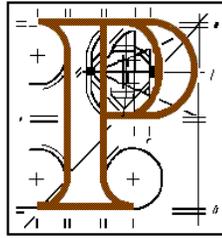


An Bord Pleanála



Inspector's Report

Development

Demolition of two houses and construction of 139 residential units at Glenamuck, Kiltiernan, Dublin 18.

Planning Application

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Register Reference: D16A/0054

Applicant: Declan Taite & Anne O'Dwyer

Type of Application: Permission

Planning Authority Decision: Split Decision

Planning Appeal

Appellant(s): Ciara & Nigel Start
Gareth & Kathryn Healy

Type of Appeal: First & Third Party

Date of Site Inspection: 16th November, 2016

Inspector: Kevin Moore

1.0 APPLICATION DETAILS

1.1 There are two third party appeals by Ciara and Nigel Start and Gareth and Kathryn Healy and a first party appeal by Declan Taite and Anne O'Dwyer against a decision by Dun Laoghaire-Rathdown County Council to grant permission for the demolition of two houses and construction of 139 residential units at Glenamuck, Kiltiernan, Dublin 18.

1.2 The development set out in the application comprised:

- the demolition of two houses, 'Greenmount' and Dún Óir';
- the construction of 109 terraced and semi-detached, two and three storey houses;
- the construction of 30 apartments in a four-storey block in the northern part of the site;
- the construction of a crèche in the centre of the site and associated staff and visitor parking;
- the construction of a link access road between Enniskerry Road and Glenamuck Road;
- the provision of open space in three locations within the site; and
- improvement works to the Glenamuck Road.

Vehicular access would be provided via new entrances from Enniskerry Road and Glenamuck Road at either end of the link road proposed to be provided. Two car parking spaces per house would be provided, while a basement car park beneath the apartment block would provide 27 spaces and there would be a further 15 surface spaces. The application submission included an Architect's design statement, a housing quality assessment, a planning report, engineering reports on infrastructural provisions, a flood risk assessment, a traffic and transport assessment, a landscaping report, an Appropriate Assessment screening report, a bats assessment and an ecology report.

1.3 Observations to the proposal were received from Nigel and Ciara Start, James Colville, Philip and Louise Curran, Declan Flynn and Michelle Donohoe, Golden Ball Cottage Residents, Gareth and Kathryn Healy, Pat McMorrow, and Mel Columb. The range of issues addressed impact on residential amenity, the development of a master plan for the area,

compliance with the local area plan, developability of adjoining lands, impact on trees, siting of the apartment block, traffic impacts, and flooding. A submission supporting the proposal was received from Frederick Jackson.

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

The Housing Department noted the proposal is capable of complying with the requirements of Part V of the Planning and Development Act.

Inland Fisheries Ireland noted the sensitivity of the Loughlinstown River system and acknowledged the site is within the river's catchment. It was recommended precautionary actions be taken relating to surface water management, protecting the receiving aquatic environment and to potential dewatering.

An Taisce requested a tree assessment be undertaken.

The Building Control Engineer set out a schedule of conditions. Comment was made on parking arrangements for the proposal.

The Drainage Engineer requested additional information on surface water provisions.

The Transportation Planning Section raised concerns relating to the need for main upgrade works on the Glenamuck Road. Further information was requested on this issue, on road layout, parking, a quality audit and construction management.

Irish Water requested further information on connections to services.

The Parks Superintendent recommended a refusal for reasons relating to deficiencies applying to the proposed open space provision.

The Planner noted the public submissions made, the planning history, the reports received, and provisions from the County Development Plan and Local Area Plan. The proposal was regarded as being acceptable in principle. Concerns were raised about the form, layout and location of components of the development that would impact on adjoining residential properties and on other proposed development. Reference was also made to a restricted density of development being proposed and it was submitted that there was a lack of clarity in relation to provision of private open space. It was further submitted that there is a lack of detail and

consideration relating to the provision of public open space. Car parking provision was considered adequate. In relation to access arrangements, the Transportation Department report was noted. Clarity on the phasing of development on the lands relative to the Local Area Plan was considered necessary. A request for further information was recommended.

