



An
Bord
Pleanála

Inspector's Report PL06D.247846

Development	Demolition of house & construction of 4 no. houses.
Location	Denton, Bray Road, Cabinteely, Dublin 18.
Planning Authority	Dún Laoghaire-Rathdown
Planning Authority Reg. Ref.	D16A/0756
Applicant	Victoria Homes Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant	Victoria Homes Ltd.
Observers	D. Scott Whyte & D. Caffrey
Date of Site Inspection	15/4/17
Inspector	Siobhan Carroll

1.0 Site Location and Description

- 1.1. The appeal site is situated on the eastern side of the National Primary Road N11 in Cabinteely, Dublin 18. The site has a stated area of 0.1 hectares and contains a derelict single-storey detached dwelling. The front boundary is defined by a 2.8m high stone wall. The southern boundary with the neighbouring residential property is formed by a mature hedgerow.
- 1.2. The site was formally served by a gated vehicular entrance off the southbound carriageway of the N11. This access is currently boarded over. The dual carriageway contains two lanes and a dedicated bus lane and a dedicated bicycle lane in both directions.
- 1.3. To the south of the site there are five detached dwellings all served by individual accesses off the N11. Beyond these properties there is the access to the Shanganagh Vale housing estate.
- 1.4. There is a halting site occupied by the Travelling Community and site occupied by telecommunications infrastructure to the north of the appeal site. These are served by a lane which runs along the northern boundary of the site. There is a Topaz service station to the northern side of the lane.

2.0 Proposed Development

- 2.1. Demolition of house & construction of 4 no. houses and all associated works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority refuse permission for two reasons;
 1. It is considered that the additional traffic turning movements generated by the proposed development onto the heavily trafficked N11, would endanger public safety by reason of traffic hazard and would have a seriously adverse impact on the carrying capacity of the National Route (N11). The proposed development would contravene Section 2.2.10.2 Policy ST26 of the 2016 – 2022 Dun Laoghaire-Rathdown County Development Plan, which states that it

is the Council's policy to facilitate the protection of National Routes (i.e. the N11) and to provide, protect and maintain for the safe and efficient movement of people and goods. The proposed development would therefore set an undesirable precedent for similar type developments along the N11 and would be contrary to the proper planning and sustainable development of this area.

2. Having regard to the height, scale and layout of the dwellings as proposed, serious concerns exist that the proposed development would give rise to the overlooking of the adjacent private garden to the south and would also constitute a visually overbearing form of development on the north westerly outlook from the adjacent property. It is therefore considered that the proposed development would have a seriously injurious impact on the visual and residential amenities of adjacent property and would be contrary to the proper planning and sustainable development of this area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- It was concluded that the proposed development would adversely impact on the visual and residential amenities of the area and would adversely affect the use of the National Primary Road N11 and would therefore endanger public safety by reason of traffic hazard.

3.2.2. Other Technical Reports

Transport Planning: Refusal recommended on the basis of the adverse impact the additional traffic turning movements generated would have onto the heavily trafficked National Primary Road and the precedent which would be set.

Surface Water Drainage: Further information required.

Parks and Landscape Services Section: no objection subject to condition.

3.2.3. External Reports

Irish Water: No objections

3.3. Third Party Observations

- 3.3.1. The Planning Authority received 2 no. submissions/observations in relation to the proposed development. The main issues raised are similar to those set out in the observation to the appeal.

4.0 Planning History

Reg. Ref. D09A/0928 – Permission was refused for demolition of existing the house, reduced ground level, block up existing entrance, open new entrance, construct 2 no. semi-detached houses, detached dormer bungalow, new boundary walls and associated site works. Permission was refused for the following reasons;

1. The proposed development, by itself or by the precedent which the grant of permission for it would set for other relevant development, would adversely affect the use of a National Primary Road (N11), and would therefore endanger public safety by reason of traffic hazard or obstruction of road users.
2. Due to the height and proximity of the proposed semi-detached dwellings to the shared boundary with the adjoining residential property to the south of the application site, the proposed development would have a negative impact on the residential amenity of this adjoining property and would therefore be contrary to the proper planning and sustainable development of the area.

Reg. Ref. D08A/0489 – Permission was refused for the demolition of the dwelling, reduced ground level, alter existing entrance, open new entrance, construct 2 no. semi-detached houses, detached dormer bungalow, new boundary walls and associated site works. Permission was refused on the basis of traffic hazard.

Reg. Ref. D08A/0288 & PL06D.229396 – Permission was refused for the demolition of the dwelling and development of three dwellings and new entrance. Permission refused on the basis of traffic hazard.

Reg. Ref. D06A/1489 & PL06D.223849 – Permission was refused for the demolition of the existing dwelling and the construction of 4 No. semi-detached houses with new access from side laneway. Permission refused on the basis that the proposal would result in an inappropriate form of development that would detract from the

visual amenity of the area and would seriously injure the amenity of the dwelling located on the site adjoining to the south by reason of overlooking.

