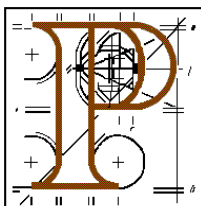


## An Bord Pleanála



### Inspector's Report

**Appeal Reference No:** 06D.247285

**Development:** Permission for the provision of a new vehicular access, removal of a portion of the widening boundary fence (rubble wall); provision of a 5 metre wide gate set back 6 metres from the public road and a post and wire fence, not exceeding 1.5 metres in height, between the proposed gate and the existing boundary fence at Blackglen Road, Sandyford, Co. Dublin.

#### Planning Application

Planning Authority: Dun Laoghaire Rathdown Co. Co.  
Planning Authority Reg. Ref.: D16A/0493  
Applicant: Aldworth Properties (Jersey) Ltd.  
Planning Authority Decision: Refuse permission

#### Planning Appeal

Appellant(s): Aldworth Properties (Jersey) Ltd.  
Type of Appeal: First Party  
Observers: None  
Date of Site Inspection: 12<sup>th</sup> December 2016

**Inspector:** Emer Doyle

## **1.0 SITE LOCATION AND DESCRIPTION**

The application site consists of the frontage of an existing field on the Blackglen Road, Sandyford, Co. Dublin. There is no development within the field and it comprises essentially of rough, uncultivated and overgrown land. There was no sign of any agricultural use of the land at the time of inspection. The application site outlined in red only includes lands adjacent to the Blackglen Road and the total land in the ownership of the applicant are outlined in blue and include lands on the Woodside Road. This is a very narrow road parallel to the Blackglen Road.

Lamb Doyle's pub is located approximately 350m to the west of the site. Blackglen Road serves predominantly large houses on substantial plots, however there are a number of semi-detached cottages in close proximity to the east of the site.

## **2.0 PROPOSED DEVELOPMENT**

The proposed development comprises of the following:

- Construction of an access from Blackglen Road. The access would be 5 m wide and set back 6m from the public road with a post and rail fence either side. Part of an existing rubble wall would be removed to facilitate the proposed access.

## **3.0 PLANNING HISTORY**

### **PL06D.227869/ D07A/1598**

Permission refused by Planning Authority and by the Board on appeal for 180 no. residential units for one reason only relating to traffic hazard.

### **PL06D.233054/ D08A/1347**

Permission refused by Planning Authority and by Board on appeal for new vehicular access and construction of stone boundary for one reason only relating to traffic hazard.

### **D07A/0425**

Permission refused by Planning Authority for housing development and crèche for 5 No. reasons. Appeal to the Board withdrawn.

## **4.0 PLANNING AUTHORITY DECISION**

### **4.1 TECHNICAL REPORTS**

#### **Planning Report**

The planner's report noted that the improvement of Blackglen Road is a 6 year road objective under the current County Development Plan. An improvement scheme has Part VIII approval and it is envisaged to commence construction mid-2018. It noted that 2 No. submissions were received. Refusal was recommended based on the Transportation Report.

#### **Surface Water Drainage**

No objection subject to conditions.

#### **Transportation**

Refusal recommended for one reason relating to traffic safety. I have included part of the report in my assessment.

### **4.2 Planning Authority Decision**

Dun Laoghaire Rathdown issued a notification of decision to refuse permission for one reason only relating to prematurity of the proposal pending the ungrade of the Blackglen Road and traffic safety.

## **5.0 GROUNDS OF APPEAL**

A first party appeal against the Council's decision was submitted on behalf of the applicant. The grounds of appeal and main points raised in the submission can be summarised as follows:

- The subject lands currently do not have any vehicular entrance and our client is now seeking permission for vehicles to access their land for existing use or for maintenance purposes.
- Any future development proposals for the land would be subject to a separate planning application.
- The Part 8 process for infrastructure such as the recently approved Blackglen Road/ Harold's Grange Road Improvement Scheme means that the road scheme necessary to release housing lands have now appropriate approval. It should be noted that the approved Part 8 Scheme also included for the bringing forward of zoned lands in the area in their traffic growth assumptions. This will help accelerate the provision of housing in this area.

- The Board is advised that there is constant and ongoing discussion with DLRCC with a view to ensuring the delivery of housing on this site at the earliest opportunity.
- The access design facilitates a 6 metre setback from the edge of the carriageway. However this can be increased if the Board were of the view that a further setback was required.
- The Blackglen Road Upgrade Scheme was approved by the Council on the 13<sup>th</sup> of June 2016. Therefore the issue of prematurity no longer exists.
- Construction of the proposed access would necessitate 4-6 traffic movements a day over the period of one month.
- If the Board have any concerns regarding the impact of construction, a condition could be attached requiring that the construction of the proposed development would only take place during weekdays between 10.00hrs and 16.00hrs.
- After construction, it is estimated that at most a single vehicle per day would access and egress the subject lands.
- Suitable drainage can be provided for within the applicant's lands.
- The only issues that needs resolution is an evaluation as to whether the proposed access can be suitably incorporated into this upgrade scheme when it progresses.
- Figure 3.3 shows how the proposed access if permitted can be appropriately modified and incorporated into the Part 8 Scheme.
- The applicant is willing to fund the costs of undertaking any future modification required to adjust the proposed access to tie in with the approved Part 8 Scheme.

## **6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL**

### **6.1 Planning Authority Response**

The Board is referred to the previous planner's report. It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority would justify a change of attitude to the proposed development.

### **6.2 Observations**

An observation has been submitted from Kevin and Ann Cullen which can be summarised as follows:

- The applicant ceased to be a legal entity from the 1<sup>st</sup> of October 2013 and as such, the Board cannot grant permission.
- No provision has been made for hinterland drainage and flooding that may be caused to our property.

