



An
Bord
Pleanála

Inspector's Report PL06D.248513

Development	Permission sought for 8 houses and associated site works.
Location	Carrigmore, Golf Lane, Foxrock, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0160
Applicant(s)	Victoria Homes Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First-v-Refusal
Appellant(s).	Victoria Homes Ltd
Observers	(1) An Taisce (2) Ronald & Maureen Devir (3) Fergal & Jeanette Mulchrone (4) Cory O'Sullivan (5) Michael Dillon

- (6) Sarah Daly
- (7) Robin McGhee
- (8) Vincent & Anne Daly
- (9) Stephen Daly
- (10) Alan & Carol Jones
- (11) Foxrock Golf Club
- (12) David Chapman
- (13) Michael Monaghan
- (14) Foxrock Community and
Enterprise Limited
- (15) Paula Harrison

Date of Site Inspection

25th August 2017

Inspector

Colin McBride

1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 0.37 hectares, is located at the junction of Torquay Road and Golf Lane in Foxrock, Co. Dublin. The appeal site is occupied by a two-storey detached dwelling with a vehicular access off Golf Lane. The site has a significant level of mature trees and hedgerow. The adjoining dwelling to the south east is a two-storey detached dwelling (Mandeville). To the north east is a two-storey semi-detached (Woodlawn).

2.0 Proposed Development

2.1. Permission is sought for the demolition of an existing dwelling on site (Carrigmore) and the construction of 8 no. three-storey semi-detached dwellings, associated car parking, all ancillary site development works including landscaping, connection to public drainage systems, connection to public watermain and new vehicular and pedestrian entrance from the public road. Each dwelling is a five bed semi-detached dwelling with a floor area of 217.7sqm and a ridge height of 9.981m. The dwelling features a pitched roof with external finishes of brick and concrete roof tile. The dwellings back onto the south eastern boundary with rear gardens adjacent the south eastern boundary of the site. A new vehicular entrance and pedestrian entrance is proposed off Golf Lane coinciding with the location of the existing entrance. The dwellings are located off an internal service road with an area of public open space along the north western boundary of the site.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on two reasons for refusal...

- 1. The proposed development of eight semi-detached, three storey dwellings, set forward of the building line on Torquay Road and which includes the removal of a significant number of trees, at a location where it is an objective*

to preserve trees and woodlands; represents an extremely poor design response at this sensitive and prominent location, fails to give cognisance to its receiving environment and does little to preserve or enhance the special character of this Architectural Conservation Area. The proposed development therefore materially contravenes the objectives of the Dun Laoghaire Rathdown County Development Plan, 2016–2022, and is contrary to the proper planning and sustainable development of the area.

2. *The proposed development by reason of its height, design and proximity to boundaries would appear visually overbearing and incongruous when viewed from adjoining residential properties and from the public realm. The proposed development would therefore seriously detract from the visual and residential amenities and would depreciate the value of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.*

3.2. Local Authority reports

- 3.2.1. Irish Water (16/03/17): Further information required regarding water supply.
- 3.2.2. Conservation Officer (24/03/17): Refusal recommend on the basis of that no appraisal of the heritage significance of the existing dwelling has been submitted and adverse impact on the character of the ACA.
- 3.2.3. Drainage Planning (16/03/19): Further information required regarding surface water drainage.
- 3.2.4. Transportation Planning (05/04/17): Further information required including details of the road and vehicular access layout, junction radii, road markings and the provision of adequate off-street car parking.
- 3.2.5. Parks Department (18/04/17): Refusal recommended due to loss of existing trees and the fact there is an objective to preserve such at this location.
- 3.2.6. Planning Report (19/04/17): Issues of concern included overall design/visual impact within an ACA, loss of existing trees on site and impact on the residential amenities

of adjoining properties. Refusal was recommended based on the reasons outlined above.

3.3. External reports

3.3.1 An Taisce (16/03/17): the bulk and scale of development is considered inappropriate within the ACA.

4.0 Planning History

4.1 No planning history.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant development plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned Objective A with a stated objective 'to protect and/or improve residential amenity'.

