



An
Bord
Pleanála

Inspector's Report PL06S.248184.

Development

Construction of an airhall and associated fan unit with a shed.
Removal of poles, luminaries, site works, concrete ring beam and electrical infrastructure.

Location

Templeogue Tennis Club,
Templeogue Village, D6W.

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD16A/0373.

Applicant(s)

The Trustees of Templeogue Tennis Club.

Type of Application

Permission.

Planning Authority Decision

Refuse.

Type of Appeal

First Party

Appellant(s)

The Trustees of Templeogue Tennis

Observer(s)

None.

Date of Site Inspection

19th of June 2017.

Inspector

Karen Hamilton.

1.0 Site Location and Description

1.1. The appeal site is located along Templeogue Road which is central to Templeogue Village, D6W. The existing tennis club is bounded to the south by single storey dwellings and the River Dodder and amenity area to the west. The site is accessed from both the Templeogue Road, through the club house and along a local access to the west, adjacent to Riverside cottages. There are currently twelve tennis courts within associated flood lighting, 12m in height. The boundary treatment around the rear of the boundary consists of a mix of 1.8m high block wall with chain link fencing above.

2.0 Proposed Development

- 2.1. The proposed development includes the construction of
- a) An air hall which is an air supported structure and associated fan unit with a maximum height of 10m with internal lighting over three tennis courts (5,6 &7) and have an area of 1,620m² (structure is demountable and can be stored on site).
 - b) Single storey structure (8.75m²) for fans and emergency generator.
 - c) Single storey shed (30.9m²) for storage of the air hall and attachments for during the periods when not in use.
 - d) Removal of 4 by 12m high poles and associated luminaries, and all site development works, drainage, paths, concrete ring beam around tennis courts and electrical infrastructure.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse permission for reasons of height, mass, scale, location and light emanating from the dome adjacent to the River Dodder amenity area and the Riverside Cottages ACA, as the proposed development would have a serious negative impact on the visual and residential amenities of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission and refers to previous refusals from the Board, the policies in the development plan relating to recreation development and impact of proposed developments on the natural and built heritage. Further information was sought with regard to:

- Additional day-time and night-time photomontages from a position of 25m-40m from the street, located centrally from the open space to the front (south) of the Riverview cottages,
- Mitigation measures in relation to the noise from the air fan, in particular noise sensitive wildlife on the banks of the River Dodder and residents of adjoining dwellings.
- Submission of a plan indicated the Lux level, the level of light overspill to the immediate area of the River Dodder and associated banks.

3.2.2. Other Technical Reports

Roads Department - No objection.

Landscape and Open-Space Planning- No objection.

Water Services Department- Request for further information on water main connection and foul and surface water systems.

Environmental Health Officer- No Objection subject to conditions.

Environment, Water & Climate Change- No objection subject to conditions.

3.3. **Prescribed Bodies**

Irish Water- Request for further information on the water main connection and foul and surface water systems.

3.4. Third Party Observations

Eight submissions were received in relation to the proposed development relating to the impact of the visual and residential amenity of the surrounding area which may be summarised as follows:

- The proposed development does not provide any significant alterations to a previous refusal (PL06S.245794).
- There have been no feasibility studies for a preferred or alternative site.
- The information contained in the photomontages is factually incorrect as they are not printed at a high resolution or taken at the correct angle.
- The proposal will have a negative impact on the quality of the adjoining resident's amenity.
- Section 1.4.16 of the development plan refers to height of tall buildings (15m) and the need to assess the impact on the adjoining property.
- The proposed development will have a negative impact on the unique character of the Riverside cottages and ACA.

4.0 Planning History

06S.245794 (Reg. Ref 15A/0102)

Permission refused for the erection of an air hall, support structure and associated fan unit with a maximum height of 11m and internal lighting to cover three tennis courts and associated works and the removal of 4 by 12m high poles and associated luminaries. The reasons related to the absence of a visual impact analysis therefore the height, mass, scale and location would seriously injure the visual and residential amenity of the area.

06S.244125 (Reg. Ref 14A/0031)

Permission refused for an air hall and associated fan unit and all associated works for reasons of impact on the residential and visual amenity of the area due to the constrained nature of the site adjacent to single storey residential properties.

5.0 Policy Context

5.1. South Dublin County Council Development Plan 2016-2022.

The site is zoned as Residential where it is an objective “*To protect and/ or improve residential amenity*”, sports and recreational facilities are open for consideration.

Sports facilities & Centres

C7 Objective 1: To support the provision of new or improved sports and leisure facilities in the County.

