



An
Bord
Pleanála

Inspector's Report PL06D.248486

Development

Demolition of 2 dwellings and the construction of 5 houses and 14 apartments, new access and internal road, parking, landscaping, and all site development works.

Location

230 & 234 Glenageary Road Upper,
Glenageary, Co. Dublin

Planning Authority

Dun Laoghaire-Rathdown County
Council

Planning Authority Reg. Ref.

D16A/0967

Applicant(s)

Starlingbrook Ltd

Type of Application

Permission

Planning Authority Decision

Grant, subject to 27 conditions

Type of Appeal

Third Parties -v- Decision

Appellant(s)

Patrick & Nuala Delaney
Joe & Irene McNeice and Lisa & Mario
Barrett
Henry R B Jack
Helen Stedmond

Observer(s)	Alan & Maura Murphy and Others David & Valerie Deevy Conrad & Elaine Lyons Bruce Arnold
Date of Site Inspection	18 th August 2017
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located 1.35 km to the west of Dalkey Village and 0.55 km south of the Glenageary DART Station. This site lies within an established residential area, with detached bungalows and dormer bungalows to the north, on Glenageary Road Upper, and east, on Avondale Road, and two storey semi-detached dwelling houses to the west, on a cul-de-sac known as Glenageary Hall, and, on the far side of a small park, to the south, on Belevue Avenue. It is accessed off the southern side of Glenageary Road Upper (R829) at a point to the west of the roundabout between this Road, Barnhill Road (R829), Albert Road Upper, Killiney Road, and Avondale Road.
- 1.2. The site itself is of irregular shape, it rises appreciably in a southerly direction and it extends over an area of 0.35 hectares. This site is composed of two existing house plots on each of which there is a bungalow. The one at No. 230 Glenageary Road Upper is accessed off and maintains a frontage with this Road. The other one at No. 234 Glenageary Road Upper is, likewise, accessed off this Road via a driveway, which also serves an ESB sub-station to the rear of No. 236 Glenageary Road Upper. This house plot occupies a back-land position to the south of Nos. 228 - 232 Glenageary Road Upper (even, inclusive), to the west of Nos. 6 – 14 Avondale Road (even, inclusive), to the north of a small park, which is accessed off Glenageary Hall, and to the east of Nos. 11 – 15 Glenageary Hall (inclusive).
- 1.3. The two bungalows are presently vacant and their grounds are somewhat overgrown. They are bound by a mixture of stone, brick, and concrete blockwork walls and, in places, with timber trellising and trees, shrubs, and hedging.

2.0 Proposed Development

- 2.1. The proposal would entail the following:

The demolition of 2 existing dwellings (380 sqm), and

The construction of 19 residential units (2,396 sqm) comprising:

- 5, four-bed, two storey (plus attic level) terraced houses, and

- 14 apartments in a three storey (over under-croft car park) building. These apartments will comprise 4 one-bed, 8 two-bed, and 2 three-bed units, all with associated balconies.

2.2. The development would also include a new entrance from Glenageary Road Upper, on the eastern side of the frontage to No. 230, and an internal access road, car and cycle parking, landscaping and boundary treatments, site development works, and services.

2.3. At the further information stage, the roof of the most northerly of the terraced houses was re-specified as a fully hipped one. Consequently, the attic level bedroom and dormer window were omitted and so it would be a three rather than a four-bed dwelling house.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was granted subject to 27 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information/revised plans were requested on the following matters:

- The relationship between the proposed northernmost dwelling house and the existing dwelling house beyond.
- Addition of screening to eastern and western elevations of proposed apartment block.
- Clarification of treatments to the northern and southern boundaries to the site and the southernmost boundary to the fifth proposed dwelling house.
- Greater detail as to the proposed pedestrian link with the POS to the south.

- Revisions to the proposed road layout with respect to footpath provision, both extent and width, the proposed front boundary treatment, signage, street lighting, and CMP.
- Specification of green roof to proposed apartment block.
- Submission of operational phase WMP.
- Submission of plan showing the extent of any intended taking-in-charge.

3.2.2. Other Technical Reports

- Housing: In principle, compliance with Part V obligations could be met by the transfer of 2 dwellings.
- Waste Enforcement: Conditions requested.
- Surface Water Drainage: Following receipt of further information, applicant's case for omission of green roof contested and so clarification of this information requested.
- Transportation Planning: Following receipt of further information, conditions requested.
- Parks and Landscape Services: Attention drawn to error in calculation of open space provision. Conditions requested.

3.3. Prescribed Bodies

Irish Water: None received.

3.4. Third Party Observations

See under Observations.

4.0 Planning History

D15A/0808: Demolition of 2 dwellings and construction of 13 dwellings, entrance from Glenageary Road Upper, access road, parking, landscaping, boundary treatments, site development works and services: Refused at appeal **PL06D.246271** on the grounds of inadequate provision of public open space and connectivity with

existing public open space, inadequate density and mix of house types and associated adverse precedent, and resulting street form would be devoid of a sense of enclosure, thereby militating against a sense of place.

5.0 Policy Context

5.1. Development Plan

Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 (CDP), the site is shown as being subject to zoning objective A, “To protect and/or improve residential amenity.” Adjoining public open space to the south is subject to zoning objective F, “To preserve and provide for open space with ancillary active recreational amenities.”