5.1.2 Policy RES3: Residential Density (Section 2.1.3.3)

It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:

- Sustainable Residential Development in Urban Areas (DoEHLG 2009)
- Urban Design Manual - A Best Practice Guide (DoEHLG 2009)
- Quality Housing for Sustainable Communities (DoEHLG 2007)

- Irish Design Manual for Urban Roads and Streets (DTTaS and DoECLG, 2013)
- National Climate Change Adaption Framework-Building Resilience to Climate Change (DoECLG 2013).

5.1.3 Under Section 2.1.3.3 on Residential Density the following is also noted...

Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged. As a general rule the minimum default density for new residential developments in the County (excluding lands on zoning Objectives 'GB', 'G' and 'B') shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to 'greenfield' sites or larger 'A' zoned areas.

5.1.4 The site is located within the Foxrock Architectural Conservation Area.

AR12: Architectural Conservation Areas

- i. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA).
- ii. Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.
- iii. Seek a high quality, sensitive design for any new development(s) that are complimentary and/or sympathetic to their context and scale, whilst simultaneously encouraging contemporary design.
- iv. Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed.
- v. Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

AR13: Demolition within an ACA

It is Council policy to prohibit the demolition of a structure(s) that positively contributes to the character of the ACA.

Any such proposals will be required to demonstrate that the existing building is incapable of viable repair and reuse and should be accompanied by an Architectural Heritage Assessment, photographic survey and condition report. (Refer also to Section 8.2.11.3).

6.0 The Appeal

6.1 Grounds of appeal

6.1.1 A first party appeal has been lodged by Joe Bonner Town Planning Consultant on behalf of the applicant, Victoria Homes. The grounds of appeal are as follows...

- The appellants' note that the use of the term 'materially contravene' is inappropriate and that the proposal is for residential development within a residential zoning under the County Development Plan. It is noted that the principle of the proposed development is acceptable due to the zoning of the site.
- It is noted there is varied pattern of development in the area and questions the ability of the applicant to develop the site with adequate regard to such variation.
- It is noted that Development Plan policy promotes higher density with the proposed density still below the Development Plan standard as well as noting that a balance need to be struck between the level of development and retention of trees with some compromise needed on this issue to ensure efficient development of the site.
- An Arborist's report has been submitted, which indicates the condition and quality of the trees on site noting that a significant number of trees are in poor condition with a short life expectancy. The applicant has submitted proposals

to retain more trees on site than originally proposed, reducing the visual impact of the proposal when viewed from Torquay Road.

- It is noted that there are varying building lines along Torquay Road and that although the proposal is forward of the building line of adjoining properties, the visual impact of the proposal from the public road would be acceptable with existing trees and landscaping reducing the visual impact of the proposed development.
- It is noted that the design and scale of the proposal would contribute positively to the area and would not detract from visual amenities or the character of the ACA.
- It is noted that design scale and location of the dwellings relative to adjoining properties would be satisfactory and would have no significant or adverse impact on the residential amenities of adjoining properties.
- The surface water drainage proposal on site have been altered to have regard to the issues raised by the water services section. The drainage proposals also have regard to the requirement of Irish Water.
- The layout of the vehicular entrance has been altered to have regard to the issues raised by the Transportation Section as well as to deal with issues raise in the arborist's report.
- It is noted that the proposal would be compliant with Development plan policy and provides for a development that has adequate regard to its location within an ACA and the amenities of adjoining properties.

6.2 Responses

6.2.1 Response by Dun Laoghaire Rathdown County Council.

- A number of observation are made in relation to the amendments to surface water drainage with it noted that if the Board is minded to grant a condition

requiring agreement of details prior to the commencement of development should be included.

- It is noted that the amendments proposed do not overcome the reasons for refusal.

6.2.2 Response by the Department of Culture, Heritage and the Gaeltacht.

- It is noted that the existing structure contributes to the character of the ACA and that's there is no justification for its demolition.

6.3 Observations:

6.3.1 An observation has been received from An Taisce.

- The bulk and density of development is inappropriate at this location and in an ACA.

6.3.2 An observation has been received from Ronald & Maureen Devir, Westering, Torquay Road, Foxrock, Dublin 18.

- The proposal is contrary objectives and policy regarding the ACA, is overdevelopment of the site and would detract from the character of the area, and there are existing flooding and surface water drainage issues at this location.