- 1.5 On 23rd March, 2016, Dún Laoghaire-Rathdown County Council sought further information. A response was received from the applicant on 9th May, 2016. The submitted amendments retained the number of residential units originally proposed but varied the mix of proposed house types.
- 1.6 The reports to the planning authority following receipt of this information were as follows:

The Transportation Planning Section considered that the local road network could sustain up to 50 housing units only with the proposed interim road improvement works in place, i.e. in the absence of a full Glenamuck Road improvement scheme. Concerns were also raised about the internal road network being used as a rat-run between Glenamuck Road and Enniskerry Road. Clarification was sought relating to a reduction in the level of development of the site to 50 housing units as a revised interim phase, with the proposal not including a full loop road to be operational. Clarification was also sought on cycle parking and on the submitted Road Safety Audit.

The Parks Superintendent again recommended refusal in a report dated 20th May, 2016, based upon reasons relating to failure to retain mature trees and hedgerows, inadequacy of elements of the proposed open space provision, and the development being in conflict with provisions of the County Development Plan. In a second note, dated 23rd May, 2016, and following correspondence from the Planner which requested consideration on compliance with taking-in-charge guidelines for open space and on works within root protection areas, the Parks Superintendent considered the answers on these items of further information were fine. He further noted that the scheme would be considered highly landscaped and may not be taken in charge by the Parks Section.

Three reports were received from the Drainage Engineer. The first, dated 13th May, 2016, sought clarification on a range of drainage proposals while the second report, dated 20th May, 2016, considered most of the issues raised in the further information request on drainage were addressed but

requested clarification on disposal of excess surface water. In a third report, dated 23rd May, 2016, there were no objections to the further information response received on low level reservoirs and on the position of the proposed watermains relative to other underground services.

Irish Water, despite referencing a need for further information, set out what appears to be a schedule of conditions.

The Planner noted the responses to the further information request and the reports received in response to same. The conclusions of the Transportation Planning Section were agreed with that approximately 50 units could be permitted on the site at this time due to limited road improvements being provided. Clarification based on the conclusions drawn in other reports was recommended.

- 1.7 A request for clarification was sought on 2nd June, 2016 and a response was received on 7th July, 2016. This response also included commentary on the Planner's report, notably in relation to restricting the development to 50 units at this time and in relation to residential density.
- 1.8 A further observation was made by Nigel Start which reinforced concerns following review of the further information and clarification responses.
- 1.9 The reports to the planning authority following the submission of clarification were as follows:

The Transportation Planning Section submitted that its view on the restriction of the number of units to the order of 50 remained unchanged. It was further noted that there is regular queuing at the Glenamuck Road / Enniskerry Road junction. A refusal of permission was recommended on the grounds that the development was premature by reference to the existing deficiencies in the capacity of the road network serving the area of the proposed development. It was then submitted that, in the event of permission being granted for a reduced level of development as suggested, this reduced scheme be subject to a schedule of conditions as set out.

The Parks Superintendent recommended a refusal of permission for reasons relating to poor quality open space provision, loss of trees and hedgerow and the lack of a masterplan to allow proper assessment of the development in the context of the Kiltiernan Local Area Plan.

The Drainage Engineer had no objection to the proposal subject to one proposed condition.

