



An
Bord
Pleanála

Inspector's Report PL06D 248481

Development

Permission for construction of a new single – storey two bedroom dwelling (161 sq. metres) within the curtilage/attendant grounds of Rosney House with new 3.0 m wide entrance/gateway from Haddington Lawns to facilitate vehicular access to the proposed dwelling.

Location

Rosney House, Albert Road Upper and Haddington Lawns, Glenageary, County Dublin.

Planning Authority

Dun Laoghaire – Rathdown County Council

Planning Authority Reg. Ref.

D16A/0819

Applicant(s)

Bruce Arnold

Type of Application

Permission

Planning Authority Decision

To Grant Permission subject to conditions.

Type of Appeal

Third Party

Appellant(s)

Residents of Haddington Lawns

Observer(s)	None
Date of Site Inspection	02/08/2017 and 09/08/2017
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site is located at the junction of Glenageary Road Upper and Albert Road Upper. The site has an area of 0.275 hectares and currently accommodates a detached single storey over basement house known as Rosney House. It is a protected structure dating from the 1830's – RPS Reference No. 1507. The associated coach house is located to the south of the existing dwelling. This has been converted into two dwelling units. The site also accommodates a number of other ancillary structures including a glass house located adjacent to the northern boundary wall, a brick and concrete pergola structure surrounding a rose garden to the west as well as a number of modern timber shed structures.
- 1.2. The existing vehicular access to the subject site is from Albert Road Upper. The site is bound by stone walls along the north, east and southern boundaries. A modern concrete wall is located to the west abutting Haddington Lawns.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a contemporary single storey dwelling house with an area of c. 161 sq. metres. The proposed dwelling is located to the south west of the existing Rosney House and to the west of the coach house. The proposed dwelling comprises 2 no. bedrooms, living and ancillary accommodation. The dwelling will be served by a private open space area of approximately 1,165 sq. metres.
- 2.2. To facilitate the development, it is proposed to demolish the existing modern shed which adjoins the coach house.
- 2.3. The proposed access to the site is via a new vehicular entrance which will be created from Haddington Lawns, an existing cul de sac located to the west of Rosney House. The new entrance will be formed by way of a new opening in the existing concrete wall. Parking is to be provided in a new hardstanding area to the north of the proposed dwelling. It is understood that this area will accommodate 6 car parking spaces. The car parking area is intended to serve the proposed dwelling and the existing dwelling units located within the coach house.

- 2.4. Alterations to the existing landscaping arrangements are also proposed to facilitate the development. The existing rose garden and existing trees located to the west of the coach house will be removed to facilitate the proposed development.
- 2.5. The development will not result in any amendments to the existing dwelling Rosney House or the associated coach house.
- 2.6. A further information request by the Planning Authority sought revised plans and elevations to include details and dimensions of the proposed vehicular entrance and indicating the height of the existing boundary wall for a minimum distance of 1 metre either side of the proposed new vehicular entrance, to be no more than 1.1 metres in height so as to provide good visibility for pedestrians and vehicles of exiting vehicles and vice versa from the proposed new vehicular entrance. It was also requested that the height of the proposed piers and gates be no more than 1.1 metres.
- 2.7. The response included drawing no. 1625/PA/905/B which indicated full details of the revised entrance arrangement.

3.0 Planning Authority Decision

3.1 Decision

- 3.1.1 To Grant Permission subject to 11 no. conditions. Conditions of note include:

Condition 4: footpath in front of new vehicular entrance shall be dished and strengthened at Applicant's own expense.

Condition 5: Proposed new driveway/parking area shall be constructed with sustainable drainage systems.

3.2 Planning Authority Reports

3.2.1 Planning Report 05/01/2017 and 18/04/2017

The planner's reports noted the following key points:

- The Transportation Planning Department had no issue with the proposed parking/access arrangement.

- It is considered that the development would not have a negative impact on the residential amenity of the main dwelling or the adjoining coach house.
- Having regard to the overall landscaping within the site, the proposed removal of existing trees and rose garden to facilitate the development is deemed acceptable and will not have an impact on the visual amenities of the area.

3.2.2. Other Technical Reports

Drainage Planning and Water Services (08/12/2016 and 03/04/2017): Proposals including further information were considered acceptable.

Transportation Planning (16/12/2017 and 11/04/2017): No objection subject to conditions.

Architects Department (05/12/2017): Conservation Officer – no objection. Noted that the development is at a sufficient distance so as not to significantly affect the character or appearance of the protected structure.

3.3. Prescribed Bodies

Irish Water (12/12/2016): The report states that a separate supply shall be taken from the public watermain to serve the proposed dwelling i.e. the applicant shall not be permitted to take a supply from the serviced pipe serving the adjoining property.

Department of Arts, Heritage Regional, Rural and Gaeltacht Affairs: No response received.

3.4. Third Party Observations

3.4.1 DMOD on behalf of residents of no. 1, 3, 4, 5, 6, 7, 8 and 9 Haddington Lawns.

- Inadequate details of proposed entrance design.
- Traffic safety.
- Impact on residential amenity.

4.0 Planning History

4.1 No recent relevant history.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022.

5.1.2 The subject site is zoned A: *To protect and/or improve residential amenity*. The principle of residential development is acceptable under this zoning.

Table 8.2.3 sets out car parking standards as follows:

1 space per 1-bed unit and per 2-bed unit

2 spaces per 3-bed unit+

(depending on design and location).

