



An
Bord
Pleanála

Inspector's Report 06S.247781

Development	Demolition of an existing side extension and garage to rear of house, and construction of two semi-detached houses.
Location	17 Esker Lawns, Lucan, Co. Dublin.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD16A/0349
Applicant(s)	Sharon O'Brien
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Parties
Appellant(s)	Cora Hennelly and Others Eamon & Deirdre Brennan
Observer(s)	Lucan Planning Council
Date of Site Inspection	4 th April 2017
Inspector	Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.0698ha, is located at the junction of the Lucan-Newlands Road and Esker Lawns housing estate in Lucan, Co. Dublin. The Lucan-Newlands Road serves a number of housing developments and the Esker cemetery. The new N4 by-pass of Lucan has severed the old road – although a new pedestrian/cycle bridge over the N4 by-pass links the road with suburban development to the south. The road is not heavily trafficked.
- 1.2. The existing site is occupied by a two-storey semi-detached house with a fully-hipped, brown tile roof. There is a single-storey, flat-roofed extension to the side of the house. There is a single-storey flat-roofed garage to the rear of the house. There is a vehicular entrance to the site from Esker Lawns – providing for three on-site parking spaces. There is a second vehicular access to the site from Lucan-Newlands Road – providing for two on-site parking spaces. The roadside boundary is a dwarf wall – approximately 0.5m high. The garden contains some semi-mature planting. To the north, the site abuts the curtilage of a larger house – the boundary with which comprises mature trees and a concrete block wall.

2.0 Proposed Development

- 2.1. Permission sought on 10th October 2016 for development as follows-
 - Demolition of existing single-storey extension to the side of no. 17 Esker Lawns. It is also proposed to demolish a garage structure located in the rear garden of the existing house.
 - Permission sought to construct two no. two-storey, semi-detached houses in the side garden of no. 17 – one of 115sq.m and one of 95sq.m.
 - New vehicular access on Esker Lawns Road.
 - New vehicular access on Lucan-Newlands Road.
 - New entrance arrangements for no. 17 Esker Lawns.
 - Connections to public foul sewer and to public watermain.

3.0 Planning Authority Decision

By Order dated 1st December 2016, South Dublin County Council issued a Notification of decision to grant planning permission subject to 11 no. conditions, the principal ones of which may be summarised as follows-

1. Development shall be carried out in accordance with plans and particulars submitted with the application.
3. Requires removal of vehicular access off Lucan-Newlands Road, and a shared access for houses 1 & 2 off Esker Lawns Road.
4. Numbering for houses shall be 17A & 17B.
11. Payment of development contribution of €17,862.

4.0 Planning History

There is a considerable planning history attaching to this site.

Ref. SD07A/0773: Permission granted for construction of one house on this site. On appeal by a third party to the Board (**PL 06S.226893**), permission was refused on 27th June 2008, for one reason relating to design and visual obtrusion.

Ref. SD06A/0926: Permission refused for construction of two houses on this site. On appeal by the applicant to the Board (**PL 06S.222766**) permission was refused on 9th August 2007, for one reason relating to visual obtrusion.

Ref. SD04A/0653: Permission granted for two houses on this site. On appeal by a third party to the Board (**PL 06S.211307**), permission was refused on 18th July 2005, for two reasons relating to visual obtrusion and traffic hazard.

5.0 Policy Context

5.1. Development Plan

The relevant document is the South Dublin County Council Development Plan 2016-2022. The site is zoned RES – ‘To protect and/or improve Residential Amenity. The Plan looks favourably on the development of corner sites within residential areas.

5.2. Natural Heritage Designations

The development is to be connected to existing sewers and watermains. There will be no impact on any natural heritage designations.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appeals from Cora Hennelly and Others and Eamon & Deirdre Brennan, received by the Board on 23rd & 30th December 2016, respectively, can be summarised in bullet point format as follows-

- Development has been turned down on three previous occasions on this site by the Board. The proposal constitutes over-development of the site – one house being set back only 7.5m from the northern boundary. This would restrict the future development potential of neighbouring property to the north.
- These houses would be unduly prominent and would be visually obtrusive.
- The houses would alter the character of the estate. The design is not in keeping with the design of existing houses – particularly flat roofs and window openings. The design would devalue property in the vicinity.
- Access to house no. 2, through a narrow car-port, is inadequate.
- The junction at this site is busy and is hazardous. Since the introduction of pay-parking in Lucan village – this area is used by visitors to the village and commuters to Dublin parking cars before getting the bus, as parking in this area is still free. Parked cars reduce sight visibility at the junction.
- There is heavy pedestrian footfall in this area – pedestrians using the area to access the footbridge over the N4 to the south.
- This area is heavily used by school traffic.
- The footpath on Lucan-Newlands Road is already dark, and a high wall along the side of this site will exacerbate matters.
- SDCC gave no detailed consideration to objections lodged against this development.

- The access/egress proposed is poor, particularly in relation to house no. 2.
- Neither house can be connected to the public storm sewer, as the finished floor level of the houses is below the level of existing houses and there is not sufficient fall to the sewer which is located to the front of the houses. A combined discharge to the public foul sewer is not acceptable. It would not be possible to provide adequate soakways within the site.