The Planner noted the clarification of further information. Serious concerns were raised in relation to the form and usability of proposed public open spaces, removal of mature trees, and the poor attempt to design a scheme that incorporates existing hedgerows in accordance with development plan provisions. The low density of development was again considered to be unacceptable and unsustainable. It was further considered that the site's potential is constrained by existing deficiencies in the local road network. Noting the Transportation Planning Section considerations on facilitating c. 50 units, it was submitted that it could be argued that this results in piecemeal intervention, with the aims and objectives of the LAP being better served by a comprehensive and coordinated approach. In conclusion, it was submitted that the proposal is not planned within the context of a master plan, fails to have sufficient regard for the future development of adjoining lands, particularly in terms of access and open space connectivity, and provides a substandard level of public open space. The development was seen as piecemeal development and contrary to plan policy. It was stated that part of the site could be developed to provide c.50 units provided that concerns in relation to public open space, density, residential mix, connectivity and appropriate landscaping are addressed. A refusal of permission was recommended for three reasons relating to lack of high quality usable open space, insufficient density of development, and prematurity by reference to existing deficiencies in the capacity of the road network.

In a report attached to the Planner's report, the Director of Services stated that it was agreed the road network does not have the capacity to cater for the entirety of the development, that the site has potential for additional homes, and that the overall layout could have greater regard to future integration with adjoining plots. It was then submitted that it was decided to grant permission for 55 units having regard to the location of the site within the LAP, the capacity of the road network to accommodate c.50 units, the potential for increased density in a significant redesign of the remainder of the site, the area of open space to be permitted being in excess of what would be required for 55 units, its dual function as an active amenity space and a SuDs measure, and having regard to Government policy to address housing supply. A schedule of conditions was then attached.

1.10 On 3rd August, 2016, Dún Laoghaire-Rathdown County Council decided to issue a split decision. It was decided to grant permission, subject to 33 conditions, for units 31-75 and 91-100, the crèche, open space area 2, the attenuation pond in open space area 3, the associated internal road network, and the works to the Glenamuck Road. A decision to refuse permission was issued for the remainder of the development for one reason relating to prematurity by reference to the existing deficiencies in the road network.

2.0 SITE DETAILS

2.1 Site Inspection

I inspected the appeal site on 16th November, 2016.

2.2 Site Location and Description

The site of the proposed development lies to the east of the built-up area of Kiltiernan. It comprises a land area of 4.5 hectares. It is irregular in shape. It has frontage onto the Glenamuck Road to the south-east and onto Enniskerry Road to the west. These are narrow roads that are poorly aligned, with a narrow footpath along the south-east side in the case of the former and footpaths on both sides in the case of the latter. The site is primarily in agricultural use that are enclosed mainly by hedgerow. There are three detached houses to the north of the site, one of which is accessed via a right-of-way through the site, with access onto the Enniskerry Road. There are four detached houses on the Glenamuck Road in the area of the site's road frontage and this includes the first and fourth of these houses, namely 'Greenmount' and Dún Óir'. These provide two separate frontages onto this road. The Enniskerry Road in the vicinity of the site includes linear single-storey housing to the south of this frontage, primarily in semi-detached pairs, running as far as the junction of the two roads, where there is a more in-depth small scheme of residential units, 'Cromlech Close'. The main body of the site is bounded by the gardens of the houses fronting onto the roads and by agricultural lands to the north-east.

2.3 Development Plans

2.3.1 Dun Laoghaire-Rathdown County Development Plan 2016-2022

Zoning

The site is zoned objective 'A' "to protect and/or improve residential amenity".

The land is subject to Specific Local Objective No. 40: "To develop the Kiltiernan/Glenamuck area in accordance with the policies and objectives of the adopted Local Area Plan."

2.3.2 Kiltiernan/Glenamuck Local Area Plan 2013

The site forms part of a larger parcel of land designated Development Parcel 6B, incorporating an area of 20 hectares. This Parcel is designated for medium density residential development, providing an average density of 40-45 per hectare. The line of an indicative proposed access road loops around the northern part of the site between Enniskerry Road and Glenamuck Road.

2.4 Planning History

ABP Ref. PL 06D.227711 – Permission was refused by the Board in 2008 for 200 residential units for reasons relating to prematurity, overdevelopment, impact on residents, and inadequate sightlines.

P.A. Ref. D08A/1408 – Permission was refused by the planning authority for 50 houses on a site of 1.75 hectares for reasons relating to design.