6.3.3 An observation has been received from the Foxrock Area Community & Enterprise Ltd.

- The protection of the ACA should be the main consideration in the density and type of development permitted with the observer noting the PA's assessment of the proposal in this regard. The observer disagrees with the appellant's grounds of appeal concerning density.
- It is noted that the loss of trees would have a significant impact on the character of the ACA. And the observer is critical of the information submitted in regards to tree reports.
- The observer notes the applicant/appellant has not justified the proposal in terms of its lack of compliance with the established building line.
- The proposal would be visually overbearing and incongruous and detract from the character of the ACA and area.

6.3.4 An observation has been received from Paul Harrison, Rosberg, Claremont Road, Carrickmines, Dublin 18.

- The proposal is out of character with adjoining dwellings, does not adhere to guidelines for ACA's, the loss of trees would be detrimental to the character of the area and there is a risk of flooding.

6.3.5 An observation has been received from Michael Monaghan, Lindhurst, Torquay Road, Foxrock, Dublin 18.

- The protection of the ACA should be the main consideration in the density and type of development permitted with the observer noting the PA's assessment of the proposal in this regard. The observer disagrees with the appellant's grounds of appeal concerning density.
- It is noted that the loss of trees would have a significant impact on the character of the ACA. And the observer is critical of the information submitted in regards to tree reports.

- The observer notes the applicant/appellant has not justified the proposal in terms of its lack of compliance with the established building line.
- The proposal would be visually overbearing and incongruous and detract from the character of the ACA and area.

6.3.6 An observation has been received from David Chapman, Cloragh, Torquay Road, Foxrock, Dublin 18.

- The design and scale would have an adverse impact on the character of the ACA.
- There are existing flood and surface water drainage issues concerning the site and there are also foul drainage problems in the area.,
- The proposal will result in the loss of mature trees and impact adversely on the character of the area.
- The additional turning movements will cause congestion problems at the junction of Golf Lane and Torquay Road.

6.3.7 An observation has been received from Foxrock Golf Club.

- The Board cannot permit the development as it was refused on the basis of material contravention and there are no conflicting objectives (Section 37(2)(a)).
- The density of the development is irreconcilable with the protection of the character of the ACA in this case. It is noted that the design and scale of the proposal would be detrimental to the character of the ACA.
- The proposal will result in the loss of trees and hedgerow impacting adversely on the character of the area.

- The lack of compliance with established building line is unacceptable in a sensitive ACA and would set a precedent with adverse implications for the ACA.
- The proposal would have an adverse impact on the adjoining dwelling to the north.

6.3.8 An observation has been received from Alan & Carol Jones, Stranahely, Torquay Road, Foxrock, Dublin 18.

- The proposal is unsuitable at this location and would have an adverse visual impact, put pressure on the existing drainage system in the area and cause traffic management difficulties.

6.3.9 An observation has been received from Stephen Daly, Mandeville, Torquay Road, Foxrock, Dublin 18.

- The proposal would have an adverse impact on the character of the area and the ACA at this location.
- The design and scale of the dwellings are out of scale and character with the existing pattern of development and dwelling type, the proposal would be injurious to the visual amenities of the area.
- The level of tree loss would be unacceptable in the context of the character of the area and the designation of the area as an ACA.
- The proposal would have a detrimental impact on the residential amenities of Mandeville and an adverse impact on the setting of such, which is a protected structure.

- The area in vicinity in the site is identified as being of flood risk. The applicant/appellant has failed to demonstrate that the development would not exacerbate such with no flood risk assessment submitted.
- The retention of the existing dwelling should be assessed with it contributing positively to the ACA.
- The proposal is contrary Development plan policy with AR12 and AR13 identified.
- The proposal conflicts with Development Plan policy in relation to ACA's.

6.3.10 An observation has been received from Vincent & Anne Daly, Ard na Chree, Kerry Mount Avenue, Foxrock, Dublin 18.

- There are flooding issues at this location with insufficient information submitted to address this issue.
- The proposal would have an adverse impact on the character of the ACA.
- The proposal will result in the loss of mature trees and impact adversely on the character of the area.

