



An
Bord
Pleanála

Inspector's Report PL 06D.247711

Development	Demolition of an existing detached house and construction of 9 no. apartments in 1 no. three-storey block and associated site works
Location	'Stockwell', Sandyford Road, Dundrum, Dublin 16
Planning Authority	Dún Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D16A/0709
Applicant(s)	Gerard Keogh
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Gerard Keogh
Observer(s)	Russell Kane Elizabeth & John Browne Balally Resident's Association Jim & Mary Hayes

Parkvale & Ballyolaf Residents
Association

David Broderick

John & Bernadette Donnelly

Dun Emer Residents Association

Tristan Lloyd & Sinead O'Leary

Shay & Janette O'Kelly & Ann
Brennan

Leonard & Janet Fitzpatrick

Date of Site Inspection

6th March, 2017

Inspector

Kevin Moore

1.0 Site Location and Description

1.1. The site of the proposed development is located on the western side of Sandyford Road in Dundrum, Dublin 16. There is an existing detached bungalow on the 0.125 hectare site, with a small outbuilding to the rear of the house. The property is bounded by block walls and it has a vehicular access onto Sandyford Road. The site lies approximately 20 metres to the south of the junction of Sandyford Road and Dun Emer Road, a signal-controlled junction. There is an open space area and a pair of semi-detached houses to the north of the site fronting onto Dun Emer Road. There is a detached dormer dwelling to the south of the site fronting onto Sandyford Road. There is a detached two-storey dwelling behind the site to the south-west which forms part of Ballyolaf Manor estate.

2.0 Proposed Development

- 2.1. The proposed development would consist of the demolition of the existing house on the site and the construction of a three-storey apartment block containing 9 no. apartments, made up of 1 no. one-bedroom unit, 7 no. two-bedroom units, and 1 no. three-bedroom unit. The total floor area of the development would be 944.1 square metres. The block would be finished in a mix of brick, render and zinc. Each unit would have its own private space in the form of a balcony or patio area. The proposed open space to serve the development would be located to the south and west of the block. 16 no. on-site car parking spaces would be provided either side of the internal road and 22 no. cycle parking spaces would be provided. The proposal includes the diversion of an existing surface water sewer traversing the site.
- 2.2. Details submitted with the application included a covering letter and development overview, a traffic report, an environmental services report, a shadow analysis, and a landscape specification and design.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the development for one reason relating to the impact on residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the planning history of the site, the public submissions made and development plan provisions. Submitted internal reports were repeated. The assessment addressed the proposal against a previous planning application, the principle of development, density, quality, height/scale/design/impact on amenities, open space and landscaping, access and car parking, and drainage. The significant differences between the proposal and a previous apartment proposal were noted. The principle of residential development was considered acceptable. It was noted that all of the apartments exceed minimum standards with regard to floor areas and private open space and comply with storage requirements. It was further noted that all units would be dual aspect. It was considered that the height and scale of the proposal, along with its location in close proximity to the southern boundary, would have an unacceptable negative impact on the existing adjoining house (“Masada”). It was accepted that significant overshadowing of adjoining properties would not occur but the location of the proposal would give rise to an overbearing impact on No. 4 Ballyolaf Manor to the rear of the site. A concern about overlooking into the dwelling to the south from windows and a roof terrace was also raised. A refusal of permission was recommended for one reason.

3.2.2. Other Technical Reports

The Housing Department noted that Part V did not apply to the application.

The Transportation Engineer requested further information relating to traffic volumes, cycle parking, and a construction management plan.

The Parks Superintendent requested further information in relation to boundary treatment.

The Drainage Engineer requested further information in relation to attenuation, surface water sewer layout, and the discharge point for attenuated surface water.

3.3. Third Party Observations

19 no. submissions were made to the planning authority in response to the application. The principal planning issues raised are addressed in observations made to the Board.

4.0 Planning History

P.A. Ref. D14A/0135

Permission was refused for the demolition of the existing dwelling and the construction of 3 no. two and a half storey houses.

ABP Ref. PL 06D.245741

Permission was refused by the Board for the demolition of the existing dwelling and the construction of 11 no. apartments.

