



An
Bord
Pleanála

Inspector's Report PL06D.248604

Development	Dwelling, vehicular access and associated site works.
Location	Site No. 1 White Gables, Loughlinstown, Dublin 18.
Planning Authority	Dún Laoghaire-Rathdown
Planning Authority Reg. Ref.	Reg. Ref. D17A/0219
Applicant	Yvonne D'Arcy
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant	Yvonne D'Arcy
Observers	None
Date of Site Inspection	2/8/17
Inspector	Siobhan Carroll

1.0 Site Location and Description

- 1.1. The appeal site is located at White Gables, Loughlinstown, Dublin 18. It is situated on the western side of the N11/M11, to the south-west of the Loughlinstown Roundabout and south of St. Colmcille's Hospital. White Gables is a cul-de-sac which is located off Parc Na Silla Rise. White Gables House a large detached dormer dwelling is situated to the north-east of the cul-de-sac.
- 1.2. The cul-de-sac contains seven detached dwellings which were developed circa 2000. The site has a rectangular shape is grassed and has an area of 0.0518 hectares. It adjoins the plot of no. 2 White Gables. The front (eastern) boundary is formed by a mature griselinia hedge. The northern boundary is formed by a low brick wall and trellis fence. The southern and western boundaries are defined by mature trees.

2.0 Proposed Development

- 2.1. Permission is sought for a detached two-storey dwelling, vehicular access and associated site works. Features of the scheme include,
 - Site area 518sq m,
 - Proposed floor area 230sq m,
 - Proposed ridge height 8.8m.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for three reasons.

1. The proposed dwelling would materially contravene condition number 14 of D99A/0458 that seeks to restrict development on this particular site and states that, this area shall remain free of development and a footpath/cycleway shall be provided to the rear boundary of the site. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development is considered to be premature pending the determination of the Planning Authority of a road layout for the area and the construction of the Luas Line Extension.
3. The proposed dwelling would materially contravene Section 2.2.7.1 and 2.2.7.2 of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022, which seek to promote connectivity to adjacent public transport networks. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. Planning Report – Recommended that permission is refused based on the planning history on the site and the associated proposed Luas Line extension.
- 3.2.2. Other Technical Reports
- 3.2.3. Transportation Planning – Refusal recommended. The site is adjacent to proposed Luas Line Extension B2 route/St. Columcille’s Luas Stop and a possible future footpath/cycleway connection can still be accommodated through these lands. The proposed development would contravene materially condition no. 14 of Reg. Ref. D99A/0458.
- 3.2.4. Drainage Planning – No objections
- 3.2.5. Parks & Landscape Services – No objections subject to conditions.

3.3. Prescribed Bodies

- 3.3.1. Transport Infrastructure Ireland – No observations to make. Future Luas lines are a matter for the NTA.

3.4. Third Party Observations

- 3.4.1. The Planning Authority received six submissions/observations in relation to the proposed development. The main issues raised are as follows;
 - Potential damage to mature trees along the boundary.

- Concern raised regarding proposed boundary wall/fence with no. 2 White Gables.
- Issues raised concerning lack of compliance with original permission including lighting and security gates.
- The area adjacent to house no. 9 is a common area, this is not indicated on the submitted plans.
- Concern raised regarding additional traffic which would be generated by the proposed dwelling and during construction.
- Concern raised regarding potential damage to the road and neighbouring properties during construction.

4.0 Planning History

Reg. Ref. D06A/0113 & PL06D.217257 – Permission refused for a two-storey detached house with developed roof space and vehicular entrance. Permission was refused for two reasons. The first reason stated that the development would contravene condition number 14 attached to the permission for development, planning register reference number D99A/0458. The second reason stated that the development would be to be premature pending the determination by the planning authority of a road layout for the lands west of the existing residential development.

Reg. Ref. D01A/0391 & PL06D.125900 – Permission was refused for a two-storey detached dwelling for two reasons that the development would contravene materially condition no. 14 of Reg. Ref. D99A/0458 and that it would be premature pending the determination by the Planning Authority of a road layout for the area.