6.1.2. The appeals are accompanied by the following documentation of note-

- Petition of objection to the proposed development.
- Three no. black & white photographs of on-street parking in the area.

6.2. Applicant's Response

6.2.1. The response of CDP Architecture, agent on behalf of the applicant, Sharon O'Brien, received by the Board on 20th January 2017, can be summarised in bullet point format as follows-

- The site is located approximately six minutes by foot from Lucan village. It is close to all amenities.
- The site is zoned for residential use.
- SDCC was satisfied to grant permission for the design proposed.
- The applicant will comply with all eleven conditions attached to the Notification of decision to grant planning permission.
- The planning authority dealt with the issues raised in letters of objection lodged by the appellants. The vehicular access onto Lucan-Newlands Road has been omitted by way of Condition no. 3.
- The boundary wall on Lucan-Newlands Road is approximately 0.6m high.
- Appropriate private open space is provided for all three houses on the site.
- The design of the houses is appropriate for the area.
- Surface water disposal is dealt with in Condition 2 of the Notification of decision to grant planning permission, and the applicant is happy to comply with this condition.

- The finished floor level of the two houses will be 0.8m below the finished floor level of no. 17 Esker Lawns.
- The ridge height will be 1.5m lower than no. 17 Esker Lawns.
- The design of the proposed development is completely different to the earlier applications which were refused permission by the Board.
- There is no house immediately to the north of this site – the separation distance between the proposed houses and the closest house being approximately 38m.
- There is no pay-parking in this area. The Council did not comment on the issue of parking in the area.
- This development will increase residential density on an underutilised piece of ground which is in close proximity to public services and transport.

6.2.2. The response is accompanied by a considerable amount of documentation from SDCC and from the Board, all of which is available elsewhere on this file or on the history files attached.

6.3. **Planning Authority's Response**

The response of SDCC, received by the Board on 17th January 2017, indicates that all issues have been covered in the Planner's Report which accompanied the original decision of the Council.

6.4. **Observations**

6.4.1. There is one observation from Lucan Planning Council, received by the Board on 29th December 2016. The issues raised, where different to those raised by the third parties, can be summarised in bullet point format as follows-

- The development would exacerbate traffic congestion in an already congested area.
- The area is not well-served by public transport – the closest bust route being 750m distant.
- The site is remote from neighbourhood facilities.

- There is no compelling argument for increasing housing density in this area.

6.4.2. The observation is accompanied by a poor-quality black & white photograph of traffic on Lucan-Newlands Road.

6.5. Further Responses

6.5.1. 1st Third Party Response to 2nd Third Party Appeal

There is no response from Cora Hennelly and Others to the appeal from Eamon & Deirdre Brennan.

6.5.2. 2nd Third Party Response to 1st Third Party Appeal

The response of Eamon & Deirdre Brennan, received by the Board on 25th January 2017, can be summarised in bullet point format as follows-

- The appellants support the third party appeal.
- This development would create a damaging precedent.
- The development would reduce the value of property in the vicinity.

7.0 Assessment

The principal issues of this appeal relate to visual amenity, traffic safety and public health. The site is zoned for residential development in the current development plan for the area. The plan encourages the use of side gardens for residential redevelopment. The site is within walking distance of all the facilities provided by Lucan Village, and is within walking distance of public transport. The principle of housing development on this site is acceptable.

7.1. Design & Layout

Permission has already been refused by the Board, on three separate occasions, for residential development on this corner site – for both one and two houses. With the demolition of the side extension of no. 17, I would be satisfied that the site is of sufficient size to accommodate two, two-storey houses. The applicant has proposed lowering the finished floor level by 0.8m (relative to no. 17). It is not clear why this is being done, but likely to reduce the visual impact of the houses, which will have a ridge-height of 1.7m below the ridge height of adjoining no. 17. I do not see the

necessity to reduce the ridge height of the houses proposed for this site. In order to reduce the ridge height – a flat roof element has been introduced atop the slated roof for the houses. The design proposed attempts to address the corner site – to an extent providing the new building with frontages both to Esker Lawns and to the Lucan-Newlands Road. This involves providing part of one of the houses with a two-storey flat-roofed section addressing Lucan-Newlands Road – almost in the manner of an extension to the other house which addresses Esker Lawns. The visual effect is not particularly successful, and the houses will appear different to those which exist within Esker Lawns. It is not clear just why this design solution has been adopted. The site is large enough to reproduce a pair of semi-detached houses, similar to no.s 17 & 18 Esker Lawns, with a similar front and rear building line. Whilst such would present a gable elevation to Lucan-Newlands Road, this is not unusual in suburban locations, and could be softened through use of fenestration. Retention of the same rear building line would also allow for the provision of a larger rear garden for the most westerly of the two houses. This house, as currently proposed, would be located somewhat over 7.5m from the northern boundary of the site (at its closest), and I would agree with the contention of appellants, that such proximity would impact on the future development potential of lands to the north. This is particularly the case where there is no need for the new house to be so close to the northern boundary.