5.0 Policy Context

5.1. Dún Laoghaire-Rathdown County Development Plan 2016-2022

Zoning

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

Infill Development

New infill development is required to respect the height and massing of existing residential units. It is further required to retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the first party appeal may be synthesised as follows:

- The application is in direct response to the Board's previous decision. Separation distances to all site boundaries have been increased.
- The principle of a residential infill development for apartment units has been accepted by the planning authority and the Board as an acceptable form of development.
- The density is acceptable in principle if other standards of development can be achieved.
- The proposal provides a high quality residential development for future residents.
- In terms of relative height, building lines or separation distances to existing dwellings on adjoining sites, the proposed development will not result in a visually overbearing impact. As a result of careful design, the proposal is not prominent in views from the rear garden amenity space of the dwellings to the south and west.
- The proposal does not result in overshadowing of adjoining properties and this is accepted by the planning authority.
- No significant overlooking would arise because of separation distances and because windows in the development do not overlook the main rear garden area of the adjoining houses to the south and west. Privacy screens of adequate material and height will ensure that no overlooking will occur from roof terraces. Any remaining overlooking can be further reduced by landscaping along site boundaries and/or the level of window cills in bedrooms. The appellant would be happy for same to be conditioned.
- The public open space provided meets minimum standards of the County Development Plan and relevant government guidelines. The area provides

good outdoor sitting space with good sunlight provision and is away from vehicular movements.

- A traffic report submitted with the planning application concludes that the development will not lead to any discernible increase in traffic at this location and that, subject to appropriate traffic management measures at the entrance junction, the proposal would be acceptable in traffic terms. Further to this, the applicant would be happy to accept conditions relating to cycle parking facilities and a construction management plan.
- Proposals are submitted to address surface water disposal concerns. The applicant is happy to accept conditions to ensure the development is constructed in accordance with these details or a condition requiring further provisions to be submitted before development commences.

The appeal submission also includes a response from the appellant's Engineering Consultant addressing surface water drainage issues raised by the planning authority. Drawings are also attached as part of the appeal submission and include details of privacy screens, landscape proposals, cycle parking provisions, and surface water drainage to address issues raised by the planning authority.

6.2. Planning Authority Response

The planning authority recommends that the development is refused as per the reason in its decision. Acknowledgement is made of the surface water drainage response in the appeal submission in response to the issues raised in the Drainage Engineer's report. A drainage condition is recommended in the event of a grant of permission by the Board.

6.3. Submissions from Prescribed Bodies

Irish Water submitted that the proposed development would not have any impact on its assets and therefore there was no objection to the proposal.

6.4. Observations

Russell Kane

The observer, residing at No. 1 Ballyolaf Manor, raised concerns relating to building height, overbearing impact, loss of privacy, devaluation of property, additional foul sewage discharge, relocation of the existing surface water sewer on the site, and the traffic impact, particularly in relation to cyclists and overflow parking.

Elizabeth and John Browne

The observers, residing at “Fraoch Bán”, Sandyford Road, raised concerns relating to impacts on the stability of their house, impact on light and overlooking on their house, and traffic impacts.

Balalley Residents Association

The Association raised concerns relating to the height of the development, traffic and road safety impacts, and impact on privacy.

Jim and Mary Hayes

The observers, residing at 6 Dun Emer Road, raised concerns relating to overdevelopment, injury to amenities, height and massing, impact on trees, and traffic and parking.

Parkvale and Ballyolaf Residents Association

The Association raised concerns relating to impact on residential amenity, visual impact, sewage, traffic hazard, scale and density, and open space provision.

David Broderick

The observer, residing at 19 Dun Emer Road, raised concerns relating to traffic impact and impact on residential amenity.

John and Bernadette Donnelly

The observers, residing at “Glenmalure”, Sandyford Road, raised concerns relating to the character of the development, traffic impacts and the building height.

Dun Emer Residents Association

The Association raised concerns relating to traffic and safety and the height and density of the proposal.

Tristan Lloyd and Sinead O'Leary

The observers, residing at No. 4 Ballyolaf Manor, raised concerns relating to overbearing impact resulting from overdevelopment, traffic hazard, the nature and context of the development, and overlooking.