C7 Objective 2: To support the provision of multi-purpose sports hall and all-weather playing pitches in Moderate Sustainable Growth Towns/ Emerging Moderate Sustainable Growth Towns.

C7 Objective 5: To promote and support communities and clubs in developing minority sports in the County by providing indoor and outdoor spaces for the pursuance of these activities.

Surface Water and Ground Water

IE1 Objective 7: To prohibit the connection of surface water outflows to the foul drainage network where separation systems are available.

Lighting

IE7 Objective 5: To ensure lighting scheme minimise light spillage or pollution in the immediate surrounding environment and do not adversely impact on residential or visual amenity and biodiversity in the surrounding areas.

Watercourses Network

G3 Objective 5: To restrict the encroachment of development on watercourse, and provide for protection measures to watercourse and their banks, including but not limited to the prevention of pollution of the watercourse, the protection of the river bank from erosion, the retention and/or provision of wildlife corridors and the protection from light spill in sensitive locations, including during construction of permitted development.

The site is located to the south of Templeogue Village and to the north of the **Riverside Cottages ACA**, therefore the following policies apply:

HCL4 Objective 2: To ensure that all development, including infill development, extensions and renovation works within or adjacent to an Architectural Conservation Area (ACA) preserves or enhances the special character and visual setting of the ACA including vistas, streetscapes and roofscapes.

Dodder Valley

Zoning Objective HA- DV- To protect and enhance the outstanding character and amenity of the Dodder Valley. New development shall minimise environmental and visual impacts.

HACL Objective 6: To recognise the key role of the Dodder River plays in the County's Green Infrastructure network by facilitating and supporting the continued development of the Dodder Valley (HA-DV) as a linear park, greenway and an area of special amenity, recreational, heritage, geology, biodiversity and conservation value to include the completion of the Dodder Green Route along the full length of the Dodder River.

5.2. Natural Heritage Designations

The site is located c.5.5km upstream from Glenasmole Valley SAC and the site has a hydrological pathway via the River Dodder.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by O' Neill Town Planning on behalf of the applicant and may be summarised as follows:

- The background, including the reason for refusal on two previous applications, is included and the principle of development was accepted in these applications. The concerns raised in relation to location and internal layout have been addressed.
- The impact on the adjoining ACA needs to be balanced in view of the urban setting and in this instance the integrity has not be compromised. The outlook from the Riverside cottages should not dictate all development.

- The use on the site is long established and the proposed development ensures it can be used on all occasions.
- The use of the air hall would reduce the need for outdoor floodlights and reduce any perceived nuisance in the winter.
- There is no direct overlooking on the adjoining residential properties.
- The submitted photomontages illustrate the impact is mitigated by the distance of the air hall and gentle curve of the design.
- The submitted noise report states that the fans are 6m from the Dodder River Amenity Area and the noise is screened by dense coniferous trees and condition No 4 of previous permission 14A/0102 was sufficient to regulate noise levels.
- The fans are housed in an acoustically soundproofed building distant from the River Dodder High Amenity Area and the residences.
- The external floodlights will not be used when the air hall is erected and the applicants are prepared to plant a double row of deciduous and coniferous trees and shrubs along the boundary and the current planting along the western boundary totally blocks light and noise from the River Banks.
- The photomontages indicate the air hall is of a modest scale and impact. There are no protected views and the visual impact is minimal.
- The erection of the air hall will have a reduction in the lighting levels in the surrounding area and on the River Dodder as it will be less dominant than the existing floodlight installation.
- The erection of the air hall will take place twice a year, dates cannot be stipulated as it is necessary the weather is not windy.
- An appeal fee has been submitted for a commercial development although it is stated that under Part 12 of Article 157 of the Planning and Development Regulations 2001-2007a recreational organisation which is mainly not for profit or gain shall not pay a fee when making an application.

6.2. **Planning Authority Response**

A response from the planning authority confirms its decision and states that the issues raised in the appeal have been covered in the planner's report.

6.3. **Observations**

None received.

7.0 **Assessment**

7.1. The main issues of the appeal can be dealt under the following headings:

- Planning History
- Visual and Residential Amenity
- Impact on the Riverside Cottages ACA
- Impact on the Dodder Valley High Amenity Area
- Other Matters
- Appropriate Assessment

Having regard to the zoning objective on the site, those uses which are open for consideration and the current use I consider the principle of development is acceptable.

Planning History

7.2. Templeogue Tennis Court is located to the rear of Templeogue Village centre in an area zoned for residential amenity in the development plan. The site includes twelve tennis courts which extend from the club house, along the main Templeogue Road, south towards existing single storey dwellings, Riverside Cottage. The demountable structure will cover tennis courts 5, 6 & 7 in the winter months, approx. September to April. The existing floodlights will be removed and the air hall will be internally illuminated.