5.2. Natural Heritage Designations

n/a

6.0 The Appeal

6.1. Grounds of Appeal

(a) Patrick & Nuala Delaney of 2 Avondale Road

- Existing groundwater problems would be exacerbated, as would the existing problem of a low pressure public water supply.
- Due to the 8m gradient across the site, the proposal would pose an unacceptable flood risk (cf. D07A/1269 as an e.g. of such risk leading to a refusal).
- Loss of woodland habitat for wildlife.

Permission should be rescinded for the following reasons:

- Inadequate open space would be provided and the use of the proposed entrance would disrupt traffic, including cyclists.

- The scale and density of the proposal would be excessive for the site, which is less than 0.5 hectares.
- The proposal would be visually intrusive and overbearing and it would lead to overshadowing of residential properties on Avondale Road and a loss of their value.
- The proposal would, due to its siting, size, height, and design, be out of character with the pattern of housing in the surrounding area.
- The proposal would be unduly reliant upon the POS to the south, which already serves Glenageary Hall.
- Traffic generated by the proposal would exacerbate traffic congestion on Glenageary Road.

(b) Joe & Irene McNeice and Lisa & Mario Barrett of 14 and 12 Avondale Road, respectively.

Attention is drawn to some confusion at the further information stage that led to the appellants and other residents not having their observations accepted. That said the information in question did not change the proposal materially.

Objection is raised as follows:

- The proposal would, due to its scale, height, and design, be detrimental to the residential amenities of the area, as a result of overlooking, which would not be sufficiently mitigated by the installation of privacy screens at the end of balconies.
- The proximity of the proposal to neighbouring residential properties is misrepresented by the omission of rear extensions, including rear dormer extensions. The submitted photomontages are likewise mis-leading.
- The impact upon water and the risk of flooding are such that an EIS would be warranted.
- Road safety has not been addressed. The submitted CMP indicates a LHT only approach to egress, thereby acknowledging this issue. No road safety audit has been submitted.

While the principle of new development is not contested, the current proposal would only be acceptable if the following amendments were made to it:

- Either a storey should be omitted from the apartment block or the car park should be placed within a basement.
- More effective boundary treatments would be required.
- Screens between apartments should be permanent, of solid construction and/or with opaque glass, and be of floor-to-ceiling height.

(c) Henry R B Jack of 236 Upper Glenageary Road

- The appellant's residential property lies at the foot of the sloping site and so concern is expressed that an increase in the flow of ground water would arise.
- The appellant's solar panels would be lower than the proposal and so they would obstruct sunlight from reaching these panels in the evening during winter months.

(d) Helen Stedmond of 10 Avondale Road

- The proposed apartment block would, due to its siting close to the eastern boundary of the site and its height, be overbearing and out of character with nearby bungalows and it would, due to overlooking, adversely affect their amenities.
- Furthermore, the aforementioned block would lead to an increase in overshadowing in the evening, as a result of the replacement of a 4m hedge along the eastern boundary with a 11.09m high end elevation.
- The separation distances between the proposed apartment block and the appellant's bungalow are incorrectly shown and, elsewhere on Avondale Road, rear extensions are omitted.
- Windows in the eastern elevation of the aforementioned block would overlook the appellant's bungalow.
- Concern is expressed that an enclosed roof top area "for maintenance only" would be used as effectively a balcony, leading to further overlooking.

Any development on the site should be set back further from the eastern boundary, reduced in height and size, e.g. by means of a basement car park.

(e) Alan & Maura Murphy and other residents at Nos. 4 – 10 Bellevue Avenue (even, inclusive)

Attention is drawn to some confusion at the further information stage that led to the appellants and other residents initially having their observations accepted only for them to be subsequently rejected.

Objection is raised as follows:

- Proposed open space provision on the site would be inadequate and uncertainty surrounds the existing POS to the south, i.e. is Dun Laoghaire-Rathdown County Council in a position to grant access and universal access appears to be unachievable.
- The characteristics of the proposal would cause it to be out of character with surrounding housing and the fall of the site itself. Its height and proximity to site boundaries would cause it to be intrusive within a mature, settled, local environment. It would risk an adverse precedent.
- Overlooking from balconies on the southern elevation and likely overlooking from the enclosed roof top space would lead to a major loss of privacy to the appellants' rear gardens.
- The proposal would have a major visual impact on views over Dublin Bay with a consequent loss of property value.
- The CMP's LHT recommendation would only lead to construction traffic being displaced onto Bellevue Road and Bellevue Avenue. This recommendation would not apply during the operational phase and so vehicular turning movements would lead to traffic disruption and associated safety issues on Glenageary Road Upper.
- The possible issue of rock breaking has not been addressed.

(f) David & Valerie Deevy of 8 Avondale Road

- Attention is drawn to the Planning Authority's reasons for refusal of D15A/0808, which have been disregarded under the current proposal.

- Attention is drawn to the absence of alternative design approaches to the development of the site, e.g. why would the apartment block be raised by the presence of an under-croft for car parking when such parking could be accommodated within the site as surface spaces?
- The design of the proposal, in particular its height, would adversely affect residential amenity in terms of overlooking and overshadowing.
- Resulting pressure on foul and surface water drainage systems may lead to flooding.
- No road safety audit has been undertaken and yet the proposed entrance would be only 100m from a busy roundabout.
- Uncertainty persists as to whether Dun Laoghaire County Council own the existing POS to the south of the site. The County Council does maintain it.