3.0 FIRST PARTY APPEAL

The appellant submits that the decision of the planning authority lacks precision and has an unclear rationale that results in a form of development that is piecemeal in character and is directly contrary to the comprehensively planned development for which permission was applied for. The appeal seeks to overturn the Council's decision to refuse and to omit Condition 2 of its decision. It is submitted that the proposed

development is a well-designed and appropriate form of development that accords with the LAP.

The grounds of appeal may be summarised as follows:

Road Network and Traffic Generation

- The decision to facilitate 50 housing units is not based on empirical evidence. The applicant's traffic assessment is based on recent traffic survey data and industry-accepted modelling techniques.
- There are two entrances to the site and traffic that would be generated would be distributed across the two.
- The proposal removes a dangerous bend on the Glenamuck Road which is a significant benefit to the free flow of traffic and safety of road users that meets with the provisions of the LAP.
- An interim road improvement scheme was agreed with the County Council. The specific condition relevant to the release of 150 units allocated to the phasing area in which the site is located is the removal of the dangerous pinch point on the Glenamuck Road. The application includes the upgrade works as well as a link from Glenamuck Road to Enniskerry Road, which is traffic-calmed by design and which improves footpath and cycle facilities.
- The Glenamuck/Enniskerry Road junction has capacity to cater for the proposal and analyses have demonstrated this. The proposal reduces the impact on this junction by the provision of two access points. The only traffic that would need to pass through the junction would be that travelling towards Enniskerry, which would be a low volume of traffic.
- The Council's decision eliminates the access onto Enniskerry Road and all traffic would enter and exit the site from the Glenamuck Road. The proposal would have a lesser impact on the Glenamuck arm of the Enniskerry/Glenamuck junction than that granted by the Council.
- The additional traffic generated on the Glenamuck Road by the proposal during peak hours is insignificant and does not justify the refusal of permission for the majority of the development for intensification reasons.

It is concluded that the proposal is not premature and will significantly improve road safety and road capacity.

Criteria for Future Applications

- The proposal comprehensively complies with the LAP in respect of residential density, residential mix, public open space, and retention of hedgerows.

4.0 THIRD PARTY APPEALS

4.1 Appeal by Ciara and Nigel Start

The grounds of the appeal may be synthesised as follows:

Breaches of the Planning Act relating to the Decision of the Planning Authority

- The appellants raise concerns relating to the lack of legal provisions for a partial approval and partial refusal under the Act, the failure to consider the LAP, failure to have regard to third party submissions, contravention of the LAP, the illegality of condition no. 2 of the decision, and the failure to seek new notices following submission of substantial further information.

Breaches of the LAP

- There has been no attempt to reach any undertakings with adjoining land holders and there has been a failure to develop a master plan for Parcel 6B in contravention of section 10.6 of the LAP.
- The height of the apartment block is contrary to the restriction placed in the LAP.
- The permitted development, with a density of 30 units per hectare, is in contravention of the LAP, which requires 40-45 per hectare. This will have implications for the development of the remainder of the site.

Written Submissions

- There has been no regard to the 22 points raised in the appellants' submissions to the planning authority.

The appellants include their two submissions to the planning authority and extracts from the Planning and Development Act and Planning and Development Regulations.

4.2 Appeal by Gareth and Kathryn Healy

The grounds of the appeal may be summarised as follows:

- Non-compliance with the objectives of the County Development Plan and the Local Area Plan, with particular regard to proposed units 69-72 and 98-101 and their failure to integrate with the existing fabric of the area.
- Loss of privacy and overlooking arising from the scale, height and location of the above referenced housing units.
- Overshadowing and loss of light arising from the above referenced housing units.
- Vibration due to excavation and foundation works adjacent to their house.
- Adverse impact on trees and hedgerow in their property arising from the construction of the development and the impact of proposed tree planting on natural daylight reaching their property.
- The exacerbation of traffic congestion on the Glenamuck Road and the inadequacy of pedestrian provisions at this location.
- Drainage impacts on the established septic tank system, and
- The inadequacy of the proposal in dealing with flooding at, and in the vicinity of, the appellants' property.

