



Development

14 residential units consisting of 6 no. three-storey houses and 8 no. apartments. Two options for house: 1) subdivide into two townhouses or 2) retention of original house, Harrow House, Church Road, Killiney, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D16A/0334

Applicant

Hamilton Harrow Development Ltd

Type of Application

Permission

Planning Authority Decision

Grant

Appellant

Hamilton Harrow Development Ltd

Type of Appeal

1st Party v. Refusal

Observer(s)

- (1) Margaret Hamon
- (2) Mary McCabe
- (3) Church Road Property Maintenance Ltd.
- (4) John Tierney
- (5) Residents of Balure Lane
- (6) Gail Gilliland & Keith Clarke

(7) Residents of Coudon Court

(8) Maeve O'Brien

Inspector

Colin McBride

Date of Site Inspection

18th October 2016

1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 0.48 hectares, is located to the west of Killiney and the north of Cherrywood. The site is located on the eastern side of Church Road/R118. The site is occupied by an existing two-storey detached period dwelling (Harrow House), which has an existing vehicular access directly onto Church Road. There are existing trees and vegetation on site which is vacant and overgrown. Balure Lane runs along the northern boundary of the site and serves a number of detached dwellings as well as a recently constructed housing development to north of the site. To the east of the site is Harrow Cottage, which is a two-storey dwelling and is located right on the site boundary with the access lane to such from Balure Lane running along the boundary of the site. Further to the north is an existing detached dwelling with access from Balure Lane. To the south is the existing housing development of Coudon Court which consists of two-storey detached dwellings with a number backing onto the southern boundary of the site. Boundary treatment on site consists of a tall stone wall along the roadside boundary, a block wall along the southern and eastern boundaries, and a stone wall along the northern boundary.

2.0 Proposed Development

2.1 Permission is sought for modifications and extensions to Harrow House and construction of 14 no. new residential units consisting of 6 no. three-storey houses and 8 no. apartments. The 6 no. houses will consist of 1 no. four bed detached unit, 1 no. four bed semi-detached unit, 1 no. three bed semi-detached unit and 3 no., three bed terraced dwellings. The 8 no. apartments will be located in two separate two-storey buildings (A and B), each accommodating 2 no. one bed units and 2 no. two bed units. Apartment Building A will be linked to Harrow House and will incorporate the southern wing of the existing house into the apartment building. Two options for Harrow house are proposed. Option 1 entails subdivision of the original house into 2 no. two bed townhouse and Option 2 entails retention of the original house as

a four bed dwelling with internal alterations and extension to the rear. The development provides for a new vehicular access onto Balure Lane that facilitates access from Church Road, new internal access road, landscaping, boundary treatments, site development works and services.

3.0 Planning Authority Decision

3.1 Decision

3.1.1 Permission refused based on four reasons...

1. It is considered that the additional traffic turning movements generated by the proposed development onto the heavily trafficked Church Road, which provides an important part of the link road between Dun Laoghaire Town Centre and the M50/N11, would endanger public safety by reason of traffic hazard and would have a seriously adverse impact on the carrying capacity of the link road. It is also considered that the development would lead to an increased propensity for illegal U – turn manoeuvres on Church Road, which would endanger public safety by reason of traffic hazard. In addition, the proposed development, if granted, would set a precedent for further residential development accessing onto Church Road with consequent implications for public safety and the carrying capacity of the road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the northeast facing gable elevation of proposed house No.6, by virtue of its height, scale, proximity to the site boundary and its location significantly to the front of Harrow Cottage (immediately adjacent to the north east), would have a visually overbearing impact on the south westerly outlook from the private amenity area of Harrow Cottage and would also result in a significant overshadowing impact on that property and its private amenity area. It is therefore considered that the proposed development would have a seriously injurious impact on the visual and

residential amenities of Harrow Cottage and would therefore be contrary to the proper planning and sustainable development of this area.

3. The development as proposed is deficient in public open space and does not meet current County Development Plan standards in this regard as set out under Sections 8.2.8.2(i) & 8.2.8.3 of the 2016-2022 Dun Laoghaire-Rathdown County Development Plan. In addition, the proposed houses – units Nos.2 & 5, by virtue of their size and potential to function as 4 – bedroom houses, do not meet minimum 75sqm size requirement for private rear garden areas as set out under Section 8.2.8.4(i) of the 2016-2022 Dun Laoghaire-Rathdown County Development Plan. In addition, the private open space provision for the proposed townhouses, proposed units Nos. 11 & 12, is considered to be inadequate in terms of size and layout. The proposed development would, therefore, be deficient in terms of public open space and private open space and would be seriously injurious to the amenities of future residents. The proposed development therefore does not comply with current County Development Plan requirements and would be contrary to the proper planning and sustainable development of this area.

