permission
Planning Authority Decision: Refuse Permission

APPEAL

Appellant: Starlingbrook Limited
Type of Appeal: First v Refusal
Observers:
1. Alleyn and Audrey Manly
2. Alan and Paula Daly and others

3. Karen Keavney
4. Patrick and Nuala Delaney
5. Henry R.B. Jack
6. Stuart and Lorraine Wootten
7. Paul and Mary McHugh
8. Alan and Maura Murphy
9. Conrad and Elain Lyons
10. Mario and Lisa Barrett
11. Joe and Irene McNeice
12. Helen Stedmond
13. David and Valerie Deevy

DATE OF SITE INSPECTION: 9th June 2016

INSPECTOR: **Mairead Kenny**

SITE LOCATION AND DESCRIPTION

The site is made up of the lands associated with two houses at 230 and 234 Glenageary Road Upper. This location is close to the town centre of Dun Laoghaire and within 1km of the DART. The application site is of stated area of 0.35 hectares, which excludes a narrow access lane to one of the houses and is also in the ownership of the applicant. The site is surrounded by residential streets. The Glenageary Road Upper is to the north – a few hundred metres to the east is a large roundabout. Glenageary Road Upper is well laid out including with footpaths and cycle lanes.

To the east of the site is the boundary with 232 Glenageary Road Upper ('Greenwood') and the rear gardens of 4 no. houses at Avondale Road. All of these are single storey houses. Rear gardens at Avondale Road were originally typically in the order of 25m minimum, now reduced in most cases by the single storey extensions constructed at these houses. A high evergreen hedge, which extends above the 2m high block boundary wall is a dominant feature when viewed from the raised patios associated with some of these houses.

To the west of the site is the boundary of another detached dwellinghouse at Glenageary Road Upper (a single storey house), which is positioned close to the common boundary with the site and which has a rear garden of about 30m length. The boundary wall at this location is low (circa 1.2m). To the west of the site also are the rear gardens of the two-storey houses at 11-18 Glenageary Hall. These houses presently command views to the trees on site and within the Glenageary Hall plots also are remnants of an avenue of deciduous trees associated with a former house. At nos. 11-12 there are high brick walls, which appear to be the side and gable end walls of a former building. As is evident from the photographs and from the application submissions most of the trees in the site are along the west of the site close to Glenageary Hall.

No 230 'Runis Vie' Glenageary Road Upper (on site) is situated at the public road (to the north) and is the location of a single storey dwellinghouse with a large rear garden to the south. This residential plot is bounded to the east and west by detached single storey dwellinghouses at Glenageary Road Upper. To the rear of the row of houses at Glenageary Road Upper is a backland house no. 234 'Feldberg' - the lands associated with that house make up the main body of the site. Access to no. 234 is by way of a gated entrance and a 50m laneway, which also serves an ESB transformer.

The rear boundary of the site is defined in part by the rear boundary of 14 Avondale Road and mainly by a 3m high stone wall which separates the site from a public amenity space associated with Glenageary Hall. This is set out in grass and is accessed only from Glenageary Hall, a small cul de sac of detached two-storey houses.

The site rises from a height of about 35.5mOD at the public road to 43.1mOD at the base of the stone wall at the southern site boundary. The 'Roads Layout' drawing submitted with the application shows the roof ridge height of most houses in the vicinity of the site.

Photographs of the site and surrounding area taken by me at the time of my inspection are attached.

DESCRIPTION OF PROPOSAL

The development comprises:

- demolition of two existing houses
- construction of 13no. dwellinghouses in two terraces and including 1no. detached house
- entrance from Glenageary Road Upper
- internal access road, parking, landscaping, boundary treatments, site development works and services.

The house types are:

- 7no. 4-bedroom 2-storey plus attic
- 5no. 2-bedroom plus study 2-storey dwellings
- 1 no. 2-bedroom dormer bungalow.