The appellants consider adequate separation distances and the provision of single-storey housing units are required to replace the development proposed in the immediate vicinity of their property. It is submitted that the concerns raised with the planning authority were not given adequate consideration and the impact on the appellants' property was not demonstrated in full by the applicant. It is further submitted that the decision to grant permission with a requirement to provide a revised layout is a main concern.

The appellants' submission to the planning authority is attached and sets out the substantive issues arising.

4.0 PLANNING AUTHORITY'S RESPONSE TO APPEALS

4.1 The planning authority submitted that the grounds of appeal are noted and that the written submissions were considered and regard was had to them.

5.0 APPLICANT'S RESPONSE TO THIRD PARTY APPEALS

5.1 In response to the appeal by Ciara and Nigel Start, it was submitted:

- The Council had regard to the provisions of the County Development Plan, the request for further information was detailed and addressed a wide range of aspects of the proposal, the proposal does not materially contravene the development plan, and that it is for the planning authority to determine the necessity for public notices.
- The applicant engaged with the appellants to appraise them of their approach, facilitated connectivity to adjoining lands, and produced a proposal that protects residential amenity.
- The applicant prepared a concept masterplan as requested by the planning authority, showing linkages and open spaces with the ability to link with open space on adjoining lands. The applicant is not in a position to influence the design or development of adjoining lands.
- The apartment block is four storeys high and is located adjacent to the proposed distributor road, where four-storeys are permissible under the LAP.
- The residential density of the development complies with the LAP.

5.2 In response to the appeal by Gareth and Kathryn Healy, it was submitted:

- Three storey properties within the proposed development are in accordance with the LAP.

- The design, height and position of the proposed houses immediately adjacent to and relative to 'Glencarrick' are such that there will be no resulting loss of privacy and overlooking.
- House No. 71 is to the north west of 'Glencarrick' and it would, thus, not overshadow the existing house.
- There is no planning justification for restricting new dwellings to single storey units and positioning them a minimum of 15m from existing properties.
- The applicant's construction management plan will address the construction phase impacts on neighbouring residents.
- An extensive assessment of trees and hedgerows on the site was undertaken and the implementation measures to protect trees and hedgerows will ensure no threat to those trees and hedgerows to be retained.
- Traffic and pedestrian access concerns have been addressed in the first party appeal.
- The applicant is not aware of the presence of a communal percolation area at 'Dún Oir'.
- Comprehensive measures for dealing with surface water were submitted with the application and the measures will ensure any flooding issue will be fully resolved.

6.0 SUBMISSIONS FROM PRESCRIBED BODIES

- 6.1 Transport Infrastructure Ireland (TII) noted the urban location of the site on a regional road and recommended that the Board refer to the planning authority for relevant transportation reports.
- 6.2 The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, in a submission on nature conservation, set out a schedule of conditions in the event of planning permission being granted.

7.0 ASSESSMENT

7.1 Introduction

7.1.1 The main planning issues of concern will be addressed under the following headings:

- The process to date,
- The development in the context of the Kiltiernan Local Area Plan, and
- Impact on residential amenity.

7.2 The Process to Date

7.2.1 The granting of 55 houses at this stage of the planning application process is a most unsatisfactory and inadequate outcome from the planning authority's deliberations. The Board will note that a request for further information issued from the planning authority requiring a response on 51 items. Not one of these items sought to reduce the scheme to c.50 housing units, sought the removal of the apartment block, or expressed concern that the development was premature. This was followed by a request for clarification on 7 items, not one of which raised matters relating to reduction of residential unit numbers to c.50, the removal of the apartment block, or indicating that the scheme was premature. Despite this, it is apparent that the Planner and the Transportation Engineer were focused on the inappropriate scale of development at this time in isolation of substantial roadworks required to accommodate the scale of the proposed development.