6.2. Applicant Response

The current proposal reflects the applicant's considered response to the Board's critique of its predecessor. Thus, this proposal would succeed in meeting a sustainable density level, while meeting *on-site* all relevant development standards. In this respect, it would not be reliant upon the adjoining POS. The proposal would entail the provision of parking by means of an under-croft, which would utilise the fall in the site and facilitate a good relationship between upper ground floor apartments and the POS beyond.

The applicant outlines the Planning Authority's favourable assessment of the current proposal, which included a successful further information exercise.

The applicant proceeds to respond to the grounds of appeal and comments of the observers on a street-by-street basis.

Bellevue Avenue:

- The appellants' dwelling houses lie beyond the 30m wide POS and 30m deep rear gardens, i.e. they are 60m to the south of the site.
- Concerns over open space are mis-placed as the proposal would meet CDP standards in this respect without recourse to the existing POS.

- Concerns over residential amenity are, given the aforementioned separation distance, overstated.

Avondale Road

- Appellants have misconstrued the situation when they claim that the site was previously regarded as inherently unsuited to development and that the previous proposal was too large for the site.
- Dun Laoghaire-Rathdown County Council has taken the POS “in charge” and so there is no question of the developer “incorporating” the same.
- Contrary to appellants’ claims, the density and mix of dwellings exhibited by the proposal would comply with the CDP.
- The eastern elevation of the proposed apartment block would have either obscure glazed or high level windows only at ground and first floor levels and the second floor would be set back to mitigate any overlooking. Additional measures were specified under further information, i.e. privacy screens to balcony sides and, at second floor level, privacy screens that would correspond to windows in the eastern and western elevations.
- Concerns over access to roof top areas to the east and west of the penthouses could be addressed by condition. The balconies to these penthouses would be on their southern sides and access to the said areas would not be readily available.
- The apartment block would be narrower than its predecessor and so it would be set back by a more generous c.6m from the eastern and western boundaries of the site.
- A specific concern with respect to the overshadowing of No. 10 Avondale Road is addressed by means of an additional hourly analysis from 4pm to 6pm at the Equinox. Over 50% of the rear garden to this property would receive sunlight between 10am and 4pm, in excess of the minimum of 2 hours that the BRE (2011) advice recommends.

No. 236 Glenageary Road Upper

- In relation to groundwater concerns, the topography of the existing and the developed site would fall towards what would become the site's entrance from Glenageary Road Upper. SuDS measures would be designed to intercept surface water and compensate for a loss of groundwater infiltration resulting from the development.
- In relation to the performance of solar panels on the south eastern roof plane of the appellant's bungalow, the aforementioned shadow analysis shows that this bungalow would not be reached by 5pm at the Equinox. While sunlight at this time during the Winter Solstice would not feature, at 3pm on January 31st, again, the bungalow would be unaffected.

In relation to the concerns of the appellants at No. 14 Avondale Road, the applicant proposes to modify the balcony to proposed apartment No. 7 so that it would be angled towards the adjacent POS. The south facing windows to the adjoining proposed apartment No. 8 could, likewise, be angled, should the Board consider this to be necessary.

6.3. Planning Authority Response

- The Planning Authority continues to consider that the proposal would be appropriate to the location of the site and its size, design, and layout would be acceptable. The mix of dwelling types would be of benefit to the locality.
- Proposed on-site open space would be appropriate and the possibility of access to the adjoining POS to the south would be an added benefit.
- Other issues were fully discussed in the case planner's reports.

6.4. Observations

(a) Conrad & Elaine Lyons of 228 Glenageary Road Upper

The observers' residential property adjoins the site to the north west along a common boundary of 75m. They state that their property would thus be the one most effected by the proposal. The following points are made:

- The height of the proposal within the context of existing bungalows and dormer bungalows would cause it to tower over these bungalows and thus it would be a visual scar on the streetscape, especially on approach along Barnhill Road.
- The proposal would constitute inappropriate development, as it would site a housing and an apartment development in a large suburban back garden. While the Planning Authority's quest to densify development near to DART stations is acknowledged, what needs to be acknowledged, too, is that not every site can be successfully densified, the current one being a case in point.
- The proposal would fail as sustainable development insofar as it would severely impact upon the amenities of existing residential properties nearby, in terms of overshadowing and overlooking, leading to a loss of privacy and security
- The proposal would as a consequence result in the devaluation of property.
- The submitted photomontages under represent the visual impact that would result from the proposal.
- The Sustainable Residential Development in Urban Areas Guidelines indicate that higher densities can be achieved on sites with areas in excess of 0.5 hectares. The current site has an area of 0.35 hectares, once the undevelopable two access legs are omitted this contracts to only 0.27 hectares.

- The proposed entrance would be too near to the Avondale Road roundabout to function in a safe and satisfactory manner. The CMP's LHT only requirement for exiting vehicles illustrates this concern.

If the Board is minded to grant permission, then the securing of boundaries, the minimising of light pollution, and the issue of road safety should all be addressed.

(b) Bruce Arnold of Rosney House, Albert Road

- The observer refers to two failed appeals of his in the past for access from the northern side of Glenageary Road Upper to the north east of the current site. He draws attention to increasing traffic flows along this Road, as it is used as an arterial route by commuters and the incidence of parked cars on both Barnhill Road and Albert Road.
- The quest to densify is being pursued without reference to the safe handling capacity of the road network.
- Unlike the larger Honeypark and Cualanor developments to the west, which are served by signalled junctions, the current site would not be so served and its proximity to Avondale Road roundabout would make use of its entrance inherently hazardous. This safety concern was not addressed at the further information stage and it remains to be addressed.