4. Having regard to the size of the site and its proximity to existing services and proposed QBC facilities and taking into account Policy RES3 of the 2016-2022 Dun Laoghaire-Rathdown County Development Plan, which indicates as a general rule that the minimum default density for new residential developments in the County (excluding lands on zoning Objectives ‘GB’, ‘G’ and ‘B’) shall be 35 units per hectare, it is considered that the residential density as proposed for the site is not consistent with current County Development Plan requirements. It is therefore considered that the proposed development would be contrary to the proper planning and sustainable development of this area.

3.2 Planning Authority Reports

3.2.1

- (a) Conservation Officer (02/06/16): In relation to works to Harrow House Option 1 is considered to be contrary Development Policy AR5 and AR8 as it includes the removal of a significant amount of the internal walls and staircase. In the case of Option 2 it is considered that the apartment structure adjoining the existing structure is not a sensitive design solution. Further information in this regard is recommended.
- (b) Drainage Planning (10/06/16): Further information required including details of surface water proposals.
- (c) Parks & Landscape Services (10/06/16): Concern is raised regarding the level of tree removal proposed
- (d) Irish Water (17/06/16): No objection.
- (e) Transportation Planning (29/06/16): Refusal recommended on the basis of precedent in that a grant of permission for such development and other such development would adversely affect the use of a major road by traffic.
- (f) Planning Report (06/07/16): It is noted that the density of the proposal is below that recommended by Development Plan policy and the mix and type of units is also identified as an issue. It is noted some of the units are deficient in regards to private open space as well as deficient in the level of public open space. It is noted that the north east facing gable of house no. 6 would have an overbearing impact on Harrow Cottage (immediately east). The proposal was considered to be a traffic hazard. Refusal was recommended based on the reasons outlined above.

4.0 Planning History

- 4.1 D15/0655: Permission refused for 1. Modifications to Harrow House including demolition of rear return and non-original southern wing and construction of 2-storey extension to rear. 2. Construction of 9 no. 4-bedroom 3-storey detached dwellings. 3. Closure of existing vehicular entrance and opening of new vehicular entrance to Church Road. 4. New internal access road, car parking, landscaping, boundary treatments, site development works and services. Refused based on traffic grounds, unacceptable housing density and overlooking of adjoining properties.

- 4.2 D94A/0321: Permission granted for a change of use of part of Harrow House from residential use to a nursing home.

Relevant cases on sites in the vicinity.

- 4.3 PL06D.244195: Permission refused for demolition of 'San Michele' and 'Arranmore' and construction of 8 houses, alterations and extension to no 19 Watson Road, replacement of 3 accesses with 1 access and all site works. Refused based on one reason...

1. It is considered that the additional traffic turning movements generated by the proposed development onto the heavily trafficked Church Road, which provides an important part of the link road between Dun Laoghaire Town Centre and the M50/N11, would endanger public safety by reason of traffic hazard and would have a seriously adverse impact on the carrying capacity of the link road. It is also considered that the proposed development, if granted, would set a precedent for further multiple dwelling access points with consequent implications for public safety and the carrying capacity of the road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 4.4 PL06D.244194: Permission refused for demolition of 'Smallacre' and 'Woodlawn' and construction of 8 no. houses, alterations and extension to 43 Watson Road, replacement of 2 no. existing accesses with a single access. Refused based on reason...

1. It is considered that the additional traffic turning movements generated by the proposed development onto the heavily trafficked Church Road, which provides an important part of the link road between Dun Laoghaire Town Centre and the M50/N11, would endanger public safety by reason of traffic hazard and would have a seriously adverse impact on the carrying capacity of the link road. It is also considered that the proposed

development, if granted, would set a precedent for further multiple dwelling access points with consequent implications for public safety and the carrying capacity of the road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 4.5 D09A/0357: Permission granted for construction of 6 no. detached 6 bedroom, 2-storey houses with developed roof-space, including modifications to the existing house to be retained on site, all associated infrastructure, landscaping, boundary treatment and site development works. Vehicular and pedestrian access to the proposed development is provided via the relocation and modification of an existing entrance from Balure Lane connecting to Church Road.