5.0 Policy Context

5.1. Development Plan

The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.

- The site is zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenity'.
- Section 8.2.3 – refers to Residential Development
- Policy ST26 – refers to Motorway and National Routes

5.2. Natural Heritage Designations

- 5.2.1. Rockabill to Dalkey Island SAC is 3.5km to the east of the appeal site.
- 5.2.2. Dalkey Island SPA is 4.1km to the east of the appeal site.
- 5.2.3. Ballyman Glen SAC is 5.5km to the south of the appeal site.
- 5.2.4. Knocksink Wood SAC is 6km to the south-west of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been lodged by Victoria Homes Ltd. on the 12th of January 2017. The main issues raised concern the following;

- The first reason for refusal refers to the additional traffic turning movements which would be generated and that it would have a serious adverse impact on the carrying capacity of the N11 National Primary Route. In response to this the first party state that there is a speed limit of 60kph along the section of the N11 where the site is located. The existing entrance to Kilgobbet Grove

provides a good standard of sightlines i.e. 150m. The small scale of the proposed development would have a minimal impact on traffic on the N11 carriageway.

- It is noted that the N11 is served by the following bus routes 84, 84A and 145 which reduces car traffic.
- The appellant cites the example of Rockbrook Hall as an example of a similar housing scheme accessed from the N11. The development granted under Reg. Ref. D05A/0860 was for 4 no. dwellings.
- The second refusal reason refers to the height, scale and layout of the proposed dwellings and states that the development would give rise to overlooking of the adjacent garden to the south and would seriously impact the visual and residential amenities of the area. In response to this the first party state that the scheme has been designed with access off Kilgobbet grove laneway and the majority of living areas and bedrooms face onto Kilgobbet grove.
- The dwellings are located 16.67m from the boundary with the N11. The site level falls towards the east and reduces the impact of the dwellings on the surrounding area. It is proposed to block the existing vehicular entrance from the N11 by extending the existing wall which will screen the proposed dwellings from the N11.
- The dwellings are located to the north-west of the adjacent properties which limits potential overshadowing. The proposed roof design is hipped which limits their size and scale.
- The houses have been designed to reduce overlooking of adjacent properties. The windows to the rear of the dwellings serve bathrooms and landings and a bedroom. The bathroom windows will be fitted with obscure glazing and the applicant has stated that the windows serving the landing area can be replaced with a rooflight and higher level windows could be provided to the rear bedroom if required by condition.
- The proposed dwellings and public and private open space areas have been provided in accordance with Development plan standards. The proposed

density is in accordance with the Development plan and the proposal would represent the appropriate use of zoned land.

6.2. **Planning Authority Response**

- 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.

6.3. **Observations**

An observation to the appeal was received from Dorothy Scott Whyte & Dave Caffrey on the 7th of February 2017. The issues raised are as follows;

- The proposed development would result in an increase in traffic movements onto the heavily trafficked N11 which would be contrary to Section 2.2.10.2 and Policy ST26 of the Development Plan.
- The proposed development would negatively impact upon their property.
- Under PL.06D.229396 permission was refused for the demolition of the dwelling and the construction of three dwellings on the basis that it would endanger public safety by reason of traffic hazard. The Inspector in the assessment of that case stated that the proposed development would conflict with the predominant form of development in the vicinity.
- The proposed scheme does not provide sufficient car parking.

7.0 **Assessment**

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Design and residential amenity
- Access and Traffic

- Appropriate Assessment

7.1. Design & residential amenity

- 7.1.1. The proposed development involves the demolition of the existing derelict dwelling and the construction of 4 no. semi-detached two-storey dwellings. The site area is 0.1 hectares. An open space area of circa 252sq m is proposed to the western side of the site. Section 8.2.8.2 of the Development Plan refers to public open space and requires the provision of a dedicated public open space for all residential scheme of 5 or more units of 15sq m - 20sq m of Open Space per person. A default minimum of 10% open space is required. The subject scheme contains less than 5 units and therefore is not subject to the requirement for 15sq m - 20sq m per person. The provision of 252sq m which is equivalent to 25% of the site provides a satisfactory level of public open space.
- 7.1.2. Section 8.2.8.4(i) of the Development Plan refers to private open space standards for new residential developments. It is required that for 3 bedroom houses a minimum of 60sq m is provided. The proposed rear gardens all have areas in excess of 80sq m. Accordingly, I am satisfied that an adequate provision of open space has been provided in the scheme.
- 7.1.3. Car parking standards are set out under Table 8.2.3 of the County Development Plan with the requirement for 2 spaces per three bed dwelling and for dwellings with more than three bedrooms. The proposed dwellings all contain three bedrooms. The house design incorporates a garage and car space behind, which provides dedicated off-street car parking for two cars in keeping with Development Plan policy.
- 7.1.4. In relation to the potential impact upon surrounding properties, the site adjoins a detached dwelling to the south. In relation to rear garden depths a minimum standard of 22 metres separation between directly opposing rear first floor windows is generally required therefore resulting in a minimum rear garden depth of 11 metres. However, the Plan does allow for some flexibility where there is sufficient alternative private open space available to the side and a rear garden depth of 7 metres maybe considered for single storey dwellings with the proviso that privacy

