



An
Bord
Pleanála

Inspector's Report

PL06S.247376

Development	Demolition of Structures of site and construction of 5No. houses, 5No. off street car parking spaces, landscaping boundary treatment and associated site works at Tandy's Lane, Lucan, Co. Dublin
Planning Authority	South Dublin Co. Co.
Planning Authority Reg. Ref.	SD16A/0144
Applicant(s)	DPB Ventures Ltd.
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Appellant(s)	1. Ardeen and Tandy's Lane Residents and Others 2. Declan Clare & Maria O Mahony
Observer(s)	Sly & Elisabeth Cronin
Date of Site Inspection	30 th of January 2017
Inspector	Caryn Coogan

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The subject site is located to the south off Lucan village alongside the M4 motorway adjacent to the pedestrian flyover. Tandy's Lane use to have vehicular access onto the M4 but this is now closed by bollards. Tandy's Lane is now a residential cul de sac serving a small cluster of houses to the north-east of the site, and number of houses to the south west of the site.
- 1.2 The site is rectangular in configuration, with an area of 0.0933ha. It is surrounded on three sides by residential developments, and a motorway to the south west. There is a vacant building on the site surrounded by palisade fencing.

2.0 PROPOSED DEVELOPMENT

- 2.1 It is proposed to construct 5No.three bedroomed dwelling of which 1No. is detached and 4No. are semi-detached. The proposed dwellings are to be accessed from Tandy's Lane

2.0 PLANNING AUTHORITY DECISION

On the 16th of August 2016 South Dublin Co. Co. granted planning permission for the development subject to 13No. conditions, which are standard conditions.

2.2 TECHNICAL REPORTS

- **Roads** has requested 8No. off street parking spaces
- Irish Water had no objections
- **Further Information** had been requested on 27th of April regarding the three storey units at this location which would be visually incongruous and overbearing, the separation distances for opposing first floor windows, elevations and specifications, and public open space provision. The **Response** stated the units are two and a half storeys and not three storeys. The ridge heights are revised to 8.9metres on line with ridge heights along Tandy's Lane. There is 22metres minimum distance provided within the scheme. The applicant's will accept an financial contribution for open space provision, as to exclude a dwelling will result in substandard open space provision.

2.3 THIRD PARTY SUBMISSIONS

There were third party submissions objecting to the height and over development of the subject site. There were concerns regarding loss of privacy and light to existing properties.

3.0 PLANNING HISTORY

3.1 SD94A/112 Permission granted on the subject site for a postal sorting office.

4.0 POLICY CONTEXT

4.1 Government Policy

Quality housing for Sustainable Communities – Best Practice Guidelines

Sustainable Residential Development In Urban Areas – guidelines for Planning Authorities

Urban Design Manuel : A Best practice Guide

Regional Planning Guidelines for the Greater Dublin Area

4.2 South Dublin County Development Plan 2016-2022

The site is located within lands zoned RES – *To protect and/or improve residential amenity.*

11.2.1 A Design Statement is required is required for developments greater than 10No. dwellings

11.2.7 Building Height The maximum height will be determined by:-

- The prevailing height in the area
- The proximity of existing housing – new residential development that adjoins existing one and / or two storey houses (backs or sides onto or faces) shall be no more than two storeys in height unless a separation distance of 35metres or greater is achieved.
- The formation of a cohesive street pattern – including height and scale of the proposed development in relation to the width of the street, or area of open space.
- The proximity of Protected Structures, ACAs sensitive to the development.

5.0 THE APPEAL

5.1 A joint appeal has been brought by Ardeen and Tandy's Lane residents. A summary of the main points raised in the appeal is bulleted below.

- There is no objection to the principle of development on the subject site.
- The main concerns are the proposed height of the houses and the insufficient parking proposed to cater for the development.
- The applicant was requested by way of further information to revise the development from three storey to two storey, as they would be visually incongruous and overbearing. The planning authority seemed to have accepted the applicant's claim that the ridge heights were reduced by .45metres. This is insufficient. The character of the area can only be maintained by providing two storey dwellings on the site.
- Site Section D-D submitted as part of the AI, shows a proposed unit with a reduced building height of 8.9metres and indicates a ridge height level of 43.69metres. The figure does not add up based on a finished floor level of 35.24metres, and the actual ridge height will be in excess of 44metres higher than the Ardeen ridge height level of 43.61metres. The houses will be visually incongruous and overbearing.
- The pattern of development along Tandy's Lane is one of universal two storey dwellings, and it is a well established character, which can be easily achieved through the provision of two storey dwellings on the site.
- There is insufficient parking spaces to cater for the proposed development.
- The Roads Department advised the planning officers that the proposed parking is inadequate, and the issue of lack of parking is a very serious issue given the proximity of Lucan village, and the struggle with ongoing parking along the streets. There are photographs attached to illustrate this point, there are daily problems.