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 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).

5.3 Under Section 2.1.3.3 on Residential Density the following is also noted...

Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged. As a general rule the minimum default density for new residential developments in the County (excluding lands on zoning Objectives 'GB', 'G' and 'B') shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to 'greenfield' sites or larger 'A' zoned areas.

6.0 The Appeal

6.1 Grounds of Appeal

6.1.1 A first party appeal has been lodged by Simon Clear & Associates on behalf of the applicant, Hamilton Harrow Developments Ltd . The grounds of appeal are as follows...

- It is noted that similar type of housing development was granted in recent times (D09A/0357) on a site to the north with similar access arrangements without concerns regarding traffic issues. It is noted that proposal uses an established access that currently serves 24 existing/permitted dwellings. The appellant has included a Transport Statement including details of trip generation to demonstrate the proposal would have no noticeable impact on the carrying capacity of Church Road or junctions north and south of the development.

- In regards to concerns in relation to impact on residential amenity, revised plans have been submitted with a reduction in the number of dwellings located adjacent Harrow Cottage with a setback from the site boundary and reduction from three-storey to two-storey development. It is considered such would address the concerns regarding impact on residential amenity.
- In regards to house unit 3 it is noted that there are no opposing first floor windows on the dwelling with Coudon Court although a distance of 11m from the rear elevation to the boundary at first floor level can be achieved through setback of the of the upper floor if deemed necessary.
- It is noted that the level of public open space is compliant with Development Plan policy.
- In regards to private open space the reason for refusal is considered harsh, however it is noted that the revised site layout plan submitted does provide more than the minimum required standard of private open space.
- In regards to density it is noted that the Planning Authority did not give due consideration to site constraints (retention of the existing dwelling on site) in assessing density.
- The appellants have submitted revised drainage details in light of Drainage Planning request for further information.
- The proposal provides a comprehensive landscaping scheme and the provision of trees that will provide for a good quality landscape proposal in keeping with the character of the area.
- It is noted that the proposal provides an appropriate mix of housing units at this location.

7.0 Responses

7.1 Response by Dun Laoghaire Rathdown County Council.

7.1.1

- The revised plans submitted with the appeal are an improvement; however the Planning Authority still has concerns regarding the layout and design proposed in regards to amenities of Harrow Cottage.
- The Board is requested to refuse permission on traffic grounds. It is noted that the Council is not permitting new entrances or significant intensification of existing access points onto Church Road prior to significant road upgrade works being carried out. This approach is consistent with recent Board decisions PL06D.244174 and PL06D.244195.

7.2 Response by Transport Infrastructure Ireland.

7.2.1

- The response notes the urban location of the site and refers the Board to Dun Laoghaire Rathdown County Council for relevant transportation reports.

8.0 Observers

8.1 An observation has been received from Margaret Hamon, Cherry Hill, Balure Lane, Church Road, Killiney, Co. Dublin.

- The observation notes that there is significant congestion along Church Road and the proposal would add to this problem. It is also noted that Harrow House has never had a vehicular entrance onto Balure Lane and there should not be one in this case.

8.2 An observation has been received from Mary McCabe, Craignure, 7C Coudon Court, Killiney, Co. Dublin.

- The observer notes concerns such as loss of privacy, overshadowing/loss of light, reduced security and structural implications.
- The observer also notes the foul and storm water services are inadequate.

- The loss of trees is noted as having a significant adverse impact on the amenities and character of the area.
- The additional traffic would endanger public safety and impact adversely on the carrying capacity of Church Road.

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- The observer notes concerns such as loss of privacy, overshadowing/loss of light, reduced security and structural implications.
- The observer also notes the foul and storm water services are inadequate.
- The loss of trees is noted as having a significant adverse impact on the amenities and character of the area.
- The additional traffic would endanger public safety and impact adversely on the carrying capacity of Church Road.

8.4 An observation has been received from Mesh Architects on behalf of the Church Road Property Maintenance Company Ltd.

- The proposed development would endanger public safety by reason of traffic hazard.
- The proposal would have an adverse impact on the visual amenities of the area due to loss of trees and the proposal is deficient in regards to public open space.
- The proposal would be injurious to the character and amenity of Harrow House which is a proposed protected structure.
- The proposal does not meet the minimum requirements of the 'Design Standards for New Apartments' document.