6.5. Further Responses

Response to the other appellants' grounds of appeal

Appellant (c) raises the following points:

- The proposal would constitute over development of a small site. Overcrowding and a risk of anti-social behaviour could ensue.
- The proposal would provide an inadequate amount of open space and the applicant is not in a position to rely upon the existing POS to the south of the site by way of compensation.
- The proposal would lead to overshadowing, especially in the winter months.

- The proposal would lead to overlooking, especially from the flat areas on the roof, access to which would be difficult to control.
- The proposal would place too much pressure on the local water supply and it would overload the sewerage system.
- Traffic conditions on Glenageary Road Upper are already challenging.
- The proposal would pose a risk of groundwater flooding. The Planning Authority has not answered questions raised in this respect.
- The proposal would differ little practically from its predecessor, which was refused.
- The Planning Authority has disregarded objections already raised by local residents.
- The proposal would be out of character with the surrounding area and so property values would fall.

Reponses to the applicant's response

Appellants (a) reiterate their previous grounds of appeal. They stress the risk to ground water posed by the proposal.

Appellants (b) reiterate their previous grounds of appeal. They also question the applicant's contention that the communal open space on-site would meet CDP standards and its contention that the small park is not being relied upon for at least the aspect to the proposed apartment block.

Appellant (c) reiterate their previous grounds of appeal. He contends that the proposed apartment block would act as a damn with respect to ground water, which would be forced to flow around it. He also states that the solar panels face south west rather than south east.

Appellant (d) reiterates several of her previous grounds of appeal. Emphasis is placed upon the omission of extensions from the submitted plans and the implications of such omission for the accuracy of the applicant's lighting assessment.

Appellants (e) reiterate previous grounds of appeal. They express dissatisfaction over the applicant's site assembly exercise and alarm over the possibility/probability

of rock breaking. They also catalogue problems arising with the building activities in the wider area and thus request tight conditioning of any construction phase.

Appellants (f) reiterate their previous grounds of appeal. They also draw attention to the proximity of the apartment block to the small park to the south of the site and the “oversized” nature of the proposed dwellings, which have a direct bearing on the scale of the proposal.

The Planning Authority advises that it has no further comments to make.

7.0 Assessment

I have reviewed the proposal in the light of national planning guidelines, the CDP, relevant planning history, the submissions of the parties, including the observers, and my own site visit. Accordingly, I consider that the current application/appeal should be assessed under the following headings:

- (i) Procedural matters,
- (ii) Land use, housing mix, and density,
- (iii) Height, amenity, and devaluation,
- (iv) Development standards,
- (v) Traffic, access, and parking,
- (vi) Water, and
- (vii) AA.

(i) Procedural matters

1.1 Firstly, appellants draw attention to the initial acceptance and subsequent rejection of submissions made at the further information stage of the application. Concern is expressed over the confusion thereby generated.

1.2 I consider that the above sequence of events is an administrative matter for the Planning Authority. If maladministration is alleged, then there are separate procedures under which this could be explored.

1.3 Secondly, appellants draw attention to the possible need for an EIS. However, the nature and extent of the proposal is such that this would not be necessary.

1.4 Thirdly, appellants draw attention to the omission from the submitted plans of extensions to the rear elevations of dwelling houses on Avondale Road and they also query the adequacy of the submitted photomontages.

1.5 The applicant has submitted an urban place map, which bears a plot date of 12th November 2015. For assessment purposes, this map can be supplemented by an aerial photograph from this year. The submitted photomontages utilise a fair representation of public vantage points from the vicinity of the site and so I disagree that they are inadequate, even if the bright lighting conditions depicted include considerable shadowing.

1.6 I conclude that there are no procedural impediments to the Board proceeding to assess/determine the current application/appeal in the normal manner.

(ii) Land use, housing mix, and density

2.1 The site comprises two house plots, on each of which is a bungalow, both of which are presently vacant. This site is surrounded on three sides by housing. The fourth side, to the south, adjoins a small park or area of public open space (POS).

2.2 Under the CDP, the site is subject to Zoning Objective A, "To protect and/or improve residential amenity." Under this Zoning Objective, the redevelopment of this site for residential use is permissible in principle.

2.3 The proposal would entail the replacement of 2 dwellings (bungalows) with 19 dwellings (5, four-bed, terraced houses and 14 apartments (4 one-bed, 8 two-bed, and 2 three-bed)). Under Section 8.2.3.3 of the CDP, advice on an appropriate mix of apartments is given. For schemes of under 30 apartments, assessment is to be made on a case-by-case basis. I consider that the mix that would be achieved by this proposal would be acceptable.

2.4 One of the reasons why the previous proposal for the site was refused permission (PL06D.246271) was that it was considered to be insufficiently dense (13 dwellings) and that this was directly linked to the specification of dwelling houses only for the site. Consequently, the applicant now proposes 19 dwellings with a mix of dwelling houses and apartments.