The application drawings show:

- 27 car parking spaces
- units 2-8 (type A) have a finished floor level of 41.150mOD – this is the southern terrace located parallel to the open space at Glenageary Hall
- existing ground levels in the vicinity of this terrace is about 42mOD and at the base of the stone wall is about 43mOD – section A-A shows the proposed stepped gardens and the adjoining open space to the rear

- units 9-13 (Type C) have a proposed finished floor level of between 38.75mOD and 39.950mOD and rear garden lengths of 10m minimum
- section C-C through 6 Avondale Road and 17 Glenageary Hall refers
- the single proposed detached dormer house would be at 41.150mOD with ground level in the vicinity of about 42mOD – this is close to the boundary of the rear garden of 15 Glenageary Hall primarily and also part of the rear gardens of 14 and 16 Glenageary Hall.

Regarding compliance with Part V a letter on file confirms the option for addressing requirements is the provision of 10% of units on site.

The planning application submission also includes:

- Application cover letter - Simon Clear and Associates Planning and Development Consultants
- Arboricultural Assessment of trees – Arborist Associates Ltd
- Outdoor Lighting Report – Sabre Electrical Services Ltd
- Screening Statement for Appropriate Assessment – Simon Clear and Associates Planning and Development Consultants
- Design Statement including Energy Statement and Waste Management Plan – Brazil Associates Architects.

Minor modifications to the scheme are provided as part of the appeal submission. These include changes to end of terrace house involving hipped roofs and alterations to the treatment of the public realm.

PLANNING HISTORY

PAC/428/15¹

Under the pre-application consultation procedures two meetings were held regarding a proposed scheme of 12 no. houses in similar layout. The prospective applicant was advised that higher density might be achieved notwithstanding the site context and the topography and it was suggested that some duplex units or apartments in the middle of the terrace or reconfiguration of the layout might be an option. Regarding open space payments this would have to be considered. Access to link to

¹ The record is not on file but is recorded in detail in the Case Planner's report.

the open space to rear to be discussed with Parks Department. Scheme to be revised to include more units.

D04B/0022

Relates to relatively minor modifications to a dwellinghouse (no. 234).

PLANNING POLICY CONTEXT

The site is governed by the provisions of the Dun Laoghaire –Rathdown County Development Plan 2016-2022. The site is zoned objective A “to protect and/or improve residential amenity”.

Neither the site nor the lands in the immediate vicinity are covered by any specific objectives, including in relation to architectural heritage or protection of trees.

RES3 refers to policy to promote higher residential densities subject to ensuring a balance between the reasonable protection of existing residential amenities and the established character of areas and the need to provide for sustainable residential development. In this context it is Council policy to have regard to the relevant listed national guidance documents. These include:

- Sustainable Residential Development in Urban Areas (SRDUA - 2009).
- Urban Design Manual - A Best Practice Guide (2009).
- Irish Design Manual for Urban Roads and Streets (2013).

RES3 and section 8.2.3.2 indicate that as a general rule minimum default densities shall be 35 units per hectare. Within 1km pedestrian catchment of a rail / Luas, BRT or Priority 1 QBC (or 500m of a Bus Priority Route) higher densities at a minimum of 50 units per hectare will be encouraged.

Policy ST2 refers to the fundamental link between transport and land use.

Higher density may be constrained by the need to enhance and protect heritage sites or infrastructural shortcomings including the capacity of the road network. The ‘Kickstart’ Incremental Development Approach applies only where legally binding agreements are in place.

RES7 refers to the overall housing mix which shall ensure a wide variety of types, sizes and tenures.

Section 8.2 sets out the Development Management standards and includes requirements for car parking (two spaces per 3-bed unit depending on design and location and 1.5 spaces per 2-bed unit).

Minimum separation distances of 22m normally apply in the case of apartments up to three storey in height. Larger separation distances may be required or there may be a relaxation of this requirement.