8.5 An observation has been received from John Tierney, Harrow Cottage, Church Road, Killiney, Co. Dublin.

- The observer notes the revised proposal and states that it is not clear the extent to which such would impact on Harrow Cottage, which has west facing windows. It is noted that Harrow Cottage is not shown correctly on drawings with an extension to the rear not shown. It is also noted that a shadow impact analysis should be required for such a development.
- The observer notes that the proposal would result in a dangerous junction and a detailed analysis of turning movements is required. It is noted that access onto Balure Lane requires crossing third party lands with issues concerning rights of access.
- The observer raises issues concerning landownership.

8.6 An observation has been submitted by the Residents of Balure Lane.

- The observers note that the applicants are not owners of the full extent of the lands subject to the proposed development (map identifying area not under applicants' ownership).
- The observers note concerns regarding traffic safety in relation to the width and alignment of the existing laneway, the dangers of the existing junction of Balure Lane and Church Road. The observers original objection included an independent traffic report to support the view the proposal would be unsatisfactory in the context of traffic safety.
- It is noted that proposal is premature pending proposed upgrading to Church Road.

8.7 An observation has been submitted by Gail Gilliland & Keith Clarke, Grianan, Balure Lane, Church Road Killiney, Co. Dublin.

- The proposal would entail an increase in traffic and exacerbate traffic safety issues concerning turning movements between Church Road and Balure Lane.

- The proposal is a significant risk to the safety of cyclists with the existing cycle lane inadequately marked and existing issues regarding conflict between cyclists and traffic using Balure Lane.
- The loss of trees is noted as having a significant adverse impact on the amenities and character of the area.
- The observers question the right of access to Balure Lane.

8.8 Observation by Hughes Planning & Development Consultants on behalf of the Residents of Coudon Court.

- The observers note concerns regarding traffic safety issues including the precedent the proposal would set, the likelihood of right turn and u-turn movements on Church Road as well as noting that the appellants appeal does not deal with traffic safety concerns regarding the proposed development.
- It is noted that proposal would result in a loss of outlook and privacy for properties in Coudon Court due to the design and scale of the dwellings and the loss of existing trees.
- The observers raise concerns regarding the scale of the dwellings proposed and the level separation in regards to existing properties in Coudon Court in regards to overlooking and residential amenities.
- The observers raise concerns about the quality of the amenities of the apartment blocks in terms of light levels, internal layout and privacy.
- The observers note concerns regarding Architectural Heritage and the issue raised by the Council's Conservation Officer.

8.9 Observation by Maeve O'Brien, 9 Coudon Court, Killiney. Co. Dublin.

- The loss of trees and vegetation is unacceptable.
- There is overlooking of the observer's property from the balconies of the apartment development.
- There are traffic safety issues associated with the increased movements.
- The design and scale of development is out of character with existing residential development.

- There is lack of sufficient open space.
- There are concerns regarding the density of the development with it considered overdevelopment of the site.

9.0 Assessment

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

Principle of the proposed development/Development Plan policy

Density

Development control standards

Design, scale, visual/residential amenity

Architectural Heritage

Traffic

Other issues

9.2 Principle of the proposed development:

9.2.1 The relevant plan is the Dun Laoghaire Rathdown County Council Development Plan 2016-2022. The site is zoned 'Objective A' with a stated objective 'to protect and or improve residential amenity'. The proposal is for residential use and is compliant with land use policy. The site is currently in residential use with a large detached dwelling (protected structure) and the adjoining development is also similar low density residential development. The proposal entails an increased density on serviced and zoned lands and would be compliant with development plan policy, under RES 3 as outlined above. I would consider the principle of the proposed development to be acceptable subject to the proposal being satisfactory in the context of its impact upon the character and setting of a protected structure, the amenities of adjoining properties, visual amenity and traffic safety and convenience.

9.3 Density:

9.3.1 The proposal is for 14 new residential units within the curtilage of an existing dwelling. The existing dwelling is to be retained with two options that consist of retaining the dwelling as a single dwelling and subdividing it to provide two dwellings. This gives an option for 15 or 16 residential units on site. The site has an area of 0.48 hectares. This gives a density of 31.25 and 33.33 dwellings per hectare respectively. The proposal is in keeping with policy RES 3 as it entails a significant increase in density over the existing low density on site. Permission was refused on the basis that the density proposed was too low in the context of its location along a QBC as well as the failure to meet the minimum default density of 35 units per hectare set out under the County Development Plan.