7.2.2 The applicant has proceeded with this application, becoming aware of the planning authority's concerns by having access to the Planner's report at the clarification stage of deliberations, and did not seek to revise the scheme accordingly so that a first phase of c.50 units might be accommodated. It is reasonable to determine that this has not been assisted in any manner by the planning authority's indecisiveness on whether the whole scheme was acceptable from the outset and then by being in two minds as to whether 50 units were or were not acceptable at this time. This process, after a substantial period of time, culminated in a recommendation to refuse permission by the Planner, the Transportation

Planning Engineer and the Parks Superintendent. The decision to grant permission for 55 units and to refuse the remainder of the scheme sits as an isolated conclusion to the planning authority's deliberations. This isolated decision for 55 units, which provides a piecemeal, haphazard approach, fails to provide for a proper planned approach to development of these lands. This outcome starkly demonstrates the need for a masterplan for the lands designated Development Parcel 6B in the Kiltiernan Local Area Plan. The approach is otherwise tinkering with one component of a valuable land parcel that could do untold damage to the potential for a constructive and orderly approach to the remainder of the land in a key location in Kiltiernan.

- 7.2.3 I submit to the Board that a rush to provide for some of the housing proposed at this time, where the scheme before the Board bears no relation to a balanced and planned scheme that must have regard to necessary traffic and transportation planning for the Kiltiernan area, is disorderly development, short-sighted and is not a sustainable approach. In the absence of a master plan and an appropriately scaled and planned design for a reduced scheme, permitting all or part of this development will result, in the case of the former, a most serious traffic hazard arising from congestion on a remaining deficient road network as promulgated by the Council's Transportation Engineer and, in the case of the latter, will have significant implications for a planned and orderly development of the remainder of the lands within Development Parcel 6B. This is both in terms of the relationship of this proposed development to further future development and in terms of the impact on the form, density and layout of future development. It is apparent that this has significant implications for the appropriate development of valuable serviced land.
- 7.2.4 Further to the above, it must be emphasised that the planning authority's request for a revised layout plan by way of condition highlights a most serious consequence of its approach in this application. This excludes any third party participation in the planning process at a stage where what is included in the permission and what is not in terms of land area remains unknown.
- 7.2.5 Finally, I must draw the attention of the Board to the observation by the applicant in its appeal submission that the decision of the planning authority lacks precision and has an unclear rationale that results in a form of development that is piecemeal in character. I wholly concur with this observation. It must be emphasised that one is only tweaking with a false

development opportunity if a decision on 50-55 housing units is issued. Such an outcome is of no value to the developer or to the pursuit of new houses to meet any Government policy.

7.3 The Development in the Context of the Kiltiernan Local Area Plan

7.3.1 Chapter 11 of the LAP sets out the planning guidelines for Development Land Parcel 6B of which the site forms a part. The type of permissible development in the guidance provides for medium density residential development, i.e. detached, terraced, duplex, and courtyard-type housing. Apartments may be appropriate adjacent to the main Glenamuck District Distributor Road (GDDR) and to provide a buffer to the proposed medium density residential development to the south. A density of 40-45 dwelling units per hectare is permissible. The height of the housing is limited to 2-4 storeys and any four-storey element is to be concentrated along the proposed main and link distributor roads and/or at key entrances to the site. Other comments made in the guidance are:

- Is constrained by 220kV overhead powerlines,
- Access to be provided off existing Glenamuck Road and Enniskerry Road,
- Requirement for a local access loop road within the site. Provisions to prevent any potential 'rat-running' through the site from the Glenamuck Road to Enniskerry Road will also be required, and
- Presence of Shaldon Lodge (protected structure) and curtilage to be acknowledged.