6.3.11 An observation has been received from Robin McGhee, 8 Carrickmines Little, Foxrock, Dublin 18.

- The design and scale of development would have an adverse impact on the character of the area and be contrary policy regarding ACA's.
- The existing dwelling on site is of architectural heritage value and its retention should be explored.
- The proposal will result in the loss of mature trees and impact adversely on the character of the area.

6.3.12 An observation has been received from Sarah Daly, 27 Lambourne Wood, Brennanstown Road, Dublin 18.

- The proposal is contrary the established pattern of development in the area.
- There are existing flooding/drainage issues concerning this location.
- The proposal makes no effort to retain the existing dwelling despite such being the favoured approach within an ACA.
- The proposal would reduce privacy for neighbouring dwellings and is out of context with existing properties in the vicinity.
- The proposal will result in the loss of mature trees and impact adversely on the character of the area.
- The proposal will exacerbate existing traffic issues in the area.
- The additional turning movements will cause congestion problems at the junction of Golf Lane and Torquay Road.

6.3.13 An observation has been received from Michael Dillon, Cullenwaine, Torquay Road, Foxrock, Dublin 18.

- The proposal would be overdevelopment of the site, out of character with the surrounding area, out of context with the ACA and does not examine the possibility of retaining the existing historic structure on site.

6.3.14 An observation has been received from Corry O'Sullivan, 1 Barnagh Lane, Torquay Road, Foxrock, Dublin 18.

- The proposal is contrary Development Plan policy, will be detrimental to the character the ACA, is of low quality and fails to have regard to its setting.

- The existing dwelling on site is of architectural heritage value and its retention should be explored. The proposal is contrary National Guidelines in regards to architectural heritage.
- The proposal will result in the loss of mature trees and impact adversely on the character of the area.
- The proposal would set an undesirable precedent for similar development.

6.3.15 An observation has been received from Fergal & Jeannette Mulchrone, St. Teresa's, Torquay Road, Foxrock, Dublin 18.

- The design and scale of development would have an adverse impact on the character of the area and the ACA.
- The flooding and drainage issues in the area are noted.
- The scale of the proposed dwelling is inappropriate and out of character at this location.
- The proposal will result in the loss of mature trees and impact adversely on the character of the area.
- There is no justification for demolition of the existing dwelling and such would be contrary Development plan policy.

6.4 Submissions to Local Authority:

6.4.1 39 submissions were received by the Local Authority and can be summarised as follows...

- The submission raises concerns regarding visual impact, impact on the charter of the ACA, impact on residential amenity, impact on the setting of existing protected structures, loss of a structure of architectural heritage value, flooding/drainage issues, traffic issues and the loss of trees and vegetation on site.

7.0 Assessment

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development

Density/development strategy

Development control standards

Design/scale/pattern of development/visual amenity/ACA

Adjoining/residential amenity

Architectural Heritage

Traffic impact

Flooding/Drainage

Appropriate Assessment

Other Issues

7.2 Principle of the proposed development:

7.2.1 The relevant plan is the Dun Laoghaire Rathdown County Council Development Plan 2016-2022. The site is zoned 'Objective A' with a stated objective 'to protect and or improve residential amenity'. The proposal is for residential use and is compliant with land use policy. The site is currently in residential use with a detached dwelling on site and the adjoining development being similar low density residential

development. The proposal entails an increased density and a more urban form of development. I would consider the principle of the proposed development to be acceptable subject to the proposal being satisfactory in the context of its impact upon the amenities of adjoining properties, visual amenity, and traffic safety and convenience.

7.3 Density/development strategy:

7.3.1 The proposal entails the demolition of an existing dwelling on site and the construction of 8 no. dwellings on a site of 0.37 hectares. This gives a density of 21 units per hectares. This is significantly below the recommended minimum density for new residential development in the County Development Plan of 35 units per hectare and also the recommended minimum density for new residential developments in proximity to public transport corridors, of 50 units per hectares. Policy RES3 (Section 2.1.3.3) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 notes that “it is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development”. It is noted that “as a general rule the minimum default density for new residential development in the County (excluding lands on zoning Objective ‘GB’, ‘G’ and ‘B’) shall be 35 units per hectares. This density might not be appropriate in all instances, but will serve as a general guidance, particularly in relation to ‘greenfield’ sites or larger ‘A’ zoned areas”.