9.3.2 The appellants note that the density is curtailed by site constraints such as the retention of the existing dwelling on site. I would consider that the appellant has a valid argument in this regard. The existing dwelling although not a protected structure is a dwelling of period character that has some architectural heritage value and is worthy of retention. The retention of such is consistent with the policy set down under AR5. I would consider that although not meeting the minimum default density, the density proposed is appropriate and is consistent with Development Plan policy (RES 3) and having regard to specific site constraints should be permitted if the development is deemed to be acceptable in regards to proper planning and sustainable development of the area.

9.4 Development Control Standards:

9.4.1 In relation to residential development the issues concerning development control relate to the provision of public/private open space and car parking. In regards to general development control objectives the proposal entails the provision of 15/16 residential units with a mix of 3 no. four bed dwellings, 3 no. three bed dwellings, 4 no. two bed apartments and 4 no. one bed apartments. The existing dwelling on site is to either be retained as a four bed dwelling or

split into 2 no. two bed dwellings. Under Section 8.2.8.4 of the County Development Plan the minimum requirement for dwellings with 2 bedrooms is 48 square metres, three bedrooms is 60 square metres and 4 bedrooms of more is 75 square metres. The four bed units (no.s 1,2 and 3, House Type A1, A2 and A3) have private open space areas ranging from 60sqm up to 175sqm with one of the dwellings, no. 2 being below the required standard of 75sqm (60sqm). In the case of the three bed units (no.s 4, 5 and 6, House Type B1, B2 and B3) private open space ranges from 62sqm up to 75sqm which is in keeping with the Development Plan requirements. In the case of existing dwelling a total of 122sqm of private open space is retained to the rear of the dwelling, which is a sufficient amount in case of it being retained as a single- dwelling. If is subdivided into two units it is proposed to provide 81sqm with unit no. 11 and 41sqm with unit no. 12. The amount of private open space provided with unit no.12 is below the minimum standard required, however I would consider there is scope to address this with minor alterations.

9.4.2 Minimum standards for private open space in apartment development is set out under Table 8.2.5 of the County Development Plan with the required standards being 6sqm for a one bed unit and 8 sqm for a two bed unit. This minimum standard is met in the case of all of the proposed apartment units.

9.4.3 In regards to public open space, Section 8.2.8.2 of the County Development Plan it is noted that “for all developments with a residential component – 5+ units - the requirement of 15 sq.m- 20 sq.m of Open Space per person shall apply based on the number of residential/housing units. For calculation purposes, open space requirements shall be based on a presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms (1.5 persons for two bed or less)”. It is also noted that irrespective of the circumstances outlined under Section 8.2.8.2 including relaxed standards due proximity to existing park facilities and financial contributions in lieu of public open space “the default minimum 10% open space requirement must be provided on site”. The proposed development features two areas of public open space which include an area of 489sqm to the front of the existing dwelling (west) and a communal open space area of 103sqm between the

existing dwelling and the new Block housing units no.s 7-10. This gives a total of just over 592sqm of public open space.

9.4.4 Based on the requirements of the Development Plan the proposal requires between 540/5457.5-720/730sqm (based on 3.5 persons per three bed or more dwelling and 1.5 per two bed or less dwelling and based on both options for the existing dwelling (36/36.5 occupants). The provision of public open space meets the minimum requires of the County Development Plan. It is notable that the revised plans submitted by the applicants/appellants with the appeal submission entails an increase in public open space to 613sqm and provides a more even distribution of such through the scheme.

9.4.5 Car parking standards are set out under Table 8.2.3 of the County Development Plan with the requirement for apartment being 1 space per one bed unit and 1.5 spaces per two bed unit, in the case of the dwellings the requirement is 1 space per one and two bed units and 2 spaces per three bed plus units. All new dwellings (no.s 1 to 6) have dedicated off street car parking for two cars in keeping with Development Plan policy. In relation to the remainder of the development including the existing dwelling and apartment development, there is the provision of 13 car parking spaces with the requirement being for 11 spaces. The proposal is therefore compliant with the car parking standards set out under the County Development Plan. The proposal also entails the provision of cycle parking along the southern boundary of the site.

9.4.6 The applicants/appellants submitted revised plans with the appeal submission that entails the removal of one of the three bed units (no. 6) adjacent the eastern site boundary. Other alteration includes changes to the public open space, which is now increased to 613sqm. In addition, the revised proposal would address the issue of the level of private open space associated with unit no.s 2 and 12 with such meeting the County Development Plan standards.