7.2. Traffic Safety

It is proposed to access one house from Esker Lawns and the other from Lucan-Newlands Road. No. 17 already has a vehicular access to a garage from Lucan-Newlands Road. Sight visibility at this access is restricted in the direction of Lucan village due to the presence of a high wall and trees (the boundary of Esker Lawns having been set back when the estate was constructed). The proposed new access for the most westerly of the two houses proposed will not utilise this access, but will instead have a new vehicular access into a car-port. Only one on-site parking space will be provided for this house (within the car-port). It would be desirable to provide two on-site parking spaces for this house – something which could be accomplished if the access were created from Esker Lawns. SDCC is opposed to the creation of a new access onto Lucan-Newlands Road, and required the creation of a shared new access onto Esker Lawns for both new houses; and provision for at least three cars.

Condition 3 of the Notification of decision to grant planning permission reflected this requirement. This would appear to be reasonable. It may even be possible to provide two on-site parking spaces for each new house – something which would be desirable given the corner location, and the absence of any on-street parking for visitors directly in front of the houses – although on-street parking does exist on the Lucan-Newlands Road frontage. However, it may not be possible to retain all such parking and provide adequate sight distance for a new vehicular entrance on Esker Lawns. I would not agree with the contention of appellants that this development would impact negatively on traffic safety or pedestrian convenience and safety on the footpath on Lucan-Newlands Road. There is no proposal to change the width of this footpath. The construction of a new boundary wall along this footpath would not have any significant impact on the convenience or safety of pedestrians.

7.3. **Water**

It is proposed to connect the development to existing watermains. Irish Water was concerned that the application contained no drawings of how any connection was to be effected – as the maps submitted do not show the location(s) of watermains in the vicinity. It is proposed to connect the development to the existing public foul sewer in Lucan-Newlands Road. SDCC had no objection to this arrangement. The Water Services Section Planning Report indicated concern in relation to the proposal to connect surface water from the development into the public foul sewer. A public surface water sewer is shown in Lucan-Newlands Road, but for some reason the development is not to be connected to it. Drawings submitted did not include invert levels of sewers. SDCC suggested that soakways could be used on site – but infiltration tests would be required to determine the suitability of the site for such measures. Notwithstanding the concerns of Irish Water/Water Services Section, SDCC issued a Notification of decision to grant planning permission subject to a detailed condition no. 2 in relation to drainage. The condition provided, *inter alia*, for submission of revised drainage plans to provide details of connections to public sewers, cross-section drawings and invert levels of all pipes and Armstrong junctions, infiltration tests for soakways, and details of water connections. It would be desirable that such information be available prior to granting of full planning permission for any development on this site – particularly if invert levels might not

allow for connection to the public surface water sewer, or if the ground is not suitable for soakways.

7.4. Other Issues

7.4.1. Devaluation of Property

No evidence has been submitted to support the claim that the proposed development would result in devaluation of property. Having regard to the size of the site and the pattern of development in the vicinity, I would not consider that the proposal would constitute over-development of the site or result in the devaluation of property in the vicinity. The development will not result in any significant increase in housing density over the Esker Lawns housing estate. There are a limited number of corner sites of this size in any housing development.

7.4.2. Financial Contributions

Condition 11 of the Notification of decision to grant planning permission required payment of a development contribution of €17,862. If the Board is minded to grant planning permission for this development, a condition should be attached to any grant of permission requiring payment of a development contribution in accordance with the scheme in place.

7.4.3. Naming & Numbering

A condition should be attached to any grant of planning permission in relation to the numbering of any houses on this site.

7.5. Conclusion

Having regard to the preceding assessment, I consider that the principle of housing development on this site is acceptable, and that the site could accommodate a pair of semi-detached houses, subject to acceptable arrangements being made for vehicular access, on-site parking spaces for each house, treatment of surface water effluent, clarity as to location of proposed connection to public watermains, and suitable design for a development which respects the existing front and rear building lines established by no. 17 Lucan Lawns, in order to protect the future development potential of lands to the north of the site. The level of detail in relation to these items is insufficient in order to allow for a recommendation to grant planning permission.

8.0 Recommendation

I recommend that permission be refused for the Reasons and Considerations set out below.

9.0 Reasons and Considerations

Having regard to-

- (a) the pattern of development in the vicinity,
- (b) the design of the proposed two houses which is considered to be incongruous, and not in-keeping with the two-storey, semi-detached, fully-hipped tile roof design of houses in the immediate vicinity,
- (c) the desirability of providing vehicular access to the proposed houses from Esker Lawns,
- (d) the absence of detailed and satisfactory information in relation to connection(s) to public watermains,
- (e) the absence of satisfactory arrangements for the disposal of surface water from the proposed development,
- (f) the substandard nature of the rear garden of the most westerly of the pair of houses proposed,

it is considered that the proposed development would be detrimental to the residential and visual amenities of the area, would compromise the future development potential of lands to the north, would be prejudicial to public health, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Michael Dillon
Planning Inspector

10th April 2017