7.3.2 Chapter 10 of the LAP details phasing and monitoring. It is emphasised that future development is heavily dependent on the construction of the GDDR Scheme. In addressing interim proposals to accommodate development, it is considered that up to 700 dwelling units could be accommodated on an upgraded existing road network, referred to as Phase 1. It is stated that precedence will be given to applications for planning permission that best achieve and satisfy an identified schedule of criteria. These include:

- Achievement of local road / footpath improvement and traffic management measures;

- Consolidation of Kiltiernan village
- Planned within the context of an overall outline Master Plan for individual and affiliated landholdings (in order to prevent piecemeal development); and
- Facilitation of the orderly development of adjoining property / landholdings.

The Plan identifies locations that would generally be considered as part of Phase 1. These include Phase 1(a) to comprise c. 350 housing units. This relates to two locations and the appeal site falls within that location designated “B. Node at Junction of Enniskerry and Glenamuck Roads”. Within this area it is determined that c. 150 residential units could be provided. The Plan requires that any proposed developments must include the improvement of Glenamuck Road. The Board will note that this area comprises the site area and very extensive lands north, east and south of the appeal site, inclusive of extensive lands to the south of Glenamuck Road.

7.3.3 Having regard to the above, it is apparent that several aspects of the proposed development are not in keeping with the provisions of the LAP. However, it is firstly observed that this application is effectively seeking to acquire the vast majority of all dwelling units that would be permissible within the area designated “Node at Junction of Enniskerry and Glenamuck Roads” prior to the construction of the GDDR Scheme. I put it to the Board that this could not be construed as a balanced approach to the development of this large area in the absence of any sustainable plan which advocates preferential treatment for this plot. Secondly, this proposal is not set within the context of any Master Plan. This site forms part of Development Land Parcel 6B and there is no Master Plan for this development parcel. In the context of what is proposed relative to the proportion of land determined to have the potential to develop up to 150 housing units within the designated “Node at Junction of Enniskerry and Glenamuck Roads” and with the necessity to provide for linkage and provisions for other lands within Parcel 6B, the development is a haphazard and irrational approach that is contrary to any meaning of sustainable and planned development of a valuable land asset at an important juncture in the development of Kiltiernan, while the GDDR Scheme remains at a distance from fruition. Over and above these observations, it is evident that the Plan provisions do not provide for the

apartment block proposed in the context in which it is intended to be set. Overall, fixing a bend in Glenamuck Road does not bestow the right to the development of the scheme at this time on the appeal site, notably when the road network remains deficient in terms of alignment, width and structure. It is very clear that there are other significant planning considerations relating to this proposal that are in dispute, in particular the density of development proposed, the form and layout of the new internal road network, and open space provision. Suffice to conclude that the proposed development does not sit comfortably with the provisions of the LAP.

7.4 Impact on Residential Amenity

- 7.4.1 The third parties have raised concerns in relation to loss of privacy, overlooking, overshadowing, loss of light and other impacts that would adversely affect their established amenities including tree and hedgerow removal.
- 7.4.2 It is apparent that the form, scale and height of the proposed development would constitute significant changes to the form and character of development prevailing, which constitutes low density development with structures low in height. It is also apparent that, with the sustainable development of this serviceable land, very greatly increased densities of development will apply and with this will come higher buildings uncommon to this locality and with greater mass and bulk also. I accept that this is the outcome for the sustainable development of these lands. The implications of the change in character of the area for the appellants affected are understood. This inevitable form and scale of development contrasts starkly with the appellants' low scale, low density properties. The encroachment of new development along the flanks and to the rear are matters that ultimately heighten concerns relating to loss of privacy presently enjoyed by these residents. Ancillary development such as inevitable hedgerow and tree removal exacerbate the loss of privacy.
- 7.4.3 The proposed development seeks to demolish two houses, 'Greenmount' and Dún Óir', on Glenamuck Road, leaving two remaining dwellings (inclusive of the property of the appellants' Gareth and Kathryn Healy) effectively to be surrounded by new semi-detached housing units. The proposed houses are significantly higher structures, up to three storeys in