2.5 Under Policy RES3 of the CDP, the Planning Authority undertakes to have regard to the Sustainable Residential Development in Urban Areas (SRDUA) Guidelines with respect to density. These Guidelines advise that sites within 1 km of a DART station are candidates for minimum net residential densities of 50 dwellings per hectare, “subject to appropriate design and amenity standards”. The previous proposal for the site would have had a density equivalent to 37 dwellings per hectare, whereas the current one would have a density of 54 dwellings per hectare. Thus, this proposal would comply, in principle, with this advice.

2.6 Appellants and observers challenge the appropriateness of the density of the proposal on the basis that the site is less than 0.5 hectares in area.

2.7 The SRDUA Guidelines address “Appropriate locations for increased densities”. However, unlike the previous Residential Density Guidelines that they replace, the threshold area of 0.5 hectares is only cited in relation to outer suburban/greenfield sites, where net residential densities of less than 30 dwellings per hectare are to be discouraged, particularly on sites in excess of 0.5 hectares. The current site lies within inner suburbia rather than outer suburbia and, as one that it is already developed, it is a brownfield one rather than a greenfield one. Thus, the fact that this site does not exceed 0.5 hectares in area is not, in principle, relevant. (I discuss the questions of design and amenity under the following heading).

2.8 I conclude that, in principle, the proposal would be appropriate in terms of land use, the mix of dwellings that it would provide, and the density that it would exhibit.

(iii) Height, amenity, and devaluation

3.1 The proposal would entail the construction of 5 dwelling houses and 14 apartments. Each of the dwelling houses would be two storeys high and 4 of the 5 would have an attic level, too. (At the further information stage, the roof of the most northerly of these dwelling houses was changed to that of a fully hipped one, in order to reduce its impact upon the nearest existing residential property to the north at No. 232 Glenageary Road Upper). The apartments would be provided within a four storey block, which would comprise a ground floor

undercroft, ground and first floors that would fully reflect the footprint of the ground floor, and a recessed third floor penthouse level.

- 3.2 The fall across the site in a northerly direction would be capitalised upon in the design of the apartment block, insofar as it would be excavated out to provide the undercroft, the majority of which would thus be the equivalent of a subterranean level. Thus, while the four storey height of the front elevation of the block would be visible from within the site, on either side and to the rear the full extent of this height would be masked by a combination of the lowered site levels and the retained boundary walls to the site. Consequently, to the east, the presenting upper reaches of the ground floor, the second floor, and the recessed second floor comprised in the side elevation would be visible, to the west, the second floor, and the recessed second floor comprised in the side elevation would be visible, and, to the south, the second floor, and the recessed second floor comprised in the rear elevation would be visible. (At the further information stage, the design of the rear boundary wall was changed to incorporate railings in a bid to improve the lighting and outlook that would be available to habitable room openings in and balconies on this elevation. As a result, the ground floor would be partially visible through these railings).
- 3.3 Under Appendix 9, the CDP's Building Height Strategy is set out. This Strategy shows the site as lying within an area wherein there is a general recommended height of two storeys. That said, apartment blocks of three to four storeys may be permitted in appropriate locations provided that they have no detrimental effect on existing character and residential amenity. A list of upward and downward modifiers is provided to enable the question of what is an appropriate location to be answered in any given set of circumstances. Of the former modifiers, item (d) refers to the role of topography and landscaping, and item (e) refers to the proximity of public transport nodes. These modifiers are of relevance. Of the latter modifiers, item (a) refers to overlooking, overshadowing or excessive bulk and scale. This modifier is of potential relevance.
- 3.4 In relation to item (d), I have described above how the finished ground levels and the retained boundary walls would help mask, from external vantage points, the visibility of the proposed apartment block. During my site visit, I observed that, whereas the applicant does not propose to retain much of the existing

landscaping on the site, landscaping, in the form of trees, shrubs, and hedging, does exist on the external side of site boundaries, e.g. along its western and northern boundaries with No. 228 Glenageary Road Upper and along its eastern and northern boundaries with No. 232 Glenageary Road Upper.

3.5 In relation to item (e), the Glenageary DART Station is 0.55 km away “as the crow flies” and 0.75 km on foot and the surrounding locality is well served by a variety of bus routes that provide links to the Luas, Dun Laoghaire town centre, and Dublin city centre.

3.6 In relation to item (a), appellants and observers express concern that the proposal, particularly the proposed apartment block, would be detrimental to the character and residential amenity of the area. Under the previous proposal for the site, there was a recognition that the redevelopment of the site to a higher density than the decidedly low existing one would inevitably lead to a change in the character of the area. However, such change would not necessarily be detrimental. I consider that the difference in this respect relates to the assessment of the proposal’s impact upon residential amenity and that the three headings invited by downward modifier (a), i.e. overbearing, overshadowing, and overlooking, are relevant in this respect.

3.7 The longer front and rear elevations of the proposed apartment block would, variously, face into the remainder of the site, to the north, and over the small park, to the south. On approach along the proposed access road, the eastern half of the front elevation would be largely hid behind the proposed row of terraced dwelling houses on the eastern side of this road. From within the park the length of the rear elevation would be visible but its height would be masked by the higher level of this park and the retained boundary wall/proposed railings. Overshadowing caused by the front elevation would affect the remainder of the site predominantly and overlooking from the rear elevation would affect the small park, thereby inadvertently improving its informal surveillance. Residential properties on the far side of this park along Bellevue Avenue would be at too great a remove to be appreciably affected in this respect. Views from these properties northwards over Dublin Bay would be affected. However, given the said separation distances, no excessive sense of enclosure would arise and, as

there is no absolute right to a view, any loss in this respect would not count as a material planning consideration.