SELECTED INTERNAL AND OTHER REPORTS SUBMITTED TO PLANNING AUTHORITY

The **case planner's** report dated 12th February 2016 may be summarised as follows:

- The main issues discussed at the two pre-application consultation meetings are summarised and these include a requirement to see a higher density of development above the proposed 12 units (34 units per hectare), which might be achieved by adding some duplex or apartment units or other reconfiguration of the site,
- reference also to shortfall in open space and to possible consideration of payments in-lieu of open space and to possible connection to public open space to rear
- 20 no. objections received and items raised are summarised
- planning history at no. 234 for alterations to existing house – no other relevant history
- existing density in area is relatively low and site is underutilised and presents an opportunity to achieve higher densities and greater mix of houses
- for the purposes of determining density the ancillary areas of the site including the parking areas and access roadway and parallel grass / landscape strip should be included within the site for the purpose of determining density
- the site is within walking distance of the Glenageary DART station and bus stops, schools and convenience shopping and school facilities
- the potential for the site to cater for high density is constrained by the need to protect residential amenity of the neighbouring residential development involving single storey residential development and relatively steep topography
- over half the proposed houses are quite large houses with more than three bedrooms and no 3 bedroom or 1 bedroom units are proposed – the mix would fail to enhance the residential mix of the area
- the relevant section of the guidelines on Sustainable Residential Development in Urban Areas state the objective to achieve efficient use of urban land appropriate to its context, while avoiding the problems of overdevelopment and

in in fill residential development in areas of established character a balance has to be struck

- the site is relatively sensitive in terms of the immediate context
- the east facing side gable and elevation of the last house on the rear of type A houses would have some negative visual and overbearing impact and there could be some overshadowing of the opposing though relatively long rear gardens
- the north end of the type C houses (beside no 232) would have some negative visual and overbearing impacts and overshadowing due to the position on site and relative to one of the high points of the site together with the side elevation details and proximity to the north boundary
- the rear (west) facing elevation of the dormer house may lead to some negative visual impacts due to the close proximity to the boundary wall
- position of bin store is not ideal
- overall the roof designs and / close proximities of some of the proposed dwellings would be unduly prominent when viewed from adjacent properties
- the proposed development does not make most productive use of the site or represent the most advantageous and innovative / distinctive approach to the relatively constrained site
- access to the open space to the south should be further explored – the Parks Department recommend a refusal – contribution not acceptable in this instance
- taking in charge of the development may be difficult due to the proposed of gradients
- permission should be refused.

Transport Planning Department recommends further information in relation to alterations to the roadway and notes that gradients of roads may preclude the taking in charge of the development.

The **Parks and Landscape Services** recommends refusal of permission for reason related to the insufficient quantity and quality of open space and other matters including deficiency of SUDS details and complete loss of on-site trees and absence of provision for children's play. A contribution in lieu of open space is not acceptable in this case and in similar circumstances the Council has insisted on inclusion of open space within the scheme.

Irish Water recommends conditions.

Drainage Planning Municipal Services Department recommends further information in relation to surface water drainage.

Housing Department confirms that the site and the proposal is capable of complying with the requirements of Part V of the Act subject to agreement being reached on land values and development costs. This can be addressed by way of a condition.

DECISION OF PLANNING AUTHORITY

The Planning Authority decided to refuse permission for reasons summarised below:

- substandard public open space
- inadequate density and mix of units
- height, bulk, layout would be overbearing, visually obtrusive and cause overshadowing when viewed from houses to east and north.

GROUNDS OF APPEAL

The main points of the first party appeal include:

- this was a carefully prepared application taking in to account the amenities of the established residential area
- the Planning Authority focus on achieving maximum densities is not always possible taking into account the amenities of neighbouring properties
- the application cover letter submitted referred to relevant policy context including the general rule of a minimum density of 35 units per hectare, which is achieved
- site area available for redevelopment is only 0.35 hectares and the development has to fit into the context of being surrounded by houses
- the public open space is not accessible from the site due to abrupt changes in levels and lack of clarity regarding the ownership of the stone wall
- where houses in the terrace back towards single storey houses on Avondale Road, the house types are limited to 2 storeys with 1st floor windows in excess of 11m
- a contribution in lieu of open space should be accepted in view of the limited site area available