7.3. A similar proposal has been previously refused under 06S.245794 (Reg. Ref 15A/0102) and 06S.244125 (Reg. Ref 14A/0031). The proposed development has been amended from the previous permissions to reduce the height of the air hall by

c.1m and relocated south east over court 5, 6 & 7 (the same as proposed under 06S.245794), previously court 9, 10 & 11 (06S.244125) so it is further from the closest dwelling. The reasons for the most recent Board decision related to the residential zoning on the site and the height, mass, scale and location of the proposed structure in the centre of the site at a level higher than the adjoining single storey dwellings along the southern boundary. The decision also refers to the absence of alternative locations within the site and associated visual impact analysis. The supporting statement from the applicant refers to the appropriateness of this location in relation to a previous development over courts 9, 10 & 11. A visual impact analysis of the proposed development was submitted with this application and further viewpoints were added following a further information request. The impact on visual amenity is further discussed below.

Visual and Residential Amenity

- 7.4. The subject site is raised higher (FFL 50) than those single storey dwellings to the south of the site (FFL 48), Riverside Cottage and when fully inflated will be 10.5m in height. There are 3 dwellings along the east of the site. The reasons and considerations for refusal in 06S.245794 made reference to the absence of a visual assessment. The grounds of appeal argue that this has now been included and illustrates the proposed structure will not have a negative visual impact on the surrounding area. In addition, the grounds of appeal argue that the removal of the 12m high floodlight and replacement with the airhall will have a more positive impact on the amenity of the surrounding area and the distance from the nearest house mitigates against the height and mass of the structure.
- 7.5. Visual: The submitted visual impact assessment illustrates the proposed structure in relation to the existing surrounding dwellings. View No 6 is taken from the front of those dwellings along Riverside Cottage. Following a request for further information a "Visual Analysis Montage Imagery" was submitted which illustrated the structure during both the day and night in relation to the surrounding area. I note the height of the airhall will be 10.5m when inflated, 1.5m below the existing floodlights on the site. I consider the submission of the visual impact assessment, in particular those during the night, clearly illustrate the significance of the visual impact on the surrounding area. Based on the current elevation of the site in comparison to those single storey dwellings along the south of the site, the 10.5m high illuminated dome structure will

dominate the dwellings along the edge of the site causing an overbearing effect. Therefore, based on the location, height, scale and mass of the proposed airhall, I consider the proposed development will have a negative visual impact on the residential amenity of the surrounding dwellings.

- 7.6. Shadow: Shadow cast drawings submitted illustrated a shadow projecting over Court 1 & 2 to the north of the site during the winter months. Based on the location of the site 15m from the edge of the site, I do not consider the proposed development will cause an excessive shadow to cause a negative impact.
- 7.7. Noise: The noise plant machinery is located in a single storey structure (8.75m²) erected on the west of the airhall, 55m from the nearest residence. A Noise Assessment Report was submitted as part of the application and following a further information request, information on a similar fan blower at Elm Park Tennis club was submitted to state that the average noise level within this plant enclosure was noted to be 76d B_{Aeq, T} and the noise level outside the enclosure at 1m from the louver was 63 d B_{Aeq, T}. The noise impact assessment concludes that upon commissioning, should these levels be exceeded, additional mitigation measures will be required. I do not consider this a reasonable level of noise for the operation of a 24hr machine adjacent to an established residential area and I consider it would have a negative impact on the amenity of the adjoining residents.

Impact on the Riverside Cottages ACA

- 7.8. The subject site is located directly north of the Riverside Cottages Architectural Conservation Area (ACA). The proposed air hall will be located c. 35m from the closest dwelling in the Riverside Cottages ACA and includes a demountable 10.5m high dome like structure. The external materials of the dome include a double skin layer made up of high translucent uPVC coated polyester fabric with UV protective outer foil (white in colour with green hitting background). Internal lighting includes 2 double rows of fluorescent tube fittings per court to be hung out of the dome ceiling with an average lighting level of c 438 lux. Following the submission of further information, the applicant submitted the proposed development would include an emitter of diffuse lighting and the lux level; would be reduced to 1LUX when standing 2m away from the air hall.