5.1.3 Section 8.2.4.9 of the plan addresses Vehicular Entrances and notes the following points of relevance:

- Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the traffic conditions on the road and available sightlines and will impose appropriate conditions in the interest of public safety.
- The maximum width of an entrance should be 3.5 metres.
- Proper provision shall be made for sightlines at the exit from driveways in accordance with the requirements in DMURS and as appropriate to the particular road type and speed being accessed.

5.2. Natural Heritage Designations

5.2.1 None Applicable.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.2 DMOD on behalf of Angela and Trevor Wood, Pat and John Watchorn, Veronica Noctor, Dympna and Kevin Tobin, Mary Graham, Sighle Duffy and Brian Comiskey, Frances and Hereward Turley, Liz and Philip Quigley, 1, 3, 4, 5, 6, 7, 8 and 9 Haddington Lawns.

- Concerns raised regarding proposed access from Haddington Lawns and that proposed sightlines are inadequate. Requested that a sightline distance is taken from 2 metres back from the existing boundary wall.
- That the development will give rise to a traffic hazard by virtue of inadequate sightlines and cause a danger to children playing in the cul de sac.
- The development will result in an excessive number of vehicles utilising the new entrance. Request a condition that only cars associated with the new dwelling should be permitted to use the new entrance.

6.2. Applicant Response

- No response received.

6.3. Planning Authority Response

- It is considered that the proposed dwelling is relatively modest in scale and would not detract from the amenities of adjoining properties by reason of overlooking or overshadowing.
- The Planning Authority request that if granted condition 7 should be revised to remove reference to “(volume 100 m3)”. This was a drafting error and it is not considered necessary to specify an alternative volume.

6.4. Observations

- No observations received.

- No response received from Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

6.5 Further Responses

6.5.1 DMOD on behalf of the residents of Haddington Lawns (08.08.2017)

- Reiterates the same issues in the appeal and notes that Dun Laoghaire Rathdown County Council have not acknowledged the substance of the appeal which relates to access and traffic.

7.0 Assessment

7.1. The residential zoning of the site and its location within the curtilage of a protected structure are noted and it is considered that the principle of the development is acceptable. The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Access, traffic and parking.
- Appropriate assessment.

7.2 Access, Traffic and Parking

7.2.1 The subject development comprising of a modest single storey dwelling will be accessed via a new vehicular access from Haddington Lawns. The new entrance will be 2.56 metres wide. It is located to the east of the existing turning circle that serves the Haddington Lawns cul de sac.

7.2.2 The design of the propose entrance was modified at Further Information stage in line with the recommendations of the Transportation Planning Department of Dun Laoghaire Rathdown County Council. In particular, it is noted that the width of the entrance gate is 2.56 metres and that sections of fixed railings with a maximum height of 1.1 metres will be provided to each side of the proposed entrance for a minimum distance of 1 metre thus ensuring that a vehicle exiting the site achieves an appropriate level of visibility. It is also noted that the entrance itself is set back from the edge of the public footpath by approximately 1.2 metres and, as it is located at

the apex of the turning circle serving the cul de sac, any car exiting the entrance would have good visibility of pedestrians and cyclists in the vicinity. Given the character of the Haddington Lawns, which is a cul de sac associated with low volumes of traffic, it is considered that the proposed access would not give rise to any traffic hazards.

7.2.3 Concerns are also raised regarding the potential volume of traffic utilising the proposed access. It is noted that a new parking area is proposed within the development which has capacity for 6 spaces. It is intended that these spaces will serve the proposed dwelling and the existing coach house which is sub divided into two dwelling units. The proposed dwelling accommodates 2 no. bedrooms whilst the coach house accommodates a 2 bed apartment and a studio unit. It is stated that 3 of the spaces are new spaces and 3 of the spaces are existing spaces. The provision of 6 car parking spaces to serve the proposed development and the existing coach house is in excess of the general Development Plan standard which specifies 1 car parking space for a 2 bed unit.

7.2.4 It is considered that this quantum of parking is excessive having regard to the scale of the development and the provision of 4 spaces would be sufficient. This can be addressed by way of appropriate condition.

7.2.5 Having regard to the character of the development it is not considered that it would give rise to undue traffic movements nor give rise to a traffic hazard due to the low volume of cars likely to be entering and exiting the development. It is not considered appropriate to impose a condition restricting use of the access to occupants of the new dwelling as in practice this would not be enforceable.

7.3 Appropriate Assessment

7.3.1 Having regard to the nature and scale of the proposed development, a single house within an established urban area, and the 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 a European site.

8.0 Recommendation

- 8.1 It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1 Having regard to the location of the proposed development in an established residential area and its zoning for residential purposes, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic and pedestrian safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 27th day of March 2017 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 proposed development shall be amended as follows:
 - (a) The proposed car parking layout should be revised to provide a maximum of 4 car parking spaces.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. Water supply and drainage arrangement including the disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health.

4. Site development and building works shall be carried out only between the hours of 07.00 am to 18.00 hours Monday to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall be allowed only in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of adjoining property in the vicinity

5. 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:

- Measures to ensure that the Contractor's vehicles will not block the cul de sac area during construction.
- Measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network.
- Off-site disposal of construction/demolition waste.

Reason: In the interests of public health and safety and residential amenity.

6. The footpath in front of the proposed new vehicular entrance shall be dished at the road junction in accordance with the requirements of the planning authority and at the Applicant's own expense.

Reason: In the interest of pedestrian safety.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Erika Casey
Planning Inspector

10th August 2017