- the Planning Officer accepted that the potential of this particular site to cater for high density is constrained by the need to protect residential amenity
- the sensitive nature of the site was accepted at pre-application stage
- due to the site area being less than 0.5 hectare it would generally be considered small in the context of accommodating infill development
- the existing open space is associated with the Glenageary Hall development and is not immediately accessible to the site due to level difference
- regarding the density and the mix consideration of the limited site size is again required – national guidance has previously indicated that sites under 0.5 hectares should be re-developed with priority accorded to the surrounding pattern of development
- the proposal on a confined site comprises three different housing types with sizes ranging from 84 square metres to 166 square metres - these houses are of a type not found in the locality and are suitable for downsizing from the many under-occupied houses in the area
- the suggestion made in pre-planning regarding duplex or apartment units in a house terrace was deemed impractical and unsuitable for the locality
- the arrangement of houses is acceptable in the context of infill where there is some separation from the boundary and in this case the adjoining rear gardens are long
- the reason for refusal is not supported by the assessment in the report which refers to ‘some impact’ in relation overshadowing
- the Board has previously favourably considered a site at Taney Road (Ref-242786) which was surrounded by substantial bungalows and decided that it was the appropriate design solution for the site – an extract from the decision is given – we refer also to a site at Whitechurch, Rathfarnham where the Board permitted a backland infill (Ref-244897)
- similar circumstances arise in this case and a positive assessment is appropriate
- a number of responses have been provided by the design team in response to the comments of the technical departments in DLRCC and Irish Water
- sites 08 and 13 have been amended to show hipped roofs

- shadow analysis provided shows no shadow cast to buildings provided and minimal shadowing to gardens – the analysis refers to the equinox at 21st September
- the target of at least 50% of amenity space receiving two hours of sunlight on the equinox is achieved
- the road surface is altered to indicate a ‘home zone’
- in conclusion the decision of the Planning Authority cannot be sustained.

The enclosed report of **DBFL Consulting Engineers** provides a response to the matters raised in the Transport Planning Report, Drainage Planning Report and by Irish Water. The responses refer to compliance with DMURS, to surface water attenuation, to connection agreements and to watermain layout.

Enclosed copy of revised drawings, landscape details and detailed shadow study and solar analysis.

OBSERVATIONS

The Board received 13 no. observations from residents in the vicinity including from Avondale Road, Glenageary Hall, Bellevue Avenue and Glenageary Road Upper. These together with the 20 no. comments to the Planning Authority discuss a number of common themes. It is appropriate to summarise the issues raised and consider the submissions as a group. The observations may be summarised as follows.

- Site is considered too small due to its backland / infill nature for the houses proposed.
- Contrary to zoning objective.
- Due to the height and design of the houses and the separation distances proposed (in places under 22m) the development would impact on houses in the area by overlooking, overshadowing, lighting overspill and general diminution of residential amenity. Obscure glass will not remedy overlooking.
- Design of houses is out of character due to three storey height – should be single storey – massing and typology alien to area – design motivated by potential for sea views – houses are too large.
- Failure to demonstrate evidence with respect to population decline.
- Removal of trees and hedgerows will impact on the character of the area and the amenities and privacy enjoyed by residents.

- Proposals for boundary treatment are inadequately in terms of nature of proposal and detail.
- Future use of the laneway will give rise to security concerns.
- Drawings are inadequate especially in terms of the failure to show existing extensions. Model required.
- Scheme would be inadequate in terms of amenities for future occupants including in relation to play areas, visitor parking and access for large vehicles.
- Vehicular entrance too narrow and will impede traffic at the roundabout and endanger pedestrians and cyclists.
- Unacceptable location of bin store, which at least should be fully enclosed.
- Damage to our home 228 Glenageary Road Upper due due to vibration, earth movement and proximity. Need for 2.1m walls.
- Could destabilise the stone wall at the open space.
- Inadequate water and sewerage infrastructure.
- Costs to remedy impacts will have to be borne by existing residents
- Construction phase impacts
- Flooding impacts – there is a network of underground streams in the area.
- Impact on solar panel at existing houses
- Due to the proposed roof levels smoke will blow into houses
- Wildlife will be impacted, including the common frog which is protected and birds. Environmental Study required.