Shay and Janette Kelly and Anne Brennan

The observers, residing at "Annville" and "Gilnockie", Sandyford Road, raised concerns relating to the height, density and traffic impact of the proposed development.

Leonard and Janet Fitzpatrick

The observers, residing at "Masada", Sandyford Road, raised concerns relating to impact on residential amenity, overdevelopment, impact on architectural heritage, drainage and flooding., and the failure to address the Board's reasons for refusal for the previous proposed apartment development.

6.5. Further Responses

In response to the planning authority's submission to the Board, the applicant submitted that the suggested alternative design solutions to provide surface water attenuation within the site curtilage are both acceptable and that a condition would be welcomed in accordance with the planning authority's submission.

The applicant also made a response to the issues raised by observers, noting that the appeal submission had addressed many of the issues raised. Drawings showing a reduction in the size of balconies, the introduction of high levels windows, the omission of windows and other changes to fenestration are included in the submission.

Responses to the applicant's response to observers were made by Balally Residents Association, Dun Emer Residents Association, Jim and Mary Hayes, Russell Kane, Leonard and Janet Fitzpatrick, Tristan Lloyd and Sinead O'Leary, Loretto Broderick, and the planning authority. Objections to the proposal remain.

7.0 Assessment

7.1 Introduction

7.1.1 I note that a wide range of issues have been submitted by observers. Many of these issues would have been the subject of consideration by the Board as recent as last year in the previous application for apartment development on this site under Appeal Ref. PL 06D.245741. Having regard to this and to the nature and extent of development now proposed, I consider that it would be appropriate in this instance to focus on the issues that were considered by the Board to be of concern, namely traffic impact, impact on residential amenity, and overdevelopment.

7.2 Traffic Impact

7.2.1 The Board determined previously that the development of 11 no. apartments on this site would constitute a traffic hazard and that it would endanger public safety. The additional traffic and turning movements onto Sandyford Road in proximity to its junction with Dun Emer Road was viewed as giving rise to conflicting traffic movements. The proposed development is for 9 apartments accessing Sandyford Road at the same location, with very similar entrance details, and at the same distance from the junction of this road with Dun Emer Road.

7.2.2 The existing site contains a single house. It is evident from the Board's previous decision that there is a concern about the scale of multiple occupancy on this site due to its location. The Board is required to determine if 9 apartments, instead of 11, would or would not cause a traffic hazard and would or would not endanger public safety. Clearly, the potential to generate significant vehicular traffic from the proposed development is dependent upon those occupants of units who have cars. In a development with 7 two-bedroom units, 1 three-bedroom unit and 1 one-bedroom unit, there is clearly the potential to generate a significant increase in the volume of traffic over that which would emanate from a single dwelling. Furthermore, in the context of the immediate vicinity in which single dwellings prevail, the multiple occupancy building could reasonably be viewed as uncharacteristic. I appreciate that a multiplicity of access points onto a public road is likely to increase hazard and

that seeking to intensify development and producing managed and controlled access onto the public roadway is the appropriate approach. The issue here remains that the proposed development would likely generate a very significant increase in traffic volumes over that which exists at a location where the Board has very recently determined that there are serious constraints due to proximity to a junction. Having regard to the Board's previous decision and to the form, layout and scale of the proposed development, I cannot reasonably determine that the proposed development has altered in a significant and material way such that it would not create a traffic hazard at this location. The proposed development must, therefore, be viewed as constituting a traffic hazard and one that would endanger public safety.