7.3.2 The density of the proposed development is 21 units per hectares and is not in accordance with the standard advocated under Development Plan policy for residentially zoned lands. In relation to density there are a number of issues that arise. The site context is at a location that although zoned is characterised by a very low density pattern of residential development, in addition the site is located within an Architectural Conservation Area (ACA) with an attractive and distinctive character. The appeal site and adjoining sites are characterised by larger plots with detached dwellings and the proposal entails a significant increase in density over the existing.

Based purely on Development Plan policy as written, the proposal does not meet the requirements in regard to residential density. Notwithstanding such I do consider that the site context is relevant with the site at a location that requires a balance between a development that entails an increased density and more efficient use of the land with a consideration of the character or the area and the status of the area as an ACA. I would consider that such considerations apply to the site in this case and I would not consider it appropriate to recommend refusal of the proposal purely on the failure to provide a density of 35 units or more per hectare and that if development is permitted a lower density is acceptable.

7.4 Development control standards:

7.4.1 In relation to residential development the issues concerning development control relate to the provision of public/private open space and car parking. In regards to general development control objectives the proposal entails the provision of 8 no. dwellings with each being a five bed unit. Under Section 8.2.8.4 of the County Development Plan the minimum requirement for dwellings with 4 bedrooms or more is 75sqm. The new dwellings back onto the south eastern boundary with rear gardens of in excess of 75sqm provided in all cases in compliance with Development Plan policy.

7.4.2 In regards to public open space, under section 8.2.8.2 of the County Development Plan it is noted that “for all developments with a residential component – 5+ units - the requirement of 15 sq.m- 20 sq.m. of Open Space per person shall apply based on the number of residential/housing units. For calculation purposes, open space requirements shall be based on a presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms”. It is also noted that irrespective of the circumstances outlined under Section 8.2.8.2 including relaxed standards due proximity to existing park facilities and financial contributions in lieu of public open space “the default minimum 10% open space requirement must be provided on site”. An area of public open space is provided along the north western boundary of the site. This area is 657sqm in size and constitutes 17.7% of the site area. I would consider that the level of public open space on site is compliant with development plan requirements.

7.4.3 In regards to car parking, the proposal provides enough space off-street car parking of two car spaces per dwelling. Under Table 8.2.3 of the County Development Plan the requirement is two spaces per 3 bed unit or more. In this regard the proposed development is compliant with development control standards. I am satisfied the proposal is compliant with the minimum development control standards set down under the County Development Plan.

7.5 Design/scale/pattern of development/visual amenity/ACA:

7.5.1 The proposal was refused on the basis of its overall design and visual impact at this location. The proposal was considered to have insufficient regard to the pattern of development and character of the area and the status of the location as an Architectural Conservation (ACA). The proposal was considered to entail the removal of an excessive amount of trees and be of poor quality in terms of design at what is considered a sensitive location.

7.5.2 The site is located at an area with a distinctive and attractive character. The area is characterised by a low density of development (residential), a high level of protected structures/structures of architectural heritage value and a high level of mature trees. The area is identified as being an Architectural Conservation Area and policies in regard to such are outlined above. The layout of the proposal is a relatively simple one with 8 no. three-storey dwellings backing onto the south eastern boundary with the gable of no. 8 located adjacent the main roadside boundary of the site (along Torquay Road). Due to the low density nature of adjoining dwellings, the proposal for an increased density on site makes it difficult to provide a development that completely reflects the adjoining pattern of development including existing buildings lines (which are varied). I would consider that there needs to be a balance struck between providing for an increased density and providing a development that has adequate regard to the distinctive character of the area and its designation as an ACA. In this regard I do not consider that it is unacceptable to have development forward of the building line of the adjoining dwelling to the south east or backing onto the south eastern boundary subject to such being of a good quality of design, and

satisfactory in regards to its scale and overall impact on the visual amenities and the character of the area.

7.5.3 I would consider that the overall scale, layout and quality of design proposed in this case to be lacking in sufficient regard to the character of the area and the status of the area as an ACA. The dwellings are significant in bulk and poor quality in design being a pastiche style. Despite the arguments of the appellant, I would have serious concerns that the dwellings and the layout proposed would have a disproportionate and visually obtrusive impact as the location, would be detrimental to the visual amenities of the area, to the character of the ACA and would be contrary Development Plan policy in regards to such. The overall design proposal is not of satisfactory quality and has not been designed to take cognisance of the sensitive character of its location. I would note that the designation as an ACA does not mean pastiche style development should be considered as a more contemporary and more low profile development may be a better solution at this location.