- No provision has been made for protection or future access to the private sewer that passes across the land.
- The proposed access will encourage fly tipping.
- The proposed new access is not required as the applicant had no difficulty accessing the land from the Woodside Road to carry out the detailed topographic survey that informed the previous planning application on the site.

## **7.0 POLICY CONTEXT**

The Dun Laoghaire Rathdown Development Plan 2016 – 2022 is the operative County Development Plan for the area.

### Zoning

The site is located within an area zoned as Objective A ‘To protect or improve residential amenity.’

Table 2.2.5 Six year Road Objectives – Blackglen Road.

## **ASSESSMENT**

Having examined the file and having visited the site I consider that the main issues in this case relate to:

1. Principle of Proposed Development
2. Traffic Safety
3. Other Matters

## **PRINCIPLE OF PROPOSED DEVELOPMENT**

The subject site is located within lands zoned ‘Objective A’ of the operative County Development Plan, which seeks to protect and/or improve residential amenity. I consider that the principle of an access at this location is acceptable.

### **Traffic Safety**

I consider that the main issue at this location relates to traffic safety. The site is located on the Blackglen Road which is an extremely busy road with a single white line and no footpaths. There is no pull-in area to the front of the site.

The report from the Transportation Section states the following:

*'Blackglen Road is deficient in width and alignment. Any additional traffic generated by the provision of a new vehicular access at both construction and operational stages will create a road safety hazard. This can only be remedied when the Blackglen Road/ Harold's Grange Road Improvement Scheme has been put in place. The improvement of Blackglen Road is a 6 year road objective under the current County Development Plan (2016-2022). An improvement scheme (PC/IC/01/15) has Part VIII approval and it is envisaged to commence construction mid-2018. Any proposed development along Blackglen Road would be deemed premature pending the upgrade of Blackglen Road/ Harold's Grange Road and as a result the Transportation Planning Section has recommended refusal of recent previous planning applications.'*

The report provides a link to weblink to the scheme and recommends refusal for one reason only relating to prematurity pending the upgrade of the Blackglen Road.

I note that this application was submitted to the Council on the 5<sup>th</sup> day of July 2016 and the Council had granted the Part VIII scheme on the 13<sup>th</sup> day of June 2016. The date of the Transportation Report was the 12<sup>th</sup> of August 2016. As such, the Road Scheme had been approved before the application was submitted to the Council. The response to the appeal from the Council considered that the grounds of appeal do not raise any new matter which in the opinion of the Planning Authority would justify a change in attitude to the proposed development.

In terms of information submitted with the appeal, the applicant states that measures to protect the private sewer passing through the land will be put in place at the detailed design stage and suitable drainage measures can be agreed at the detailed design stage. I note that these were issues raised in the observation and the observation remains concerned that these matters are not fully addressed. Drawings (Figure 3.3) have been submitted in relation to the works required to tie the proposed access into the approved Part 8 Scheme and the appeal states that the applicant is willing to fund same. It is estimated that construction would take place over a period of 1 month and there would be 4-6 traffic movements per day. If the Board has concerns in relation to construction, the applicant would be happy for a condition to be attached permitting construction work during off peak hours only – 10.00 - 16.00 hours. After the construction period, it is estimated that at most only one vehicle per day would use the access.

Notwithstanding the information submitted with the appeal, I remain concerned regarding the impact on traffic pending the upgrading of the Blackglen Road. It is estimated that the road will be upgraded mid- 2018 although it could be much later than this. I carried out a site inspection at approximately 11am on Monday the 12<sup>th</sup> of December 2016 and can confirm that the road was extremely busy at that time of the morning. I am therefore not satisfied that the construction works could be carried out

safely. I would accept that post construction traffic would be minimal at a stated level of at most 1 vehicle per day and consider that this would not constitute a traffic hazard. It would appear from the details submitted that a number of matters such as drainage, the protection of the sewer, and the tie in with the proposed upgrade still need to be agreed with the Council.

The Blackglen Road is narrow in width and has no footpaths and a single white line in front of the site. Any additional construction traffic generated by the proposed development will create a road safety hazard in my view.

From the information submitted it is clear that the proposed development would result in the intensification of traffic onto the Blackglen Road which is a narrow urban road without footpaths. This would endanger public safety by reason of traffic safety or obstruction of road users. There are inadequate pedestrian facilities at this location and the development, by itself or by the precedent that a grant of permission would set for other similar developments at this location would adversely affect the use of the Blackglen Road.

### **Appropriate Assessment**

Having regard to the nature and scale of the development and proximity to the nearest Natura 2000 site, I am satisfied that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

### **RECOMMENDATION**

Based on the above assessment, I recommend that permission be refused for the proposed development for the reasons and considerations set out below:

### **REASONS AND CONSIDERATIONS**

1. The proposed development would result in the intensification of traffic on the Blackglen Road, a narrow, poorly aligned road without public footpaths. This would endanger public safety by reason of traffic hazard or obstruction of road users. Furthermore, the proposed development is considered to be premature pending the upgrade of the Blackglen Road in terms of the lack of adequate, safe pedestrian facilities, which renders it unsuitable to carry the increased construction traffic likely to result from the proposed development. The

proposed development, if permitted, by itself or by the precedent that the grant of permission for it would set for other similar proposals, would adversely affect the use of the Blackglen Road by traffic. The proposal is, therefore, contrary to the proper planning and sustainable development of the area.

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Emer Doyle  
Inspector

19<sup>th</sup> December 2016