9.5 Design, scale, visual/residential amenity:

- 9.5.1 The proposal entails the retention of the existing dwelling on site and a number of new structures within its curtilage. The existing dwelling is to be extended to the rear with a single-storey extension. A two-storey apartment block is to be attached to the southern gable of the existing dwelling with part of the dwelling incorporated into the apartment development. This two-storey block is a flat roofed structure with ridge height of 6.61m. To the rear of the existing dwelling and on the eastern portion of the site is to be constructed 3 no. two-storey dwelling (no. 4,5 and 6). These dwellings feature pitched roofs and a ridge height of 9.448. At the south western corner of the site is to be 3 no. three-storey dwellings (a pair of semi-detached and one detached dwelling, no.s 1,2 and 3). These dwellings also feature pitched roofs and have a ridge height of 11.38m. to the north west of the site and adjacent the vehicular entrance off Balure Lane is a two-storey apartment block that features a flat roof and has a ridge height of 6.725m.
- 9.5.2 In regards to visual amenity there are number of factors that would ensure the proposal would not have disproportionate visual impact in the surrounding area. Firstly, the overall scale of development on site is not out of keeping with that on adjoining sites. The development is predominantly two-storey in nature as is the case with the majority of development on adjoining sites. There is 6 no. three-storey dwellings with the second floor contained mainly within the roof space. Such is similar to the recently constructed development to the north west on the opposite side of Balure Lane ('Balure' housing development). The existing boundary treatment on site and landscaping proposal taken in conjunction with the overall design and scale of development would be sufficient to ensure no adverse visual impact at this location.
- 9.5.3 Adjoining development consists of a housing development to the south east, Coudon Court, with two-storey dwellings backing to the south eastern boundary of the site. Immediately adjacent the north eastern boundary is a two-storey dwelling, Harrow Cottage that is located right on the boundary. To

the north of the site is detached two-storey dwelling, which has a significant curtilage. In regards to Coudon Court no.s 1,2 and 3 are back to back with the existing dwellings. The level of separation between the rear elevation of the proposed dwellings at first and second floor level is just over 22m from the rear elevation of the existing dwellings in Coudon Court at first level. This separation distance is in keeping with the minimum separation distance for opposing first floor windows recommended under Development Policy (8.2.3.3). In the case of the proposed apartment block south of the existing dwelling and dwelling no.s 4, 5 and 6 the level of separation from the existing dwellings within Coudon Court is even greater. Having regard to such I would consider that the overall scale of development and level of separation is sufficient to protect the amenities of existing dwellings within Coudon Court and I would note the that pattern of development proposed would be acceptable in the context of a suburban residential area such as this.

- 9.5.4 To the north of the site is a two-storey detached dwelling with a significant curtilage. House no.s 4, 5 and 6 back onto the northern boundary of the site with an existing laneway access to Harrow Cottage running to the rear of the proposed dwellings. In this case the level of separation between the proposed dwellings and the detached dwelling to north is sufficient to have no significant of adverse impact on the residential amenities of the adjoining property. Harrow Cottage is located immediately adjacent the eastern boundary of the site and the reasons for refusal note that house no. 6 would have an adverse impact due to its positioning relative to its south western gable. I would agree that the relationship between dwelling no. 6 and Harrow Cottage is not acceptable and would impact upon the residential amenities of the adjoining property. It is notable that in response to the reason for refusal the applicants/appellants submitted revised plans which replace dwelling no.s 4, 5 and 6 with 2 no. two-storey semi-detached dwellings with a lower ridge height and set back from the eastern boundary at both ground floor level and also stepped back much further from such at first floor level. I would be satisfied that the revised plans provide for a level and scale of development that would have adequate regards to the residential amenities of the adjoining property to the east.

9.5.5 One of the observations notes that the proposed apartment element does not comply fully with the standards set out under the document 'Design Standards for New Apartments' (December 2015). This is in relation floor to ceiling heights and the requirement for at least 2.7m for ground floor level apartments with it noted that the in the ground floor units of Block A and B the floor to ceiling heights are 2.65m and 2.6m respectively. I would consider that this issue could be dealt with by way of condition in the event of a grant of permission and would not alter the overall design scale and impact of the proposal. Subject to such I am satisfied that the proposal would meet the standards set down under this document in regards to internal space and private open space.