7.5.4 The issue of the loss of trees at this location is part of reason for refusal and raised by the observers as an issue of concern. The appellant submitted an Arborist's report, which indicates the condition and quality of the trees on site noting that significant number of trees are in poor condition with a short life expectancy. The applicant has submitted proposal to retain more trees on site than originally proposed, reducing the visual impact of the proposal when viewed from Torquay Road. I would consider the overall visual impact and quality of design is unacceptable regardless of the issue of tree loss on site. The existing site is heavily wooded in particular along the south eastern, south western and north western boundary. The proposal does include the loss of existing trees on site with the applicant/appellant proposing a reduced level of tree loss over that originally proposed. The tree report outlines there are condition issue with some of the trees on site. I would consider that the loss of trees on site is acceptable in the context of a development of good quality that achieves the objectives of a more efficient use of zoned serviced land and provides for a development of good architectural quality with adequate regard to the character of the area. I would acknowledge that the

proposal does seek to retain a significant level of trees on site and proposes additional planting, but as noted earlier the overall design and scale of development is unacceptable in regards to visual amenity and the character of the Architectural Conservation Area.

7.6 Adjoining/residential amenity:

7.6.1 In relation to adjoining amenities, there are two existing dwellings on adjoining sites, a detached dwelling (Woodlawn) to the north east and a detached dwelling to the south east (Mandeville). The proposal has no significant or adverse impact in regards to the existing dwelling to the north east (Woodlawn) with the gable of 1A adjoining the boundary of the site with the adjoining property. The impact of the proposal is more pronounced in regards to the existing dwelling to the south east due to the fact that all of the proposed dwellings back onto the south eastern boundary.

7.6.2 The rear elevation of the proposed dwellings face towards the south eastern boundary with separation distances between 8.541m and 15.384m. It is notable that the separation distances are longer moving towards the rear of the site (north east). I would consider that the pattern of development proposed would not be unacceptable in regards to the residential amenities of the adjoining property to the south east. The level of separation for the majority of dwellings is a reasonable distance (11m plus) and would be in keeping with a standard and commonplace urban form of development. Although there are concerns about the quality of the design and its impact on the character of the ACA, I would consider that the site is capable of catering for a higher density of development and that a pattern of development providing for dwellings backing onto the adjoining site boundaries would be acceptable subject to adequate levels of separation. It is notable that dwellings nos 7 and 8 have less than 11m separation, however such could be rectified with relatively minor alterations if deemed necessary. I would consider that the proposed development would be acceptable in regards to adjoining residential amenity and would not result in any significant overshadowing or overlooking of adjoining properties.

7.7 Architectural Heritage:

7.7.1 The proposal entails demolition of an existing two-storey dwelling. The Conservation Officers report notes that as well as concerns regarding the overall design and scale

of the proposal and its impact on the character of the ACA, the proposal did not include any assessment of the architectural heritage merits of the existing dwelling. Some of the observations note that the existing structure merits retention on the grounds of architectural heritage and its demolition would be contrary the Architectural Heritage guidelines. The existing structure is a period dwelling in reasonable and habitable condition. The existing structure does contribute to the character of the area and is an attractive dwelling in keeping with the prevailing character of the area. The existing dwelling does not have any significant architectural heritage status in that it is not on the record of protected structures. There is no survey for Dun Laogahire under the Inventory of Architectural Heritage.

7.7.2 I would consider that demolition of the existing dwelling would be acceptable, however such is contingent on the satisfactory proposal to replace such having regard to the location and character of the Architectural Conservation Area. The existing dwelling although an attractive period dwelling has not been given any special architectural heritage status. Policy AR13 does note that 'it is Council policy to prohibit the demolition of a structure(s) that positively contributes to the character of the ACA' and that 'any such proposals will be required to demonstrate that the existing building is incapable of viable repair and reuse and should be accompanied by an Architectural Heritage Assessment, photographic survey and condition report'. I would consider that the applicant should have submitted such information with the proposal.