RESPONSES TO APPEAL

The Planning Authority response notes as follows:

- limited changes are made as part of the submitted appeal
- a payment in lieu of open space was not considered appropriate in the context of the quantum of development and other matters

- it is still considered that there is potential to achieve a carefully thought out higher density on this site – large size of units noted
- for example increased density could be counterbalanced by omission of the proposed dormer bungalow unit, use of the space for the bin store, an additional area of open space or parking with other proposed redesigns and greater potential to facilitate access steps to the open space to the rear of the site
- the fluctuation in the building line of the rear block and ridgelines and a little more break-up of the car parking in the appeal submission is noted as of some benefit in terms of layout and urban design
- the change in roof at the end of terrace to hipped is an improvement
- the limited changes made under the appeal do not overcome the reasons for refusal relating to open space provision and layout, residential density and mix and scheme visual impact / appearance and layout.

ASSESSMENT

I consider that the issues in this appeal should be considered in terms of the following:

- development plan standards for residential development
- impact on surrounding dwellinghouses
- other matters
- Appropriate Assessment

Compliance with prevailing development plan standards for residential development

Two of the reasons for refusal set out by the Planning Authority refer essentially to a failure to comply with the development plan policies related to open space (reason 1) and density (reason 2).

Reason 1 - deficiency in open space and related matters.

The Case planner's report address in detail the requirements arising to serve the future occupants and the applicant's position is that payment in lieu is acceptable in this situation and has been agreed in similar applications. I concur with the general thrust of the development of the Planning Authority that the proposed development of 13 houses does not provide any meaningful opportunity for children's play and for recreation. The proposed development makes provision only for a landscaped strip alongside the access road, which would have an ornamental value but would not be

described as a usable open space. I consider that the appeal submission drawings (involving improved treatment of the public realm) do not overcome the fundamental matter that the proposed development would be deficient in terms of usable amenity open space.

The scheme adjoins a substantial open space, which appears to be under-utilised and under-developed. The provision of a meaningful connection to the open space to the rear together with the making of payments towards upgrading of that space should be a minimum requirement in the event that permission is to be granted. The applicant's willingness to make financial contributions only would still deprive the future residents of a suitable play space which could be safely accessed from their home. In the circumstances prevailing, where there is a large open space to the south, requiring children to walk alongside a main road to access play is not warranted. Given that 13 no. households would potentially be affected I consider it unacceptable.

I agree with the Planning Authority that the provision of a connection to the existing open space from the scheme needs to be further considered. I do not agree that the site slope (about 1 in 13) is a significant barrier to provision of access to the area to the open space. The unknown ownership of the wall is identified as another factor militating against a connection and this could be further explored. The Board may wish to consider a request for additional information on this matter but submission of a revised layout of houses would be involved.

I note also the concerns raised in the observations regarding the potential for damage to the stone wall, which could arise as a result of any construction close to the wall. In the event of a grant of permission I recommend a condition relating to protection of the stone wall and of the brick wall to the rear of 11 and 12 Glenageary Park, both of which are old structures and may be vulnerable.

In summary I agree with the conclusions of the Parks and Landscape Services in this instance and consider that the scheme of 13 houses is not suitable for a discretionary payment in lieu of open space. The number of houses together with the option of accessing adjacent parkland are particular circumstances in this regard. I conclude that reason 1 should be sustained.

The scheme also requires removal of all trees of significance on site. This is of concern to the Parks Department. The report of Arborist Associates Ltd notes however that none of the trees are 'Category A' meaning that none would be described as high value with significant lifespan. The trees on site appear to be largely ornamental and not of significant age or intrinsic value. I have no objection in principle to their removal. Regarding the amenity and screening value of trees that matter is discussed later in this report.

The development as laid out fails to provide any connection to the

Density

I note that the first party refers to the national guidance and to the previous development plan. The latter is now superseded by the current plan. As well as providing detailed guidance for the area the plan addresses a range of issues including the current market led demand for own-door housing. In this context the guidance on density remains unaltered and a general requirement for a minimum of 35 units per hectare remains, rising to 50 dwelling units hectare where there is a high quality public transport service available. Guidance includes requirements relating to the protection of residential amenities. Density policy is set firmly in the need to promote and protect sustainable modes of travel. A detailed summary of relevant policies are set out in this report and extracts from the development plan are provided for consideration by the Board.

In relation to the density of the proposed development I agree with the Planning Authority that this is an area where higher densities are especially appropriate under the terms of the development plan. I note that the observers consider that the density is excessive and that the applicant considers that the appropriate balance has been struck in terms of the site context.