- 3.8 The eastern side elevation would correspond, directly, with the rear elevations of the bungalows at Nos. 10 and 12 Avondale Road and, indirectly, with the rear elevation of the bungalow at No. 14. This elevation would be sited close to the common boundary and these bungalows have relatively deep rear gardens. The resulting separation distances for Nos. 10 and 12 would be c. 28m and c. 26.5m. The rear garden to No. 14 overlaps at its extremity with the southern boundary of the site. The separation distance between the nearest corner of the bungalow on this plot and the nearest corner of the proposed apartment block would be c. 27m. The visible height of the parapet level to the penthouse terrace and the visible height of the recessed penthouse roof would increase above the boundary wall in a northerly direction across the eastern side elevation, i.e., in the former case, from 4.6m to 6m, and, in the latter case, from 6.9m to 8m.
- 3.9 The scale and mass of the presenting side elevation would be influenced by its modulated form and the specification of a variety of finishing materials. In time its expanse would be mitigated by tree planting. Given these factors and the aforementioned separation distances, I do not consider that its presence would be unduly overbearing.
- 3.10 Ground and first floor windows would be either obscure glazed or positioned at a high level. Second floor, penthouse level, windows would be set behind privacy screens. I thus do not consider that overlooking of Nos. 10 and 12 would arise. Due to the aforementioned overlap between the rear garden of No. 14 and the southern boundary of the site, I am concerned about the tightness of the relationship that would emerge between the first floor balcony to apartment no. 7 and this garden and the first floor living room windows to apartment no. 8 and this garden. At the appeal stage, the applicant has sought to relieve this tightness by realigning the said balcony and the specification of a privacy panel to its eastern side. The invitation is also given for the said windows to be similarly realigned, should the Board deem this to be necessary. I consider that the incorporation of both these modifications would be sufficient to mitigate the risk of undue overlooking at this point.

- 3.11 The applicant submitted a shadow analysis with its original application and a supplementary one with its appeal response. These analyses indicate that there would be an increase in the overshadowing of the rear gardens at Nos. 10, 12, and 14 Avondale Road, but that this would not be excessive, coming as it would within the parameters set out within the BRE's publication entitled "Site Layout Planning for Daylight and Sunlight" (2011).
- 3.12 The western side elevation would correspond, directly, with the rear elevations of the dwelling houses at Nos. 12 and 13 Glenageary Hall and, indirectly, with the rear elevation of the dwelling house at No. 11. This elevation would be sited in a position set back from the common boundary behind steps and a raised deck. Nos. 11 and 12 have relatively deep rear gardens and, while No. 13 has a shorter rear garden, it would correspond initially with the southern end of the proposed communal open space within the site. The resulting separation distances for Nos. 12 and 13 would be c. 33m and for No. 11 c. 30m. The visible height of the parapet level to the penthouse terrace and the visible height of the recessed penthouse roof would increase above the boundary wall in a northerly direction across the western side elevation, i.e., in the former case, from 3.9m to 5.2m, and, in the latter case, from 6m to 7.1m.
- 3.13 The scale and mass of the presenting side elevation would be influenced by its modulated form and the specification of a variety of finishing materials. In time its expanse would be mitigated by tree planting, which would supplement the screening properties of existing trees in rear gardens. Given these factors and the aforementioned separation distances, I do not consider that its presence would be overbearing.
- 3.14 Ground and first floor windows would be either obscure glazed or positioned at a high level. Second floor, penthouse level, windows would be set behind privacy screens. I thus do not consider that overlooking would arise.
- 3.15 The applicant submitted a shadow analysis with its original application and a supplementary one with its appeal response. These analyses indicate that there would be an increase in the overshadowing of the rear gardens at Nos. 11, 12, and 13 Glenageary Hall, but that this would not be excessive, coming

as it would within the parameters set out within the BRE's publication entitled "Site Layout Planning for Daylight and Sunlight" 2011.

3.16 In the light of the above considerations, I conclude that the proposal would be compatible with the residential amenities of the area and so I conclude that the proposed four storey apartment block would comply with the CDP's Building Height Strategy. In these circumstances, I do not consider that existing residential properties would be devalued by this proposal.

(iv) Development standards

4.1 Under Section 8.2.3 of the CDP, the role of the following documents is acknowledged in seeking to ensure appropriate quantitative standards for new residential development: for dwelling houses, Quality Housing for Sustainable Communities (QHSC): Best Practice Guidelines, and for apartments, Sustainable Urban Housing (SUH): Design Standards for New Apartments Guidelines.

4.2 The proposed dwelling houses would comprise 1 two-storey 3-bed/5 bedspace one and 4 two storey + attic level 4-bed/7 bedspace ones. These dwelling houses would comply with the thresholds for areas set out in Table 5.1 of the QHSC Guidelines. They would also comply with the private open space standards for dwelling houses set out in Section 8.2.8.4 of the CDP.

4.3 The proposed apartments would comprise 4 one-bed/two bedspaces ones, 8 two-bed/four bedspaces ones, and 2 three-bed/six bedspace ones. These apartments would comply with the thresholds for areas and dimensions set out in the Appendix to the SUH Guidelines. They would also comply with the balcony sizes specified in this Appendix, too.