Reg. Ref. D99A/0458 – Permission was granted for a residential scheme comprising 9 no. two storey detached houses and 1 no. detached dormer. Permission was granted subject to 18 no. conditions. Condition no. 14 specified

14. *That proposal dwelling no 1 shall be omitted. Revised drawings illustrating this omission shall be submitted for the written agreement of the Planning Authority prior to commencement of development. This area shall remain free of development and a footpath/cycleway shall be provided to the rear boundary of the site. Details to be submitted to and agreed by the Planning*

Authority prior to commencement of development. REASON: To provide linkages between the zoned lands to the west of the site and the Harcourt Street Line and the transportation corridor at the N11 dual-carriageway.

5.0 Policy Context

5.1. Development Plan

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

- The site at White Gables, Loughlinstown Co. Dublin is located on Map 10 of the Dún Laoghaire Rathdown Development Plan and is identified as being Zoned Objective A ‘to protect and/or improve residential amenity’.
- Chapter 8 – Principles of Development
- Section 8.2.3.4 – refers to Additional Accommodation in built up areas

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was submitted by Colm D’Arcy & Co. Ltd. on behalf of the applicant Yvonne D’Arcy on the 30th of May 2017. The main issues raised are as follows;

- Under Reg. Ref. D99A/0458 permission was granted for the White Gables housing development. A condition of the permission omitted the dwelling to site no. 1.
- Under Reg. Ref. D06A/0113 & PL06D.217257 an application was made for a dwelling on site no. 1. Permission was refused by the Planning Authority and on appeal.
- The current proposal for a dwelling on site no. 1 was refused by the Planning Authority for three reasons. The first states that the development would contravene materially Condition No. 14 of Reg. Ref. D99A/0458. The second reason states that the development be premature pending the determination

of the Planning Authority of a road layout for the area and the construction of the Luas Line Extension. The third reasons for refusal states that the development would materially contravene Section 2.2.7.1 and 2.2.7.2 of the Development Plan which seeks to promote connectivity to adjacent public transport networks.

- In appeal case PL06D.217257 reference was made to Section 3.2.1 of the Dún Laoghaire-Rathdown Development Plan 2004-2010 which contained a policy statement referring to Cherrywood-Rathmichael Local Area Plan. Page 33 of the Plan stated that it was a Specific Objective to;

“To provide a LUAS/metro stop at Rathmichael to the rear of St Colmcilles Hospital with access from both sides of the LUAS line, i.e, from Falls Road and the N11.”

- This provision has been omitted from the current Development Plan, Dún Laoghaire – Rathdown County Development Plan 2016-2022. Section 1.3 of the Plan refers to ‘Ballybrack/Loughlinstown’ and states ‘New Plan to be prepared’. Therefore, the previously planned Luas/Metro stop at Rathmichael to the rear of St. Colmcille’s Hospital is no longer part of the plan.
- It is considered that the Planning Authority has frozen the completion the White Gables estate and the requirement to prevent the development of Site no. 1 for the past 17 years and stating that it is premature is unjust.
- The appeal submission in relation to PL06D.217257 provides more reasonable solutions within St. Colmcille’s Hospital site to promote connectivity to adjacent public transport network.
- The requirement to provide a footpath/cycleway to the side of site no. 1 to the rear boundary of the site leads to a dead end and is considered unreasonable and wasteful. If the footpath/cycleway does not form part of the future road network, then the narrow strip of land will become unsightly and provide an area for antisocial behaviour.
- It is requested that the Board grant permission for the proposed development and enable the White Gables estate to be completed as originally proposed.

6.2. Planning Authority Response

- The Planning Authority refer the Board to the Planner's Report and state that they have no further comments regarding the proposed development and subject appeal.

7.0 Assessment

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

- Planning history
- Principle of development
- Appropriate Assessment
- Development Contribution
- Other issues

7.1. Planning history

7.1.1. In order to assess the proposal to construct a dwelling on Site no. 1 White Gables, Loughlinstown, it necessary to establish the relevant planning history as it is pertinent to determination of the appeal.

7.1.2. Under Reg. Ref. D99A/0458 permission was granted for a residential scheme at White Gables. Condition no. 14 specified that;

14. That proposal dwelling no 1 shall be omitted. Revised drawings illustrating this omission shall be submitted for the written agreement of the Planning Authority prior to commencement of development. This area shall remain free of development and a footpath/cycleway shall be provided to the rear boundary of the site. Details to be submitted to and agreed by the Planning Authority prior to commencement of development.