5.2 OBSERVATIONS

Dodsborough Management Ltd are the owners of ten apartments at Tandy's Hall. There is no issue regarding the principle of the proposal. The amended proposals reduced the overall height of the development by 450mm which is still in excess of the height of Tandy's Lane. It will severely impact on the privacy and restrict light to existing dwellings in particular apartments 7 and 9 ground floor and 8 and 10 on first floor of

the adjoining Tandy's Hall. Apartments 8 and 10 both have had their attics converted into bedrooms. The proposed development will be a massive intrusion onto these properties. The level of light will be drastically cut. The proposed development is too close to Tandy's Hall and will be overbearing.

5.3 RESPONSES

(a) The planning authority had nothing further to add to its report on file.

(b) The **Applicant's** response to the third party appeal can be summarised as follows:

It is acknowledged that the ridge height figures shown on the lodged drawing 14-4-5-P4 Revisions C were not added correctly. The drawing is to scale and accurately shows the relationship between the proposed new houses and those existing on Tandy's Lane and Ardeen. The ridge heights have been corrected on the drawing submitted to the Board on appeal. The Geomap survey drawing lodged with the planning application confirms the ridge heights of the existing dwellings.

Section A-A drawing 15-4-5-SK24 shows the ridge height of Ardeen to be 44.43metres, Tandy's Lane dwellings are 45.91metres, and the proposed ridge height is 44.915metres. This is only 485mm higher than the Ardeen houses and 995mm lower than Tandy's Lane houses. The gradients of the existing roofs is steep with high pitches. There is a drawing submitted to illustrate the effect of placing Ardeen type two storey dwelling on the application site. Their impact is similar to the approved dwellings.

South Dublin County Development Plan 201602022 page 205, which states for Zone 2 Residential development minimum standards are cited for parking. Max 1.5spaces for a three bedroom and 1.25 spaces for a two bedroom. There is a focus on public transport to ease the pressure. The site is beside a main express bus route with dedicated bus lanes, and has a pedestrian bridge connecting it to a nearby neighbourhood shopping centre and is 500metres from Lucan centre. There is one space per dwelling proposed, which is considered adequate given the site's location. An additional off street space could be provided alongside Dwelling No. 1. Commuters park on the street because there are now double yellow lines or bollards. There will be no space to do so following completion of the dwellings.

7.0 ASSESSMENT

7.1 The proposed development involves the demolition of a single storey structure on site, which according to the planning history was a postal sorting centre permitted in 1994. The structure is 325sq.m. and contributes nothing to the streetscape. Tandy's Lane where the subject site is located is within walking distance of Lucan village centre, and

quality bus corridors. The street is a cul de sac that adjoins the M4 motorway adjacent to a pedestrian flyover.

7.2 The site is zoned for residential development under the provisions of the current development plan, and the prevailing land use is residential, with small housing developments flanking three of the main site boundaries. The proposed development represents a more suitable form of land use to the postal sorting office at this location, and the proposed residential terrace will enhance the streetscape. In my opinion, the proposed five dwellings supports the concept of urban consolidation on serviced lands within a well-designed medium density development. The local residents and house owners who objected and appealed the decision to grant permission for the development, had no objection to the principle of the development on the site. The two main grounds of appeal relate to the height of the development in the context of the surrounding residential housing which is predominantly two storey, and the potential for additional on-street parking within an existing congested area due to the lack of on parking provisions proposed under the scheme.

7.3 The proposed development consists of 5No. three bedroom dwellings, one of which is a detached unit. Each dwelling has an onsite carparking space and rear garden areas. The units are two and half storeys and as revealed on appeal the adjoining Tandy's Hall is also a two and a half storey development as the two storey units have attic conversions.