4.4 Qualitatively, the proposed dwelling houses would be orientated on an east/west axis and the proposed apartment block would be orientated on a north/south axis. All the proposed balconies would be sited on the south facing rear elevation of this block. The one-bed apartments would be single aspect in a southerly direction. The remaining apartments would be at least dual aspect.

4.5 I note that, due to the overlap between the rear garden of No. 14 Avondale Road and the southern boundary of the site, the blockwork wall at this point would be retained as it is. Consequently, proposed ground floor apartment no. 1 would not

benefit from the improvement to lighting and outlook that the other ground floor apartments would enjoy on foot of the proposed lowering of the stone wall and specification of railings. In these circumstances, I consider that the side of the said blockwork wall facing into the site should be lightened in finish to ensure that the space within which the balcony to apartment no. 1 would be placed would reflect as much light as possible. This matter would be capable of being conditioned.

- 4.6 The proposed dwelling houses and apartment block would be accompanied by two areas of communal open space (95 + 560 = 655 sqm), i.e. one adjacent to the eastern boundary between the most southerly of the dwelling houses and the front of the apartment block and the other adjacent to the western boundary and the steps to the small park to the south. This quantity of communal open space would be compliant with CDP standards for dwelling houses and SUH Guidelines for apartments.
- 4.7 The previous proposal for the site was refused permission partly because it would have failed to realise the opportunity to link the site with the small park to the south. Under the current proposal, this opportunity would be realised by means of steps between the two and the introduction of an open gateway within the southern boundary wall to the site. (These steps would also be accompanying by a deck with seating).
- 4.8 Appellants express concern that the applicant would rely upon the small park to ensure that the proposal would be compliant with communal open space standards. However, as set out above, this would not be the case. They also express concern that the proposed link by means of steps would not be capable of affording universal access. I recognise that no ramp is proposed. However, given the levels in question, the provision of such a ramp would entail the loss of an appreciable amount of the adjacent communal open space. During my site visit, I observed that the park is presently accessed off the end of the cul-de-sac known as Glenageary Hall at grade and so universal access is available at this point.

4.9 I conclude that the proposal would comply with all relevant quantifiable and qualitative development standards and so it would afford an acceptable standard of amenity for future occupiers.

(v) Traffic, access, and parking

5.1 The proposed 19 dwellings would replace 2 dwellings on the site and so there would be a net increase in the traffic generated therefrom. Existing access is off Glenageary Road Upper and under the proposal this would continue to be the case.

5.2 Appellants and observers refer to existing heavy traffic conditions on Glenageary Road Upper during peak periods and they question whether additional traffic movements so near to the roundabout on this Road, further to the east, should be acceded to. In particular, they draw attention to the CMP's stipulation that construction traffic only engage in left hand turning manoeuvres as evidence of their concern.

5.3 I consider that the traffic movements that would be generated by the proposal would be minimal in number and they would be capable of being absorbed by the generously dimensioned Glenageary Road Upper. During my site visit, I observed that the proposed access point, which would be adjacent to the existing one onto No. 230, would enjoy good visibility both in terms of vehicles on approach along the said Road and in terms of vehicles exiting the site. In this respect, the applicant confirms that the relevant sightlines would be available for a road subject to a 50 kmph speed limit, i.e. $x = 2.4\text{m}$ and $y = 49\text{m}$. The CMP's stipulation is prompted by the quest to avoid unnecessary conflicts between construction vehicle movements and other users of Glenageary Road Upper. As such, it would represent good traffic management practise, during a period when commercial vehicles would be in attendance at the site. In these circumstances, I do not consider that it would be reasonable to project from the construction phase to the operational phase.

5.4 The proposed access and on-site access road were the subject of several refinements at the further information stage. These items, including the accompanying pedestrian footpath and street lighting, would be satisfactory under the Design Manual for Urban Roads and Streets Guidelines.

5.5 The proposal would entail the provision of 30 car parking spaces (12 at surface level forward of the proposed dwelling houses and 18 in the undercroft to the proposed apartment block). Under Table 8.2.3 of the CDP, the proposed level of car parking provision would be compliant.

5.6 The proposal would entail the provision of 24 cycle parking spaces (4 at surface level opposite the proposed dwelling houses and 20 in the said undercroft). Under Table 4.1 of the Planning Authority's Standards for Cycle Parking and associated Cycling Facilities for New Developments (July 2017), 1 resident's space per dwelling should be provided and 1 visitor's space for every 5 dwellings.

- With respect to the proposed apartments, the proposed level of provision would accord with these Standards, which, in addition, express a preference for the specification of "Sheffield" stands or similar and so they should be conditioned for installation.
- With respect to the proposed dwelling houses, as they would be terraced, the middle three would have no opportunity for bicycles stored in the rear garden to be moved externally to the on-site access road. Accordingly, there would be a need to provide storage for the same communally. The same problem/solution would arise with respect to bins. In both, instances the needed communal provision should be conditioned.

5.7 I conclude that the traffic generated by the proposal would be capable of being accommodated satisfactorily on Glenageary Road Upper. I conclude, too, that the proposed access, on-site access road, and car and cycle parking arrangements would all be compliant with relevant standards.

(vi) Water

6.1 The site is and would continue to be served by the public water mains and the public sewerage system. Irish Water has not commented on the current proposal and so I assume that there are no capacity issues with these two systems.

6.2 The applicant has submitted an Infrastructure Design Report, which outlines the specifications for on-site water supply and drainage arrangements. With respect to surface water management, a series of SuDS methodologies would be

installed, e.g. storm water attenuation storage with a hydro-brake manhole and permeable surfaces.