Reason: To provide linkages between the zoned lands to the west of the site and the Harcourt Street Line and the transportation corridor at the N11 dual-carriageway.

- 7.1.3. The development of the White Gables estate took place circa 2000.
- 7.1.4. Under Reg. Ref. D01A/0391 & PL06D.125900 permission was sought for a two-storey detached dwelling on Site no. 1. Permission was refused for two reasons. Firstly, that the development would contravene materially condition no. 14 of Reg. Ref. D99A/0458 and secondly that it would be premature pending the determination by the Planning Authority of a road layout for the area.
- 7.1.5. Under Reg. Ref. D06A/0113 & PL06D.217257 permission was sought for a two-storey detached dwelling and vehicular entrance on Site no. 1. Permission was refused for two reasons. Firstly, that the development would contravene condition number 14 attached to the permission for development of Reg. Ref. D99A/0458 and secondly that it premature pending the determination by the planning authority of a road layout for the lands west of the existing residential development.
- 7.1.6. Condition no. 14 was attached to the original permission Reg. Ref. D99A/0458 in order to ensure that the area remain free of development to facilitate the provision of a footpath/cycleway to the rear boundary of the site. The reason attached to the condition refers to a requirement to provide linkages between the zoned lands to the west of the site and the Harcourt Street Line and the transportation corridor at the N11 dual-carriageway.
- 7.1.7. The lands to the west of the site are zoned to improve, encourage and facilitate the provision and expansion of medical/hospital uses. These adjoining lands to the west are currently in use as a soccer pitch and the lands adjoining this are zoned residential. Development Plan Map No. 10 refers to the area and there is an indicative line of the proposed Luas line extension running from Cherrywood to the south-east towards the N11/M11. The indicative line is located circa 30m from the appeal site.
- 7.1.8. This forms part of the former Harcourt Street Rail line which was decommissioned in 1958. Therefore, the reference to the Harcourt Street Line and zoned lands to the west of the site remains a relevant planning matter. I shall address these matters further in the subsequent section of the report.

- 7.2. Principle of development
- 7.2.1. The refusal issued by the Planning Authority refers to the development being contrary to Section 2.2.7.1 and 2.2.7.2 of the Development Plan.
- 7.2.2. Section 2.2.7.1 refers to walking and cycle. Policy ST5 states that it is Council policy to secure the development of a high quality walking and cycling network across the County in accordance with relevant Council and National policy guidelines.
- 7.2.3. Section 2.2.7.2 refers to footways and pedestrian routes. Policy ST6 states that the Council will continue to maintain and expand the footway and pedestrian route network to provide for accessible pedestrian routes within the County in accordance with best accessibility practice.
- 7.2.4. Having regard to the provisions of condition no. 14 of Reg. Ref. D99A/0458 which refers to the provision of a footpath/cycleway to provide linkages between the zoned lands to the west of the site and the Harcourt Street Line and the transportation corridor at the N11 dual-carriageway, accordingly, this remains relevant and necessary with respect to current development plan policies and objectives as set out above.
- 7.2.5. As stated in a previous section of the report Map No. 10 of the development Plan refers to the area and there is indicative line of the proposed Luas line extension. A section of this is located 30m to the south of the site. The appeal site is immediately adjacent to the proposed Luas line extension and circa 260m to the west of the N11/M11 therefore, it is at a key strategy location which could facilitate future pedestrian and bicycle access between the Luas line, the existing road network and the surrounding housing.
- 7.2.6. Section 2.2.8.5 of the Development Plan refers to Luas Extension. Policy ST15 states that it is Council policy to promote, facilitate and co-operate with other agencies in securing the extension of the Luas network in the County as set out in the NTA's 'Greater Dublin Area Draft Transport Strategy 2016-2035' and including any future upgrade to Metro. This section of the Plan provides clear detail in relation to the proposed Luas Green Line extension from Brides Glen to Bray (Luas Line B2).

It is set out in this Section of the Plan that the Council will protect and safeguard the provisional alignment and surrounding lands of Luas Line B2 as detailed on Map No. 10 of the Development Plan.

