



An
Bord
Pleanála

Inspector's Report

PL06S.247471

Development	Two Dwellings, Two Vehicular Entrances, Boundary Walls and Associated Site Works at St. John's Road and Commons Road, Clondalkin, Dublin 22
Planning Authority	South Dublin Co. Co.
Planning Authority Reg. Ref.	SD16A/0189
Applicant(s)	Tolmac Construction Ltd
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Appellant(s)	Paul Crowley
Observer(s)	None
Date of Site Inspection	30 th of January 2017
Inspector	Caryn Coogan

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The site is located within a suburban area of Clondalkin in close proximity to a National School and a church. The site is located off St. Johns Road, and is enclosed by Fonthill Road South along the southern site boundary, Commons Road to the east, and St. John's Road to the North. There is an existing bungalow to the west.
- 1.2 There is dense planting of trees and shrubs along the southern site boundary, creating a deep screen from the busy Fonthill Road South. The site is an infill site located within a residential estate mainly consisting of semi-detached dwellings

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development includes two dwellings, which are two storey semi-detached units. Each dwelling has three bedrooms, a parking space and a large residential curtilage.

2.0 PLANNING AUTHORITY DECISION

South Dublin Co. Co. granted the development subject to 13No. conditions.

2.2 TECHNICAL REPORTS

- Water Services – No objections
- Irish Water – Additional Information
- Transportation – Additional Information
- Planning - The main assessments points included :
 - (i) Zoning acceptable
 - (ii) Design and height are acceptable
 - (iii) Roads department satisfied
 - (iv) The reasons for refusal under SD06A/0428 have been addressed under the current proposal
 - (v) Further Information received on 31st of August 2016 is acceptable

2.3 THIRD PARTY SUBMISSIONS

Mr. Crowley adjoining landowner states there is an incorrect land take indicated along Commons Road. There should be sufficient land left to provide a 4.8m road and 1.8m footpath.

3.0 PLANNING HISTORY

3.1 There is an extensive planning history relating to an adjoin site, but there is no planning history relevant to the current proposal.

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 subject site is zoned RES – to protect and/or improve Residential Amenity.

Extracts relevant to the current appeal included.

5.0 THE APPEAL

5.1 The adjoin land owner Mr. Paul Crowley has taken this appeal against the planning authority's decision to grant planning permission for the proposed development. To date Mr. Crowley has had two unsuccessful planning applications of his own:

SD14A/0278 and SD15A/0329

Grounds of Appeal:

1. Commons Road which separates both the appellants and the subject site is owned by South Dublin Co. Co. Mr. Crowleys proposed development is accessed from Commons Road, and there is permission for access over the road from the local authority.
2. The Planner's Report on file states that sufficient space should be retained so that the laneway can be developed as required. A revised

site plan was submitted by the applicant indicating a 2metre offset from the west side of the laneway. It is submitted that the offset should be increased from 2metres to 3metres. The position of both dwellings on the site allows for the boundary wall to be relocated without affecting the houses or the private open spaces of the houses.

3. The sales brochure for the subject site stated the design allows for a setback of 5metres from the eastern site boundary (Commons Road). The local authority was aware of Mr. Crowley's requirements.
4. The grant of planning permission, Condition 4 requires details of boundary treatment to be submitted before work starts. The approved drawings make reference to a 200mmx 100mm rendered block wall to the boundary against Commons Road. The planning authority has insisted Mr. Crowley provide a stone clad boundary wall between 18 St. John's Road and the new access. The proposed development should be treated the same for aesthetic purposes.

5.11 RESPONSES

5.12 The **Planning Authority** had nothing further to add to the Planning Report on file.

5.13 The **Applicant's Agent** made the following points in response to the appeal:

- The applicant made sufficient provision for a footpath of 2metres in accordance with the planning authority's request for further information. The appellant has lodged this appeal in an effort to get a 3metre footpath.
- The sale of the site is not relevant to the appellant. The Commons Road will serve a small number of dwellings and will have very little use as an access road.
- The applicant has failed to obtain planning permission on his own site for a number of years. The applicant is demanding a stone clad wall for aesthetic purposes to match a wall that has yet to be permitted.

6.0 ASSESSMENT

6.1 The following are the relevant issues relating to this appeal which will be assessed in detail below:

- Compliance with Development Plan
- Neighbourhood Character
- Building Envelope
- Parking

- Open Space

6.2 Compliance with Development Plan

St. John's Road is a long established residential estate mainly consisting of semi-detached dwellings within a uniform suburban layout. The estate is zoned **A – to protect and/or improve Residential Amenity**. The subject site is an infill site. The provision of two dwellings complies with the underlying principle of development plan residential zoning and the existing land use.