7.4 ***Building Height***

The applicant has admitted that there were a number of anomalies on the drawings submitted to the planning authority in relation to the building height issue. The applicant was asked by way of further information to reduce the height of the development to two storeys having regard to the level of objections received regarding the three storey nature of the proposal. In response, the applicant reduced the overall ridge height of the development by 450mm to a maximum ridge height of 44.9metres. The Board should note the section drawings (No. 15-4-5-SK24) which demonstrate the proposed ridge height in the context of existing ridge heights. The existing two storey dwellings contiguous to the site have high pitched roofs and the houses on the opposite side of the road to the subject site along Tandy's Lane are positioned on a higher ground level to the proposed development. I consider the third party concerns regarding the visual impact of the proposed height of the development is greatly exaggerated. Having regard to the building setbacks from the site boundaries and the surrounding dwellings, the height and bulk of the existing developments in the context of the proposed building envelop, I consider the visual bulk and height to be acceptable within the neighbourhood setting.

7.5 ***Impact On Adjoining Residential Amenities***

The owners of the adjoining Tandy Hall which is alongside the north eastern site boundary have stated the proposed development, due to its close proximity to the adjoining dwellings will block out light and views to the ground and first floor units. I note Tandy's Hall's building footprint which is positioned right out to the site boundaries has a large central courtyard. The rear building line of Tandy Hall is less than 5metres and in certain instances only 3metres from the communal site boundary with the subject site. The proposed dwellings at this location, have ample front and rear open space which should enable light into the rear windows of the existing properties which are south/ south-west facing. The observers fail to acknowledge that Tandy Hall is positioned very close to its own site boundary, and I consider it is unreasonable to dictate future building lines for developments based building lines of adjoining sites which are not to development plan guidelines. I note that the separation distances of 22metres from first floor opposing windows is being maintained between existing and proposed developments to the west.

7.6 **Carparking**

There is one space per dwelling proposed under the scheme. The Roads Design concerns regarding the parking was not taken into consideration in the overall design of the scheme. The planning authority accepted the lower level of parking provision having regard to the close proximity of the site to the village centre and public transport.

7.7 South Dublin County Development Plan 2016 -2022 states under Table 11.24 Maximum Parking Rates Applicable to Residential Development are as follows within Zone 2 where the site is located:

Three bedroomed dwellings require 1.5spaces/ dwelling.

This is a requirement of 7.5No. to be exact to cater for the proposed development and the applicant can provide 6No. spaces only with one additional space alongside Dwelling No. 1. The scheme could be reduced to four dwellings and remove the fifth detached unit, to ensure adequate onsite parking is provided within the site. However, I do believe this is unnecessary due to the close proximity of the site to the village centre and public transport. In addition, the development of the site and the opening of a number of accesses onto Tandy's Lane will reduce the level of on street parking in the area.

7.8 **Other Matters**

- The site is below the threshold for Social and Affordable Housing provision
- Public Open space has not been provided therefore the payment of a special development contribution is required

- The house design will provide an architectural variety along the streetscape, and the finishes will enhance the overall area.
- The garden layout and character respects the garden layout to the rear of the proposal.
- The internal floor space meets with the Guidelines ***Quality Housing for Sustainable Communities – Best Practice Guidelines***
- The private open space provision exceeds the development plan thresholds for three bedroom units

8.0 RECOMMENDATION

I recommend the planning authority's decision to grant planning permission be upheld

REASONS AND CONSIDERATIONS

Having regard to the provisions of the South Dublin County Development Plan 2016-2022, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the development plan, would not adversely affect the amenities of the area, would be appropriate within the area and would provide an acceptable standard of amenity for future residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and on appeal, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended to include an additional carparking space alongside Dwelling No. 1. Revised drawings indicating this additional carparking space shall be submitted to and agreed with the planning authority prior to the commencement of the development.

Reason: In the interests of visual and residential amenity.

3. Prior to the commencement of development, the developer shall submit details and samples of all proposed external finishes for the written agreement of the planning authority.

Reason: In the interest of visual amenity.

4. The proposed access arrangements including junctions, boundary treatments, sight distances, surfacing and drainage shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of amenity and of traffic safety.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

6. Site development and building works shall be carried out only inclusive, between the hours of 0700 to 1800 Mondays to Fridays all on Sundays between 0800 to 1400 hours on Saturdays and not at only be allowed and public holidays. Deviation from these times will approval has been in exceptional circumstances where prior written received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. The naming/numbering of the proposed development shall be agreed in writing with the planning authority prior to its occupation.

Reason: In the interest of orderly street numbering.

8. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

9. Prior to the commencement of development works on site, a Bond or a Bank Draft to the Value of €15,000 shall be lodged with South Dublin County Council as a contribution in lieu of public open space, as there was none provided with the proposed scheme.

Reason: In order to comply with the development plan provisions.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Caryn Coogan

Planning Inspector

08/02/2017