



An  
Bord  
Pleanála

## Inspector's Report

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### Development

Outline permission for a house and all associated site works at 'Rockfield', Brighton Road, Foxrock, Dublin 8.

### Planning Authority

Dun Laoghaire Rathdown County Council

### Planning Authority Reg. Ref.

D16BA/0258

### Applicant

Michael & Linda Curran

### Type of Application

Outline

### Planning Authority Decision

Refuse

### Appellant

Michael & Linda Curran

### Type of Appeal

1<sup>st</sup> Party v. Refusal

### Observer(s)

None

### Inspector

Colin McBride

### Date of Site Inspection

03<sup>rd</sup> October 2016

## **1.0 Site Location and Description**

1.1 The appeal site, which has a stated area of 0.16 hectares, is located to the south of Foxrock and on the south western side of Brighton Road. The appeal site is part of the curtilage of an existing single-storey dwelling, 'Rockfield'. The site is accessed over an existing laneway that has a vehicular entrance onto Brighton Road to the north east of the site. The laneway is 9m wide, however most of it is the verges which have mature trees along each side, with the carriageway width being approximately 3m. There is layby approximately half way along the laneway on the northern side. The laneway currently serves five detached dwellings. Immediately to the east of the site is the single-storey dwelling within whose curtilage the site is located, to the west is a two-storey detached dwelling on a large site and to the south is also a detached dwelling. Boundary treatment on site consists of existing hedgerow.

## **2.0 Proposed Development**

2.1 Outline permission is sought for a detached two-storey dwelling with on-site proprietary wastewater treatment system, including sand polishing filter, opening of a new access onto the existing access road and all associated site works. The site is a subdivision of the curtilage of an existing single-storey dwelling. The site is accessed off a lane, which is approximately 3m wide (carriageway width) that accesses onto Brighton Road. The existing lane is lined with mature trees and serves 5 existing dwellings.

## **3.0 Planning Authority Decision**

### **3.1 Decision**

3.1.1 Permission refused based on two reasons...

1. The proposed development would result in the intensification of additional traffic exiting the laneway onto Brighton Road via the restricted shared (laneway) vehicular entrance and would endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would endanger public safety as a result of insufficient sightlines for additional traffic exiting the laneway onto Brighton Road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. The proposed

development would also set an unwelcome precedent for future intensification of use of a restricted vehicular access onto Brighton Road.

## **3.2 Planning Authority Reports**

### **3.2.1**

- (a) Conservation Officer (05/05/16): No objections.
- (b) Irish Water (12/05/16): Further information required in relation water supply.
- (c) Parks and Landscape (23/05/16): No objection.
- (d) EHO (23/05/16): Further information required in regards to wastewater treatment.
- (e) Transportation Planning (31/05/16): Refusal recommended due to intensification of use of a restricted shared laneway and vehicular access, precedent for future intensification of such and insufficient sightlines at the entrance onto Brighton Road.
- (f) Planning Report (03/06/16): There were concerns regarding the intensification of use of the existing access lane and vehicular access, the precedent for intensification of use and the insufficient sightlines at the vehicular access onto Brighton Road. Refusal was recommended based on the reasons outlined above.

## **4.0 Planning History**

4.1 D15A/0188: Permission refused for the demolition of the existing single-storey dwelling and construction of 4 no. five bedroom, two-storey dwellings including improvement, widening of existing access lane. Refused based on three reasons...

1. The proposed development would result in the intensification of additional traffic exiting the laneway onto Brighton Road via the restricted shared (laneway) vehicular entrance and would endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The existing laneway is located within the Foxrock Architectural Conservation Area and is lined with a number of mature trees, which form a significant feature in the area. This laneway is an integral landscape character feature of the Foxrock ACA and the proposed widening of the laneway would neither maintain nor enhance the special character of the sylvan character of the laneway and Foxrock Architectural Conservation Area and as a result, would contravene Policy AR8, Policy LHB11 and Section 16.9.2 of the 2010-2016 Dun Laoghaire-Rathdown County Development Plan, would set an

unwelcome precedent and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed entrance improvement works at the laneway junction with Brighton Road, which propose an additional area of footpath behind the proposed kerb line, in order to satisfy the required sightlines for additional traffic exiting the laneway onto Brighton Road, would set an unwelcome precedent and would, therefore, be contrary to the proper planning and sustainable development of the area.

4.2 D14A/0240: Permission refused for demolition of existing single-storey dwelling and construction of 4 no. five bedroom, two-storey dwellings including improvement, widening of existing access lane. Refused based on three reasons...