height in reality, and even when sited on lower lands such as to the north-east of the appellants' property, remain prominent in comparative terms to the existing dwellings. The houses to the rear in particular, where gables are proposed at distances of less than 5 metres from rear site boundaries to established houses (units 69 and 70 for example), will create a sense of overbearance and a reasonable fear of loss of light to the property. This sense of enclosure is increased by rear gardens of terraced houses (units 49-53) and semi-detached houses (units 97-100) running the length of the flank boundaries of the established houses. These overbearing impacts are compounded by the location of the established houses relative to the site boundaries in their proximity. The appellants Gareth and Kathryn Healys' house effectively abuts the communal boundary to the rear and north-east. Unquestionably, the presence of a significantly higher structure within 8 metres to the rear of this house would intimate an insensitive approach to the layout. Revisions to the layout of development in the immediate vicinity of the existing two houses remaining are required to address this unacceptable and intrusive impact by way of omission of units. Such an approach would resolve perceived overlooking concerns and any potential for new development causing evening overshadowing of these neighbouring properties.

- 7.4.4 Finally, I note that concerns have been raised about potential flooding impacts. I note the assessment undertaken by the applicant on this issue and the considerations of the planning authority. I conclude that there is no reason, based upon submissions made, to determine the proposed development would pose a significant flooding risk.

7.5 Appropriate Assessment Screening

- 7.5.1 It is acknowledged that the habitats within and adjacent to the site are of low conservation value and the site is not within or adjacent to any Natura 2000 site. The nearest European sites are Knocksink Wood SAC (3.4km) and Ballyman Glen SAC (4.2km). Both of these sites are at a higher elevation than the proposed site and are each within a different river catchment.
- 7.5.2 It is reasonable to conclude that, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, the proposed development, individually or in combination with other plans or

projects would not be likely to have a significant effect on the Knocksink Wood SAC, the Ballyman Glen SAC or any other Natura 2000 site in the wider area. A Stage 2 Appropriate Assessment is, therefore, not required.

8.0 RECOMMENDATION

I recommend that permission is refused in accordance with the following:

Reasons and Considerations

1. The site of the proposed development constitutes part of a land parcel designated Development Parcel 6B in the current Kiltiernan Local Area Plan. The type of development permissible on these lands constitutes medium density development, at a density of 40-45 dwelling units per hectare, comprising detached, terraced, duplex, and courtyard-type housing limited to 2-4 storeys, while apartments may be open for consideration adjacent to the main Glenamuck District Distributor Road (GDDR) and to provide a buffer to the proposed medium density residential development to the south. Interim proposals at this location, prior to the development of the GDDR Scheme, are limited, with the site of the proposed development and extensive lands to the north, east and south located in an area designated “B. Node at Junction of Enniskerry and Glenamuck Roads” as part of Phase 1(b) where it is determined that c. 150 units in total could be accommodated. Precedence is required to be given to applications for planning permission that best achieve and satisfy a schedule of criteria that include such development being planned within the context of an overall outline Master Plan for individual and affiliated landholdings, in order to prevent piecemeal development. Having regard to the form, layout and excessive scale of this development in the context of permissible development within the total area designated “B. Node at Junction of Enniskerry and Glenamuck Roads” prior to the development of the GDDR Scheme, to the lack of a coherent and integrated approach to the development of lands on and in the vicinity of the site and lack of linkages thereto, and to the requirement for a Master Plan to channel development in this location in an orderly and sustainable manner, it is considered that the proposed development constitutes premature development that would result in piecemeal and haphazard development,

that would undermine the developability of adjoining lands, and would be contrary to the proper planning and sustainable development of the area.

2. Development of the kind proposed on the land would be premature by reference to the existing deficiencies in the road network serving the area of the proposed development and the period within which the constraints involved may reasonably be expected to cease, resulting in significant intensification of vehicular traffic on Glenamuck Road where deficiencies in capacity, width, alignment, and structural condition of the road prevail.

Kevin Moore

Senior Planning Inspector

November, 2016.