and protection of adjoining residential amenities is maintained. The proposed rear gardens have a depth of 9m from the main rear building line and therefore does not meet the minimum requirement for two-storey dwellings. The rear of the dwellings directly addresses the rear garden of the neighbouring dwelling to the south.

7.1.5. The appellant has stated that the scheme was designed to reduce overlooking of adjacent properties. It is stated in the appeal that the proposed windows to the rear of the dwellings serve bathrooms, landings and bedrooms and that the bathroom windows will be fitted with obscure glazing. The appellant has suggested that the landing windows can be replaced with a rooflight and higher level windows could be provided to the rear bedroom if required by condition. While, I note that the bathrooms would feature windows with obscure glazing and the landings could be served by rooflights the replacement of rear bedroom windows with a high level window would not satisfactorily address the matter and it would reduce the level of lighting to those bedrooms. Therefore, I consider having regard to the separation distance between the proposed dwellings and the adjoining dwelling that it would result in an unacceptable level of overlooking of the neighbouring property.

7.1.6. Regarding the visual impact of the proposed dwellings upon the adjoining dwelling to the south, I consider, having regard to the two-storey nature of the dwelling and the proximity of the proposed dwellings from the rear elevation of the dwelling to the south with a minimum separation of 9.5m provided from first floor level and a minimum separation of 8m from ground floor level that the proposed scheme would also have a significant overbearing impact.

7.2. Access and Traffic

7.2.1. The site is served by a vehicular entrance off the N11 National Primary Road. It is proposed to block the existing entrance and develop new vehicular entrances onto the existing laneway which serves the halting site to the north. The layout proposed comprises the two pairs of semi-detached dwellings addressing the laneway which each dwelling served by a driveway onto the laneway. The laneway is accessed off the southbound carriageway of the N11 which is a heavily trafficked National Primary Road.

7.2.2. The first refusal reason issued by the Planning Authority refers to the additional traffic turning movements which the development would generate on to the heavily

trafficked N11 and that it would have a seriously adverse impact on the carrying capacity of the National Route and that the proposed development would contravene Section 2.2.10.2 Policy ST26 of the Development Plan.

7.2.3. Policy ST26 and Section 2.2.10.2 of the Development Plan refers to Motorway and National Routes and states that the Council will facilitate the protection of all National Routes from frontage access and to minimize the number of junctions in accordance with Transport Infrastructure Ireland's Policy and the Department of Environment, Community and Local Government's 'Spatial Planning and National Roads Guidelines for Planning Authorities' (2012).

7.2.4. The premises to the north the service station generates significant traffic turning movements and the properties to the south of the site are all served by individual accesses off the N11. The proposed scheme involving the development of 4 no. new dwellings which would generate additional traffic turning movements onto a section of the N11 where there is a free flow of traffic and within a 60kph zone. The Transportation Planning Department recommended that permission be refused on the basis that the development would give rise to an intensification of additional traffic movements onto the National Primary Route which would be contrary to National guidance from NRA and RSA and Policy ST26 of the Development Plan and that it would also create a precedent.

7.2.5. Accordingly, I would concur with the assessment of the Transportation Planning Department that the generation of new traffic turning movements into and out of the lane would have a seriously adverse impact on the carrying capacity. If permission were granted it would also set a precedent for similar type developments along the N11 in the vicinity to a high density.

7.3. Appropriate Assessment

7.3.1. Having regard to the nature and scale of the proposed development, nature of the receiving environment and proximity to the nearest European site, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be refused for the following reasons.

9.0 Reasons and Considerations

1. Having regard to Policy ST26 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, it is considered that the proposal would generate an excessive number of traffic movements from and to the N11, which would reduce the operating efficiency of this national primary road and, as a consequence, increase the hazard posed to users of this road. Additionally, the proposal would establish a precedent for the redevelopment of other sites in the vicinity to a high density, which would result in further increases in such traffic movements and their attendant implications for the N11. Thus, this proposal would, on its own and in the precedent which it would establish, contravene the said Policy and so be contrary to the proper planning and sustainable development of the area.
2. Having regard to height, design and proximity to boundaries, it is considered that the proposed dwellings would cause overlooking and have an overbearing impact upon neighbouring property to the south and would therefore seriously injure the amenities of the area and of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Siobhan Carroll
Planning Inspector

21st of April 2017