7.9. The reason for refusal refers to the negative impact of the height, mass, scale, location and light emanating from the internal lit dome on both the River Dodder Amenity Area and the adjoining ACA. The grounds of appeal submit the proposal will not detract from the ACA and this designation cannot be used as the reason for refusal of all development. I have addressed the impact of the visual amenity on the residential amenity above. In relation to the specific character of the adjoining ACA, I note the special character (*Appraisal of Candidate Architectural Area*, South Dublin County Council) relates to the single storey and setting of the cottages away from high rise density to the north of the site. HCL4 Objective 2 of the development plan requires that all development, including infill development, extensions and renovation works within or adjacent to an Architectural Conservation Area (ACA) preserves or enhances the special character and visual setting of the ACA including vistas, streetscapes and roofscapes. As stated previously, I consider a 10.5m high illuminated dome on an elevated location will dominate the dwellings causing an overbearing impact. Therefore, based on the location, height, scale and mass of the proposed airhall, and the objectives of the development plan, I consider the proposed development will have a negative impact on the setting and character of those dwellings within the Riverside Cottage Architectural Conservation Area.

Impact on the Dodder Valley High Amenity Area.

- 7.10. The site is located directly north of the Dodder Valley High Amenity Area where it is an objective to protect and enhance the outstanding natural character and amenity of the area. A machine room (9m²) for the fan is located along the edge of Court 5, north of the banks of the River Dodder, which is a 3m in height and finished with metal cladding and operational 24hrs a day during the period of use. The report of the area planner raised concern in relation to the noise emanating from the plant room and light spill with particular reference to the objective HACL 6 of the development plan relating to the protection of the Dodder River and Amenity area and recommended a central location, away from this amenity area for any future proposals.
- 7.11. The grounds of appeal argue the structure is positioned in a location which would not impact on the amenity area of the River Dodder. The site is elevated from the existing River Dodder by c.5-6m. There is a significant number of mature trees along the edge of the River Dodder amenity area along a block wall and the grounds of

appeal include a proposal for additional 4.0m high trees for screening on the request of the Board, which can ensure the noise of the air fan is sufficiently mitigated. The tennis courts are not visible from the walkway along the River Dodder, c 4-5m from the site.

- 7.12. I note HACL Objective 6 of the development plan required the continued support of the Dodder Valley as a linear park, greenway and an area of special amenity, recreational, heritage, geology, biodiversity and conservation and I consider the Dodder Valley could continue to be used as a valuable amenity area on the construction of the airhall. Therefore, based on the height of the site from the River Dodder and the existing mature trees within the Dodder Valley I do not consider the proposed development would have a significant negative impact on the Dodder Valley Amenity Area.

Other Matters

- 7.13. The appeal is accompanied by a commercial fee. The grounds of appeal submit that they should not be subject to this appeal fee as they are a voluntary organisation designed to be used for recreational purposes by inhabitants of the locality. Part 12 of Article 157 of the Planning and Development Regulations 2001-2007 allows for an exemption of a planning application fee where the Planning Authority considers the proposed development is carried out by a voluntary organisation and is not to be used mainly for profit or gain. The applicant did not pay a fee for the planning application. The terms of Article 157 of the Regulations are specific to exemptions of a planning application and refers to the discretion of the Planning Authority. I note reference to the Board, with regard to the application of fees, in other sections of Part 12 of the Regulations and would therefore consider the intention for exempted fee only relates to the submission of an application to a Planning Authority. In addition, I note the inclusion of a club house on the site and the requirement for annual membership fees for the club. Therefore, I consider the appeal fee reasonable.

Appropriate Assessment

- 7.14. The proposed development is for a demountable retractable air structure which does not require any connection to the water or waste water system. The subject site is located 5.5km from the edge of the Glenasmole Valley SAC and has a hydrological

pathway via the River Dodder, which is directly adjacent to the site. The report from the water department of the Local Authority and Irish Water requested additional information on the connection to the water mains and also the provision surface water attenuation proposals. I note the planners report did not include a request for further details of water in the additional information request. This aside, based on the design and size of the structure, I consider the proposed development would not require the need for a foul connection or cause a significant increase in surface runoff which would have a significant negative impact downstream on the Glenasmole Valley SAC.

- 7.15. Therefore, having regard to the nature and scale of the proposed development and separation distance to the nearest European site, 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 the conservation objectives of any European site.

8.0 Recommendation

- 8.1. It is recommended that the proposed development is refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the location of the site on lands zoned “To protect and/or improve residential amenity” in the South Dublin Development Plan 2016-2022, to the height, mass and location of the proposed temporary airhall structure in a constrained part of the tennis complex in close proximity to adjacent single storey residential properties which are at a lower ground level to the subject site and within an Architectural Conservation Area, it is considered the proposed development would seriously injure the visual and residential amenities of those residential properties in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Karen Hamilton
Planning Inspector

19th of June 2017.