Responding to the suggestion by the officials of the Planning Authority that incorporating apartments or duplexes might be feasible, the main argument presented by the first party is that this would be impracticable and unsuitable for the locality. That argument is not set out in any detail and its basis is not clear. Based on the submissions on file, I agree with the general thrust of the comments in the Case Planner's report that through use of a wider housing typology more units could be developed on this site.

The Planning Authority refers to the lack of one-bed room houses and three bedroom houses and states that the units are quite large. However, I note that the proposal involves a range of house sizes and mid-terrace housing, which would not be characteristic of this area. On balance I agree with the overall conclusion of the Planning Authority that the mix of units is inappropriate, including for the reason that it limits the achievement of higher densities. Promoting sustainable transport modes and achieving the most efficient use of this well located site, which has benefited from investment in public infrastructure and transport is the basis for the requirements of the development plan. The development proposed does achieve a density of 35 units per hectare, which is the general minimum set out in the plan, but is considerably less than the guidance of 50 units per hectare for this particular area. Notwithstanding the infill nature of the site and the surrounding low density context I agree with the Planning Authority that a greater number of units involving a greater mix in housing typologies could be achieved.

I conclude that reason 2 of the decision of the Planning Authority should be upheld.

Impacts on residential property in vicinity

I refer below to the potential impacts on residential property in the environs of the site. I consider that the significant matters raised by third parties relate to accuracy of drawings, potential for overlooking, overbearing impact, overshadowing, removal of trees, boundary treatments, lighting, future use of the laneway. I will comment on these matters below.

Accuracy of Drawings

I consider that the drawings submitted with the application are sufficient for the purposes of assessment of the appeal by the Board. I note the omission of a number of rear extensions and that this is of considerable concern to residents who consider that the impact on their houses is underestimated in such circumstances. I also note that my inspections included entry to the rear of three of the houses closest to the proposed development, from which I had a view across the houses and gardens of other observers. I have taken all of this information into account in the foregoing and am satisfied that there are no substantial omissions in the available information.

Overlooking / overbearing and overshadowing impacts

At the outset I consider it appropriate to acknowledge that the development would give rise to a change in the character of the area particularly when viewed from the rear of existing dwellinghouses. The removal of trees and the introduction of buildings constitutes a significant landscape and visual impact. The matter for the Board to determine is whether that impact would fall within the parameters set by the development plan and other standards.

Regarding overlooking and overbearing I note that the potential for adverse consequences in this case is severely limited by both the ample size of the rear gardens of the adjoining houses and by the rear garden lengths in the scheme, 11no. of which are over 10m. I note that the minimum separation achieved between the proposed houses and the original rear wall of existing houses is between 20m and 36m. At two of the proposed houses rear gardens are about 8m (house and under 1m. The design of house 1 eliminates overlooking but it would be visible from Glenageary Hall. The overlooking at a separation of 8m from the rear of unit 8 is to the end of the rear garden of 14 Avondale Road. The most private areas of that house are not impacted.

Even taking into account the fact that a majority of rear garden lengths at existing houses are reduced by the development of extensions of about 6m depth at the rear of the houses, there remains substantial separation between the existing and future houses. I note that the development plan is not prescriptive on this matter. I consider that the separation is adequate and that, while the character of the area will

alter, no significant overlooking or overbearing will arise subject to appropriate boundary treatment.

Regarding overshadowing impacts I agree with the appellant that the Planning Authority has not indicated specific significant concerns in the report on file. The study presented demonstrates that some overshadowing of garden space would arise from the development but that compliance with the BRE standard is achieved. I accept the submissions presented by the applicant.

I conclude that the development subject to appropriate boundary treatment would not give rise to significant overshadowing, overbearing or overshadowing of the existing residential properties in the vicinity and that a refusal of permission is not warranted for this reason.

Trees and boundary details

I have commented above on the limited intrinsic value of the trees and hedges on site, all of which are to be removed. The trees and evergreen hedges have a value in terms of softening the appearance the site and adding to the amenity value of the area and of individual houses. In order to mitigate against the loss of trees on site, new tree planting should be undertaken as a requirement of any permission. The options in this regard are limited by the position of house no. 1. However, there are many innovative options available for high level planting which might be appropriate to explore in addition to high boundary walls. Such details would be best agreed with the Parks Department of DLRCC in the event of a grant of permission.