6.3 Appellants express concern that the redevelopment of the site would affect ground water, resulting in a risk of flooding at No. 236 Glenageary Road Upper. They cite application D07A/1269 as an example of a proposal that was refused permission on the grounds of ground water flooding. The applicant has responded by stating that the SuDS methodologies would compensate for the loss of surface water infiltration that occurs at present and so the prospect exists of ground water being largely unaffected by the proposal. Furthermore, I have looked at the cited application, which was the subject of appeal PL06D.229861. However, neither at the local level or the Board level was it refused permission on the ground cited by the appellants.

6.4 The aforementioned Report also addresses flood risk from other sources. By reference to the OPW's floodmaps website and PFRA Indicative extents and outcomes draft map, it concludes that the site lies within Zone C for flood risk purposes and so it faces no appreciable risk of coastal, fluvial, or pluvial flooding.

6.5 Under further information, the applicant was requested to specify a sedum roof to the proposed apartment block. It responded by citing Section 8.2.9.7 of the CDP, wherein green roofs are referred to in relation to the provision of 50+ dwellings and roof areas in excess of 300 sqm. Neither of these two conditions would be applicable and so the request was not exceeded to. While the County Council's Surface Water Drainage Section did not accept the applicant's position in this respect, I note that the daft permission subsequently issued does not require by condition the specification of a sedum roof.

6.6 I conclude that the water supply and drainage arrangements comprised in the proposal would be satisfactory.

(vii) AA

7.1 The proposal is neither in or near to a Natura 2000 site. The site is a fully serviced urban one. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, 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

That the proposal be permitted.

9.0 Reasons and Considerations

Having regard to the Sustainable Residential Development in Urban Areas Guidelines, the Quality Housing for Sustainable Communities Best Practice Guidelines, the Design Manual for Urban Roads and Streets Guidelines, the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, and the planning history of the site, it is considered that, subject to conditions, the proposal would accord with the Development Plan's Zoning Objective A and Building Height Strategy for the site and so it would be compatible with the visual and residential amenities of the area. This proposal would also comply with all relevant density objectives and development standards, including those for car and cycle parking, and so it would afford an acceptable standard of amenity to future residents. It's proposed access off Glenageary Road Upper and on-site access road would be satisfactory and water supply and drainage arrangements would, likewise, be satisfactory. No flood risk or Appropriate Assessment issues would arise. The proposal would thus accord 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 23rd day of March 2017 and by the further plans and particulars received by An Bord Pleanála on the 12th day of June 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 living room windows to apartment no. 8 shall be angled in a south westerly direction as per the angle of the balcony to apartment no. 7 shown on plans submitted to An Bord Pleanála on 12th day of June 2017.
 - (b) The boundary wall in the vicinity of the balcony to apartment no. 1 shall be finished in a light colour.
 - (c) Gates to facilitate direct access between the rear gardens of the dwelling houses nos. 1 and 5 and the adjacent access road shall be specified and communal bin and bicycle storage facilities for dwelling houses nos. 2, 3, and 4 shall be provided within their vicinity.
 - (d) All the proposed bicycle stands shall be specified as being of “Sheffield” type or similar.

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 order to safeguard the residential amenity of the area and to afford a satisfactory standard of amenity to future residents.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Proposals for a street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

5. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The internal road serving the proposed development, including the turning head, parking spaces, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

7. Prior to the making available for occupation of any dwelling, the internal road shall be constructed to at least base wearing course.

Reason: To ensure timely and satisfactory provision of such site development works.

8. The footpaths shall be dished at the junction between the site access road and Glenageary Road Upper in accordance with the requirements of the planning authority.

Reason: In the interest of pedestrian safety.

9. The open spaces shall be developed for, and devoted to public use. They shall be kept free of any development and shall not be incorporated into house plots.

Reason: In order to ensure the development of the public open space areas, and their continued use for this purpose.

10. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

11. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.
Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

12. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning

authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

14. The development shall proceed in accordance with the Construction Management Plan submitted to the Planning Authority on the 23rd day of March 2017, unless otherwise agreed in writing with the Planning Authority.

Reason: In order to safeguard the residential amenities of the area.

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

17. (a) The obscure glazed windows and privacy panels shown on the submitted plans shall be installed as proposed and, thereafter, they shall be retained insitu for the duration of the development.

(b) The “flat roof” areas on the second floor shall not be used as balconies, roof terraces or any other amenity area. Instead they shall be accessed only for maintenance purposes.

Reason: In order to safeguard the residential amenities of the area.

18. The landscaping scheme shown on drg. no. 100, as submitted to the planning authority on the 23rd day of March 2017 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

19. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion, and maintenance until taken in charge by the local authority, of roads, sewers, water mains, drains, car parks, open spaces and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The security to be lodged shall be as follows -

(a) An approved insurance company bond in the sum of €151,200 (one hundred and fifty-one thousand two hundred euro), or

(b) A cash sum of €90,900 (ninety thousand nine hundred euro) to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or

(c) such other security as may be accepted in writing by the planning authority.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

20. The developer shall pay to the planning authority a financial contribution of €154,440 (one hundred and fifty-four thousand four hundred and forty euro) 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. The application of any indexation required by this condition 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.

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.

Hugh D. Morrison
Planning Inspector

24th August 2017