9.6 Architectural Heritage:

9.6.1 The proposal entails the provision of a number of new residential units within the curtilage of an existing two-storey dwelling. The existing dwelling is to be retained with two options including its retention as a single dwelling or its subdivision into two dwellings. Although not one of the reasons for refusal, the Council's conservation officer outlined some reservations regarding the alterations to the existing dwellings. The existing is an attractive two-storey period dwelling, however it is not a protected structure and in this regard there is nothing preventing the owner carrying out internal alterations or alterations deemed exempted development without permission. There are two options proposed. One option entails retention of the dwelling as a single four bed unit with a single-storey extension to the rear and incorporation of the southern wing of the dwelling into the attached apartment block. The second option entails subdivision of the dwelling into 2 no. two bed dwellings with a larger single-storey extension to the rear and incorporation of the southern wing of the dwelling into to the apartment block. The first option entails retention of more the fabric of the existing structure in terms of existing openings staircase etc. I would consider that the dwelling is of good character and merits retention on site, however I would consider both proposals to be acceptable in regards to impact on the character of the existing dwelling. If the Board have

concerns regarding level of intervention I would recommend that the option retaining such as a single dwelling be permitted in the event of a grant of permission.

9.6.2 In regards to impact on the external appearance and proportions of the existing dwelling, the proportions of the dwelling and external character is being retained. The main alteration involves a single-storey extension to the rear. The level of extension is different in both options presented; however the scale and proportions of both options are subordinate to the existing dwelling and satisfactory in regards to visual amenity and architectural character. As noted earlier both options include attaching a two-storey apartment block to the southern gable and incorporating part of the existing dwelling into the apartment block. The apartment block is a contemporary structure in style with a flat roof (ridge height 6.61m) and external finishes of mainly brick with some stone cladding detail. The shallow side of the apartment block will be visible when viewed from the front of the existing dwelling and the scale of the extension appears subordinate in scale to the existing dwelling. The design and character of the apartment block is distinctive from the existing dwelling and is appropriate as it gives a clear distinction between old and new. I would be satisfied that the modest scale of the apartment block when viewed from the front of the dwelling and overall design would be satisfactory in the context of the architectural character of the existing dwelling and the visual amenities of the area.

9.6.3 In addition to the direct extension to the existing dwelling, I would note that the other aspects of the proposal have adequate regard to the character of the existing dwelling and result in a development satisfactory in design, scale and layout.

9.7 Traffic/access:

9.7.1 The first reason for refusal states that "It is considered that the additional traffic turning movements generated by the proposed development onto the heavily trafficked Church Road, which provides an important part of the link

road between Dun Laoghaire Town Centre and the M50/N11, would endanger public safety by reason of traffic hazard and would have a seriously adverse impact on the carrying capacity of the link road. It is also considered that the development would lead to an increased propensity for illegal U – turn manoeuvres on Church Road, which would endanger public safety by reason of traffic hazard. In addition, the proposed development, if granted, would set a precedent for further residential development accessing onto Church Road with consequent implications for public safety and the carrying capacity of the road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area”. The site currently has a direct vehicular access from Church Road serving the existing dwelling on site. It is proposed to close the existing access and create a new access on the northern boundary onto the existing laneway running to the north of the site that has access from Church Road. The existing laneway serves a number of detached dwellings located to the north and north east of the site and a recently constructed housing development (‘Balure’) on the opposite side of the laneway. The site accesses onto a point on Church Road where there are single lanes of traffic in each direction and the dual carriageway portion of Church Road starts a short distance to the south west of the site. In front of the site is a hatched area between opposing lanes and there is lane facilitating traffic travelling south to change to the northbound carriageway further south along Church Road. As noted in the reason for refusal Church Road is a heavily trafficked route linking the M50 to Dun Laoghaire town centre.

- 9.7.2 The proposal includes a transport statement. This statement indicates that traffic levels on Balure Lane are low and the anticipated traffic level generated by the proposal are also low. It is also noted that the entrance to Balure Lane has been widened on foot of the permission granted for the recently constructed housing development on north side of the lane. The Transport Statement also indicates that there is high level of public transport facilities available in the area that would reduce dependence on vehicular traffic (including a Priority Bus Scheme) along Church Road. An additional report was provided by the authors of the Transport Statement with the appeal

submission regarding traffic impact. This report questions how illegal right turn or u-turn movements would come about or be feasible and notes that there is a requirement to provide bollards within the hatched area to prevent right turning movements agreed between the applicants/developers of the Balure Housing development and the Council (although not subject to a condition). The applicants note that they would be willing to accept a condition to provide funding for the installation of such bollards. The report reiterates that the level of trip generation associated with the proposed development (13 at am and pm peak) is low and that with the installation bollards such movements will be left turn only and can avail of existing u-turn facilities further south along the road.