7.7.3 There are a significant number of protected structures in the vicinity of the site with the nearest being the two-storey dwelling to the south east (Mandeville). One of observations raises concerns regarding the impact of the proposal on the setting of the existing protected structure. Despite concern regarding the overall visual impact of the proposal and impact in regards to the character of the ACA, I do not consider that the proposal would be detrimental to the setting and character of Mandeville. The existing protected structure is large dwelling set in sizeable grounds and the proposal is sufficiently separated from the existing structure.

7.8 Traffic Impact:

7.8.1 The site is at the junction of Torquay Road and Golf Lane. Golf Lane serves Foxrock Golf club to the north east the site and a number of other dwellings. The proposal entails the provision a new vehicular entrance and pedestrian entrance off Golf Lane coinciding with the location of the existing vehicular entrance. I would note that sightlines at the proposed access would be of a good and sufficient standard with Golf Lane having adequate pedestrian facilities (footpaths). The junction of Torquay Road and Golf Lane is also of a good standard with the good visibility and existing pedestrian facilities in-situ. I am satisfied that the proposal would be in compliance with the recommendations of the Design Manual for Urban Roads and Streets.

7.8.2 The proposal is for 8 new dwellings on site with an existing dwelling to be demolished. I would consider that the level of traffic likely to be generated by the proposed development to be modest in level, in keeping with existing traffic generated (residential) at this location and the proposed traffic layout and existing road network would have sufficient capacity to deal with the additional turning movements. I would also note that the site is at a location that is well served by public transport and the site is in walking distance of a number of local facilities. Having regard to aforementioned the proposed development would be satisfactory in the context of traffic safety and convenience.

7.9 Flooding/drainage:

7.9.1 The observations raise concerns regarding existing surface water drainage/flooding at this location. The OPW flood maps indicates a flood incident in 1982 (does not appear to concern the site itself but is not far from the site). The Dun Laoghaire Rathdown Flood Maps indicate that the site is not within Flood Zone A or Flood Zone B. I would consider that there are no significant flooding issues at this location that would necessitate consideration under the Planning System and Flood Risk Management Guidelines or require a flood risk assessment. Drainage issues at this location appear to be localised drainage issues. I would consider that it is feasible that such issues could be addressed and that the development of the site would facilitate such, and that leaving the site idle does nothing to correct such issues.

7.9.2 Some of the observations raise concern regarding the capacity of existing drainage infrastructure in the context of the additional pressure the proposal would place on such. It is notable that both Irish Water and the Drainage both requested further information regarding water supply and surface water drainage. These reports do not indicate that the drainage issues raised in them cannot be addressed and I would consider that such would not be a factor precluding the development going ahead. The applicant/appellant submitted revised drainage proposals with the appeal submission to address the issues raised in the further information requests. I would note that in event a grant of permission appropriate condition would be merited requiring the drainage arrangements to be in accordance with the requirements of the Local Authority/Irish Water.

7.10 Appropriate Assessment:

7.10.1 Having regard to the nature and scale of the proposed development and its proximity 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.

7.11 Other issues:

7.11.1 Under refusal reason no. 1 it is noted that the proposal materially contravenes the objectives of the Dun Laoghaire Rathdown County Development Plan, 2016–2022. It is noted under Section 37(2)(b) it is noted that ‘where a planning authority has decided to refuse permission on the grounds that proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or

(iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28 , policy directives under section 29 , the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan’.

I would note that none of the criteria under Section 37(2)(b) apply in this case, however I would also note that I would not consider that the proposal is a material contravention of Development Plan policy.

8.0 Recommendation

8.1 I recommend refusal based on the following reasons.

9.0 Reason and Considerations

9.1

1. The proposed development by virtue of its design, scale and layout and its poor quality in terms of architectural character, would have a disproportionate and visually obtrusive impact at this location and fails to have adequate regard to the character of the area or status of such as an Architectural Conservation Area. The proposal would be contrary to Objective AR12 of the Dun Laoghaire Rathdown County Development Plan 2016-2022, would be seriously injurious to the visual amenities of the area and set an undesirable precedent for such poor quality development. The proposed development, would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector

19th September 2017