1. The proposed development would be serviced by a sub-standard lane-way to accommodate a total of 8 dwellings and would contravene Section 16.3.4 of the County Development Plan in terms of minimum width requirements for a laneway. The proposed development, which results in the intensification of traffic on the laneway would, therefore, endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The existing laneway is located within Foxrock Architectural Conservation Area and is lined with a number of mature trees which form a significant feature in the area. The proposed widening/improvement of the laneway and provision of 2 no. passing bays would neither maintain nor enhance the special character of the sylvan character of the area and Foxrock Architectural Conservation Area and as a result would contravene Policy AR8, Policy LHB11 and Section 16.9.2 of the 2010-2016 Development Plan would set an unwelcome precedent and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed entrance improvement works at the laneway junction with Brighton Road would set an unwelcome precedent and would adversely affect the use of Brighton Road. This is contrary to the proper planning and sustainable development of the area. Note: Should a further planning application be submitted, the applicant is requested to submit the following: • Floor plans, Structural survey and energy statement should be submitted to justify the demolition of the building, addressing how demolition and construction of the development will be catered for and how overall energy considerations have been addressed; • A detailed Arboricultural Impact Assessment together with a Tree Constraints Plan showing all RPAs, a Tree Protection Plan and Arboricultural Method Statement together with a

landscape design proposal; • Any proposed changes to the boundary wall should take account of the existing boundary wall treatments.

## **5.0 Development Plan**

5.1 The relevant plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022.

The site is zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenity'.

5.2 The site is located adjacent the Foxrock Architectural Conservation Area with the lane serving the site located within the designated ACA.

5.3 Policy RES3: Residential Density (Section 2.1.3.3)

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

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

5.4 Policy RES4: Existing Housing Stock and Densification (2.1.3.4)

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

## **6.0 The Appeal**

### **6.1 Grounds of Appeal**

6.1.1 A first party appeal has been lodged by Jim Brogan Planning & development Consultant on behalf of the applicants, Michael & Linda Curran. The grounds of appeal are as follows...

- It is noted that the proposal is consistent with Development Plan policy in regards to zoning/land use, and policy in regards to residential density and densification (RES 3 and RES 4), as well as policy regarding houses in side garden/corner sites. The proposal is also consistent with National policy regarding increased densities.
- The pattern and type of development proposed is in keeping with the pattern and density of development on adjoining sites.
- It is noted that the dwelling is to be serviced by a proprietary wastewater treatment system and that there is precedent for the Board permitting such (06D.234562).
- An accompanying report by Consultant Engineers deals with the traffic issues. It is noted that the proposal would have no material impact in regards to traffic and cannot be considered a significant intensification.
- It is noted that the access arrangements onto Brighton Road are acceptable in the context of the Design Manual for Urban Roads and Streets (2m setback where speeds are low).
- In regards to precedent it noted that similar development similar access circumstances have been permitted, in particular reference is made to case no. PL06D.234215.

## **7.0 Planning Authority Response**

7.1 Response by Dun Laoghaire Rathdown County Council.

7.1.1

- It is noted that the grounds of appeal raise no new issues which would justify a change in attitude to the proposal.

## **8.0 Assessment**

8.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development  
Density, siting, visual/residential amenity  
Traffic/access  
Wastewater treatment  
Other Issues

## **8.2 Principle of the proposed development:**

8.2.1 The proposal is for outline permission for a two-storey detached dwelling with the site being the subdivision of the curtilage of an existing single-storey dwelling (Rockfield). The site is to be accessed over an existing laneway that serves the dwelling from which the site is taken from in addition to 4 other detached dwellings. The site is zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenity'. The proposal is consistent with the zoning objective at this location and the proposal for an additional dwelling would be consistent with Development Plan Policy such as RES 3 and 4 in regards to use of density and zoned lands. The principle of the proposed development is acceptable in the context of planning policy and subject to it having an acceptable physical impact in relation to adjoining amenity, visual amenity and traffic impact.

## **8.3 Density, siting, visual/residential amenity:**

8.3.1 As noted above the proposal entails subdivision of the site of an existing detached dwelling. The curtilage of the existing dwelling is significant in size and is typical of the plot of sizes of the dwellings at this location. The proposal is to section off the garden area to the side of the existing dwelling (south west) and construct a detached two-storey dwelling with the indicative footprint layout positioning it on a similar building line to the existing dwelling (Rockfield). In regards to density the proposal for the new dwelling would be acceptable as it would be in keeping with the pattern of development for detached houses on sizeable sites. The curtilage of the existing dwelling is of significant size and would provide for a sizeable detached dwelling, while providing more than the required level of private open space under Development Plan policy with the new dwelling and retaining sufficient private open space with the existing dwelling. The site size and proposed pattern of development would also facilitate an adequate level of off-street car parking for both the proposed dwelling and retained with the existing dwelling in keeping with Development Plan requirements.

8.3.2 The proposal would be acceptable in regards to pattern of development and the amenity of adjoining properties. Subject to an acceptable design at permission consequent at outline stage, I am satisfied that the proposal has adequate regard to the existing pattern of development and would be acceptable in regards to the residential amenities of adjoining properties.