9.7.3 As it currently stands the proposal entails use of an existing access onto a heavily trafficked road that currently is laid out in a manner that does not readily allow for all turning movements associated with a residential development. The existing road layout adjoining the site features a hatched area in the centre of the road that would restrict turning movements into the development from vehicles approaching from the south and restrict right turning movement of vehicles exiting the existing laneway. Although the markings restrict such there is no physical impediment to such and there is the possibility of such turning movements taking place. I would consider that such turning movements would result in a traffic hazard. The applicants/appellants have noted that bollards should have been provided on foot of an agreement with the Council and developer of the Balure housing development to the north and that the applicants/appellants are willing to contribute to such in this case. There is no condition attached to the permission (D09A/0357) requiring such or guaranteeing such would be implemented. It may be a feasible consideration in this case however such does not facilitate the needs of traffic approaching from the south. I would consider that the proposal as submitted would generate turning movements that would endanger public safety by reason of traffic hazard and would have a seriously adverse impact on the carrying capacity of the link road, which is not designed to facilitate multiple access points for residential development or intensification of traffic using existing access points

in this case. It is also considered that the proposed development, if granted, would set a precedent for further multiple dwelling access points and intensification of existing access points with consequent implications for public safety and the carrying capacity of the road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

9.7.4 As noted under Table 2.2.3 of the County Development Plan there is an objective to provide a Bus Priority Scheme along Church Road part of a route from Cherrywood to Blackrock. The provision of such would entail significant alteration of the existing road layout. Given the concerns regarding the provision of new access points or intensification of use existing access points and the ability of the road facilitate turning movements from new development along Church Road, I would consider that the proposal would be premature pending implementation or a detailed design for the proposed Bus Priority Scheme.

9.7.5 I would question whether the layout of the proposed access point from Balure Lane onto Church Road would comply with the recommendations of the Design Manual for Urban Streets and Roads in the relation to the integration of the vehicular traffic and pedestrian/cycling facilities.

9.8 Other Issues:

9.8.1 A tree protection strategy and tree survey report were submitted with the proposal. The tree survey outlines details of 66 including classifying the in terms of value and condition. The tree surveys notes that the majority of trees require no action, with some requiring works such as cutting ivy and the felling of 11 of the 66 trees. The documents submitted also includes details of tree protection measures to be implemented on site. The proposal also includes a detail landscaping scheme with a significant level of new planting proposed. The proposal does entail retention of existing trees along the southern boundary (south west corner), a number along the western boundary and trees adjacent the northern boundary. The proposal also includes a

comprehensive landscaping scheme providing for new planting on site. I am satisfied subject to implementation of tree protection measures that the level of tree retention and proposed landscaping is satisfactory.

- 9.8.2 The drainage division reports required further information regarding drainage issues and the observations and submission raised concern regarding the servicing of the proposed development. It is notable that there has been recent development of this type on a site to the north (D09A/0357) and that there should be some sort of engineering solution to the proposal. Notwithstanding such the traffic issues outweigh such issues, however I would consider that drainage issues are not an impediment to the proposed development.
- 9.8.3 A number of the observations raise issues regarding land ownership and rights of access. These are not planning considerations with the onus on the applicant to ensure appropriate control of lands and rights of access are in place.
- 9.8.4 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.

10.0 Recommendation

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

11.0 Reasons and Considerations

11.1 It is considered that the additional traffic turning movements generated by the proposed development onto the heavily trafficked Church Road, which provides an important part of the link road between Dun Laoghaire Town Centre and the

M50/N11, would endanger public safety by reason of traffic hazard and would have a seriously adverse impact on the carrying capacity of the link road. It is also considered that the proposed development, if granted, would set a precedent for further multiple dwelling access points or intensification of use of existing access points with consequent implications for public safety and the carrying capacity of the road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

11.2 Table 2.2.3 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 sets out objectives for Bus Priority Schemes. There is an objective to provide a Bus Priority Scheme along Church Road part of a route from Cherrywood to Blackrock. The provision of such would entail significant alteration of the existing road layout. Given the concerns regarding the provision of new access points or intensification of use existing access points and the ability of the road facilitate turning movements from new development along Church Road, it is considered that the proposal would be premature pending implementation or a detailed design for the proposed Bus Priority Scheme. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride

03rd November 2016