7.3 Impact on Residential Amenity

7.3.1 Comparing the previously refused apartment development and the proposal now before the Board, it is reasonable to determine that the footprint of the current proposed development has increased very substantially along the southern section of this site. I acknowledge that there has been an increase in separation distances between the southern elevation and the flank boundary and between the rear elevation of the proposed development and the rear site boundary. However, it is my submission that separation distances of as little 3.8 metres from the southern flank and 5 metres from the rear site boundary, increasing the footprint very substantially along the southern section of the site, providing a number of balconies along the southern and rear elevations, and maintaining building height, will not address the issue of adverse impact on residential amenity for neighbouring residents. Indeed, having regard to the layout of the proposed development, I suggest to the Board that the proposed development would likely have a significantly greater impact on privacy when compared to the previous proposal, in terms of overlooking, for properties to the south and west. I do not accept that the provision of screens along balconies would adequately address the intrusion caused by overlooking in this instance. The residential amenities of "Masada" and No. 4 Ballyolaf Manor would be seriously affected and I consider that the impact of the development would adversely impact on property values. I acknowledge the applicant's response to the observer submissions and to the proposed alterations arising from these

submissions. It is my opinion that the response clearly demonstrates that the application has admitted to a failure to adequately address the concerns of overlooking. Furthermore, the provision of 1.6/1.8m high panels to coral the balconies and the proliferation of high level windows now espoused suggests a very poor standard of accommodation for occupiers of the proposed development.

7.3.2 With regard to the overbearing impact of the proposal on properties to the south and west, I again acknowledge that separation distances have been increased from southern and rear site boundaries. This evidently would reduce the perception of overbearing impact to a limited degree in this instance. However, I again note the very substantial increase in footprint along the southern section of the site in proximity to “Masada”, a relatively low dormer dwelling. I consider that, having regard to the design of the established properties adjoining this site, which are clearly of a substantially reduced scale and height in comparison to the proposal and given that private amenity space for these properties is in such close proximity to the proposed structure, the proposed development would have a tangible overbearing impact on the adjoining properties.

7.3.3 Having regard to these considerations, I conclude that the proposed development fails to address the Board’s previous concerns relating to impact on residential amenities to the west and south.

7.4 The Question of Overdevelopment

7.4.2 The issue of overdevelopment in the Board’s previous decision related to the impact of the development on the future occupiers of that proposed development, with concerns raised about separation between the two proposed apartment blocks at that time. Evidently, the current proposal constitutes a single block and has been designed to avoid the concerns raised previously by the Board.

7.4.2 It may also be determined that the issue of overdevelopment in the present proposal is a culmination of the issues raised above. This proposal is viewed as constituting a traffic hazard due to the volume of traffic that would be likely generated arising from the number of residential units proposed. The proposal is also viewed as adversely impacting on residential amenity of neighbouring properties due to its scale, form and layout. It is, thus, not seen to fit onto this site in a manner which could be construed as constituting sustainable development because it significantly reduces

the amenities of its neighbours. In addition to these conclusions, I note that a most substantial part of the site is taken up by the internal access road and car parking. Furthermore, private open spaces are focused along the rear and southern flanks, which effectively function as narrow strips of breathing space between the block and its site boundaries. It is my submission that this space does not produce qualitative 'functional' open space.

- 7.4.3 Having regard to the above, I submit to the Board that the proposed development constitutes overdevelopment of this site resulting in adverse effects on neighbouring properties and producing deficiencies in qualitative open space to serve future occupants of the proposed scheme.

8.0 Recommendation

- 8.1. I recommend that permission is refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. The proposed development, by virtue of the fact that it will generate significant additional traffic and turning movements on and off the heavily trafficked Sandyford Road/R117 and in very close proximity to a signalised junction with Dun Emer Road, would give rise to conflicting turning movements. The proposed development would, therefore, endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the design, form, scale and layout of the proposed development, the location of the proposed apartment block relative to adjoining lower scale detached dwellings, the restricted separation distances between the proposed block and adjoining residential properties, the loss of privacy arising from overlooking and the overbearing impact arising from its proposed siting, it is considered that the proposed development would seriously injure the residential amenities of adjoining properties and would depreciate the value of these properties. Furthermore, it is considered that the layout of the proposed development, culminating in expansive parking and access roadway areas and

the provision of substandard qualitative functional open space, would provide a substandard form of accommodation for future occupiers in terms of residential amenity. The proposed development would, therefore, give rise to a poor standard of development, would constitute overdevelopment of the site, and would, thus, be contrary to the proper planning and sustainable development of the area.

Kevin Moore
Senior Planning Inspector

3rd April 2017