- 6.3 It is the development plan's policy to encourage urban consolidation and economic use of serviced lands within the development plan policies through higher densities, infill development and development of corner sites.

6.4 Planning History

There is no relevant planning history associated with the subject site. There is an extensive planning history relating to the adjoining site accessed from Commons Road to the east of the proposed development, Reg. No.s SD 15A/0329, APB PL06S.245900, PI06S.239890 (SD11A/0135). There are a number of Board decisions relating to the adjoining site, all of which are decisions to refuse planning permission. Most recently the planning authority refused planning permission under Reg. No. SD16A/0317 for a Residential Development of 9No. dwellings on 12th of January 2017. The landowner/ applicant of the adjoining lands to the east is Mr. Paul Crowley, who is the third party appellant in this current appeal.

6.5 Neighbourhood Character

The major distributor road, Fonthill Road South is immediately to the south of the subject site. The road is not visible from the site. The location can be described as mainly suburban housing. There are rows of semi-detached units to the front and approaching the site. At the subject site, there is bungalow to the west, and the site would appear to be an undeveloped patch of land. The subject site is flanked on three sides by roads. The most relevant to this appeal is Commons Road along the eastern site boundary. Commons Road also provides access to lands to the rear of housing along Saint John's Road. It is currently a disused cul de sac that has no direct access onto Fonthill Road South. Essentially the proposed development of two semi-detached units on the subject site will insert seamlessly into the existing estate without detracting from the overall streetscape or pattern of development in the area. The existing garden character and housing density will be maintained by the proposed layout.

6.6 Building Envelop

The proposed setback from Saint John's Road is compatible with the established front building line. The two storey height, and massing of the

proposed dwellings along with the site coverage and visual bulk are acceptable in the neighbourhood setting. Both dwellings have sufficient private open space. There is a dense backdrop of trees and hedgerow along the southern site boundary which acts as buffer between the site and the busy Fonthill Road.

6.7 Commons Road

The appellant Mr. Paul Crowley requires access to his development site via Commons Road. To date, Mr. Crowley has been unsuccessful in obtaining planning permission for a larger development to the east of the subject site. The appellant is concerned about the future width of Commons Road following completion of the proposed development, and the boundary treatment along Commons Road.

(a) **Boundary Treatment** The appeal makes reference to a 2000mm x 100mm blockwork all against Commons Road, which I note is details on the drawings submitted by way of further information received on the 31st of August 2016. The Local Authority had specified Mr. Crowley provide a stone clad wall along the same boundary on the opposite side of Commons Road to the subject site. The appellant has asked that both boundary treatments along Commons Road have the same stone clad finish for aesthetic purposes. There is no grant of permission relating to Mr. Crowley's site, therefore, the stone clad wall which he refers to in his appeal, has no planning permission. The appellant cannot ask the Board to require both boundary treatments along Commons Road to be compatible, when the current proposal is the only development under consideration.

(b) **Road Width** In the letter of further information dated 22nd of July 2016 Item 1 stated the following:

The land is adjacent to the laneway which provides access to the site to the rear of the houses to the east along St. John's Road. Sufficient space should be retained such that the laneway can be used to this site is required. Therefore, the applicant is requested to submit a site layout indicating the following:

- (i) *The line of a 4.5m radius kerb to the west side of the adjacent laneway and any required adjustments to the dropper kerb for the proposed housing;*
- (ii) *Any proposed boundary treatment offset 2metres from west side of laneway*
- (iii) *The location of the existing tree and existing public lighting pole along the front boundary on St. John's Road.*

A response was received on 31st of August complying with the planning authority's' requirement. The appellant now wants the 2metre offset increased from 2metres to 3metres, without a valid technical argument to do so. It is stated on appeal the increased 3metre offset would be to accommodate an access road and footpaths, yet the planning

authority had prescribed the offset in the further information. The Road Department was satisfied with the prescribed offset.

7.0 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, to the nature, form, scale and design of the development relative to the existing dwellings and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not conflict with the provisions of the said Development Plan for the area, would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of traffic safety and convenience. 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, the revised proposals submitted by way of further information on the 31st of August 2016 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 external finishes of the proposed dwelling including roof tiles/slates shall be the same as those of the existing dwelling to the east in respect of colour and texture.

Reason: In the interest of visual amenity.

3. 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.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

5. 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.

Caryn Coogan

Planning Inspector

23/02/2017