8.3.3 In regards to visual amenity the site is not located in a prominent or highly visible location in the surrounding area. Existing vegetation and boundary treatment would also reduce the visual impact of the proposed development. The proposal for an additional detached dwelling would not be out of

character at this location (subject to satisfactory final design) and has adequate regard to the established pattern of development. As noted above the site is adjacent the Foxrock ACA. The level and pattern of development proposed subject to an acceptable design at the permission consequent on outline stage, would have no adverse impact on the character of the designated ACA.

#### **8.4 Traffic/access:**

- 8.4.1 The main issue concerns traffic impact/access arrangements. The site is accessed over an existing laneway that is approximately 225m (170m to the new access to the proposed dwelling). The laneway has width just under 3m wide with mature trees along each side of the laneway. The laneway does have layby area between the site and the vehicular access onto Brighton Road. The proposal was considered to be an unacceptable intensification of traffic on a laneway restricted in width as well as it considered that the sightlines at the existing vehicular access onto Brighton Road to be inadequate.
- 8.4.2 The appeal submission includes traffic report by Martin Peters Associates, Consulting Engineers. The report includes a trip assessment and junction analysis that concludes that the proposal would not result in a significant intensification of traffic. In regards to sightlines, the report highlights the recommendations of the Design Manual for Urban Roads and Streets (DMURS). The report notes that the current situation would be compliant with the requirement of DMURS based on the design speed of the road (50kph) and the ability to attain 42m visibility in each direction on a 2m setback. The report also notes that the visibility standard can be improved with a small adjustment of the footpath running in front of the existing access with a 250mm extension of the width of the footpath to allow for sightlines of 49m in each direction.
- 8.4.3 The proposal is for an additional dwelling off the existing laneway, which currently serves 5 no. dwellings. Although the laneway does not facilitate two-way traffic, I would consider that the level of traffic proposed to be negligible in terms of intensification of traffic and very much in keeping with the nature of traffic already using the laneway. In addition, there is an existing layby that would facilitate passing traffic. There is an issue of precedence as there is opportunity on adjoining sites for similar development that would increase traffic levels. I would however consider that if such development was along the lines of what is proposed rather than a much higher density of development, there is scope for such additional development without having an adverse impact in regards to traffic levels on the existing laneway. I would



consider the layout/dimension of the existing laneway could facilitate such low density development without posing a traffic issue.

- 8.4.4 In regards to the sightlines, I would be satisfied that the existing visibility at the entrance would be consistent the recommended standards set down under the Design Manual for Urban Roads and Streets and that the proposal is using an established entrance onto Brighton Road, which currently serves existing development of a similar nature and scale. In this regard I would be satisfied that the proposal would be acceptable in the context of traffic safety and convenience.

## **8.5 Wastewater Treatment:**

- 8.5.1 The proposal entail installation of proprietary wastewater treatment system with the applicants/appellants noting the other homes along the access laneway are serviced in such a manner. A site charcaterisation report was submitted including site suitability test. The trail hole test notes that the water table level was encountered at a depth of 1.2m in the trial hole (1.8m deep). The percolation tests result for T tests carried out by the standard method and for deep subsoils and/or water table, and P test carried out by the standard method and for shallow soil/subsoils and or water table indicate percolation values that are within the standards that would be considered acceptable for operation of a wastewater treatment system set down under the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses. The drawings submitted do not indicate the location of wastewater treatment systems on adjoining sites or private wells (if there are any) so it is not clear whether the proposal meets the required separation distances set down under the EPA Code of Practice (based on site size and separation from site boundaries, the proposal should meet such standards).
- 8.5.2 The site is in an urban/ built up area that is zoned and serviced to a degree. It is not clear whether the proposal could be serviced by a public sewer with indication that the existing long-established adjoining dwellings are all serviced by on site wastewater treatment systems. I would have concerns that the proposal would lead to an over-proliferation of wastewater treatment systems at this location as well as setting an undesirable precedent for more such development were other sites along the existing laneway to be developed in a similar manner. I would therefore conclude that having regard to the significant level of existing residential development on adjoining sites and associated wastewater treatment systems, the proposal would give rise to an over-proliferation of wastewater treatment systems at this location and set an undesirable precedent for additional wastewater treatment systems. In this regard the proposal would be prejudicial to public health and, therefore, be contrary to the proper planning and sustainable development of the area.

## **8.6 Other Issues:**

8.6.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **9.0 Recommendation**

9.1 I recommend a refusal of permission based on the following reasons.

## **10.0 Reasons and Considerations**

10.1

1. Having regard to the significant level of existing residential development on adjoining sites and associated wastewater treatment systems, the proposal would give rise to an over-proliferation of wastewater treatment systems at this location and set an undesirable precedent for additional wastewater treatment systems in a built up area. In this regard the proposal would be prejudicial to public health and, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride  
05<sup>th</sup> October 2016