I have referred above to the high brick wall and the stone wall, which are important features in the area and which ensure privacy at some of the houses. There are a range of boundary walls in place, some of which are under 1.5m height. Regarding the proposals for boundary wall treatment I consider that this critical aspect of the scheme is insufficiently detailed on the application drawings. It is essential that any new boundary features provide adequate ground level screening to block inter visibility between the garden and (raised) patio areas of adjacent houses and the proposed development. It is not possible to be prescriptive about this matter, which requires case by case consideration of each residential property and consideration of levels at the existing and proposed houses. This matter is however is capable of resolution through detailed design and in the event of a grant of permission should be subject of a planning condition requiring agreement with the Planning Authority.

Lighting

A lighting scheme was submitted with the application and it demonstrates that no significant light overspill to adjoining properties is anticipated. The introduction of street lighting onto the site will alter the character of the view from nearby houses at night. Similar effects would be anticipated in association with any significant re-

development of this site. In the event that permission is granted I recommend that the Board attach a standard condition regarding public lighting.

Laneway

The access road to 'Feldberg' is to be retained as part of the proposed development for the purpose of access to the ESB substation. This is of particular concern to a number of residents who are concerned that it would pose a security risk. The option of requiring that the laneway be secured by a gate could be addressed by condition. In view of the proximity to the proposed vehicular access retention of this laneway for pedestrians and cyclists would not greatly advantage residents in my option. I have no option to the route being secured at the roadside edge. However, in view of the limited open space I suggest that it should be retained as part of housing scheme.

Other matters

I have no objection to the principle of demolition of the two houses on site which date to the mid twentieth century and are not protected or within an ACA. This is not a significant issue in the appeal.

The Design Statement presented as part of the application package includes a simple waste management plan, which I consider is sufficient for the purposes of this application.

Regulation of construction phase impacts through a condition relating to construction phase traffic management and hours of construction would be appropriate. Due to the residential nature of the surrounding area I recommend that a condition be attached regarding agreement with the Planning Authority of a construction management plan, which would address both matters.

Proposals for social and affordable housing under Part V are agreed in principle and can be addressed by condition.

There is no indication from available sources including the Planning Authority technical reports and the applicant's submissions that the site is at risk of flooding.

Appropriate Assessment

I consider that the screening report submitted is adequate for the purpose having regard to the nature and scale of the proposed development and the site context. There is sufficient information available to the Board to carry out an Appropriate Assessment.

The nearest European Sites *Rockabill and Dalkey Island SAC, South Dublin Bay SAC, South Dublin Bay and Tolka River SPA and Dalkey Islands SPA* are

designated for porpoise, reef habitat, mudflats and sand flats and a range of birds including Brent Geese and tern species. Due to the distance from the site, the lack of significant watercourses on site and the nature of the proposed development I am satisfied that there will be no impact directly, indirectly or in combination on the qualifying interests.

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

RECOMMENDATION

I recommend that the Board uphold the general thrust of the decision of the Planning Authority to refuse permission for reasons related to the proposals for open space and density as set out in the reasons and considerations below.

REASONS AND CONSIDERATIONS

1. The proposed development by reason of the inadequate provision of public open space and connectivity to the available public open space to the south of the site, would constitute a substandard form of development which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

2. It is the policy of the Planning Authority as set out under RES3 of the Dun Laoghaire Rathdown Development Plan 2016-2022 to promote higher residential densities. The site is located within 1km of the DART, where higher densities at a minimum of 50 units per hectare will be encouraged. The site is not considered to be unduly constrained by the surrounding residential development or other features, which might justify such a substantial reduction in densities. It is considered that the selected housing typology has unduly constrained the achievement of higher densities. The proposed development would therefore set an undesirable precedent for similar sites, would contravene the provisions of the development plan and would be contrary to the proper planning and sustainable development of the area.

Mairead Kenny

Senior Planning Inspector

17th June 2016