- 7.2.7. The National Transport Authority's Greater Dublin Area Transport Strategy 2016-2035 has been approved by the Minister for Transport, Tourism & Sport. It provides for €10 billion expenditure on extensions to the existing Luas Lines including the Green Line. As set out in Section 4.2.6 of the Strategy which refers to Corridor F Arklow-Wicklow-Greystone-Bray-Cherrywood-Dundrum, Dun-Laoghaire-Dublin City Centre,

“It is, therefore, proposed to upgrade the Luas Green Line to Metro standard from the city centre, where it will link into the new Metro North, as far as its current terminus at Bride’s Glen. From this point to Bray, a new Luas line is proposed. This will provide a new north-south inland rail axis from Swords to Bray.”

- 7.2.8. Section 5.3.6 of the Strategy refers specifically to the extension of Luas Green Line to Bray and states that the Luas line will be extended from Cherrywood to Bray Town Centre. It is further stated that while a decision on the final alignment has yet to be made, it is likely to run to Bray DART station via Shankill and the former golf club lands.

- 7.2.9. I also note that the Transport Planning Section of the Council recommended that permission be refused. Their report dated the 27th of April 2017 states, that the site no. 1, White Gables is adjacent to the proposed Luas Line Extension B2 route/St. Columcille’s Luas Stop and a possible future footpath/cycleway connection can still be accommodated through these lands. Furthermore, I note that the Transport Planning Section consider that the linkages set out in condition no. 14 of Reg. Ref. D99A/0458 be reserved to facilitate future permeability/pedestrian linkages between public transport nodes and adjacent neighbourhoods and facilities.

- 7.2.10. Accordingly, having regard to the relevant provisions of the Greater Dublin Area Transport Strategy 2016-2035 and the Dún Laoghaire-Rathdown County Development Plan, 2016-2022 and specially the indicative proposed route of the Luas Line Extension in relative proximity to the appeal site, that the development of

the site would be premature pending a determination of the Luas Line Extension and road layout for the area.

7.3. Appropriate Assessment

- 7.3.1. In relation to the matter of appropriate assessment, I consider that having regard to the nature of the proposal a dwelling and the nature of the receiving environment, namely a suburban and fully serviced location that no appropriate assessment issues arise

7.4. Development Contribution

- 7.4.1. The site is located within the area to which The Dun Laoghaire Rathdown Supplementary Development Contribution Scheme for Extension of the Luas Line B1-Sandyford to Cherrywood applies. Given that there is no exemption for the proposed development under the Supplementary Contribution Scheme, I would recommend that should the Board decide to grant permission that a Supplementary Contribution Scheme condition should be applied.

7.5. Other issues

Material contravention

- 7.5.1. It should be noted that the decision to refuse permission made by the Planning Authority includes refusal reasons that refer to the development being a material contravention.
- 7.5.2. The first reason for refusal states that the proposed dwelling would materially contravene condition number 14 of Reg. Ref. D99A/0458. In relation to this wording, I note that the Board in their previous determination of the appeal case PL06D.217900 referring to the site consider that '*proposed development would contravene condition number 14*'.
- 7.5.3. It is stated in refusal reason No. 3 that the proposed development would contravene materially Sections 2.2.7.1 and 2.2.7.2 of the 2016-2022 Dun Laoghaire Rathdown County Council Development Plan. I would concur with the Planning Authority that the proposed development is not in accordance with the provisions of these sections of the Plan. However, I would consider that while the proposal would represent a breach of the plan policy that the term would contravene materially is not appropriate in this instance.

8.0 Recommendation

- 8.1. I have read the submissions on file, visited the site, and had due regard to the provisions of the Development Plan and all other matters arising. In the light of this and the assessment above, I recommend that permission be refused for this development for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the provisions of the Dún Laoghaire Rathdown County Development Plan 2016 – 2022, particularly Policy ST5 and Policy ST6 which refer to the provision of walking and cycling networks and routes and Section 2.2.8.5 of the Plan which refers to the protection and safeguard of the provisional alignment and surrounding lands of Luas Line B2 as detailed on Map No. 10 of the Development Plan, it is considered that the proposed development would be premature pending the determination by the planning authority of a road layout for the area and the construction of the Luas Line Extension. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would contravene an existing condition (number 14) to a permitted development granted under planning register reference number D99A/0458. It is considered that this condition is reasonable and that the proposed development would not be in accordance with the proper planning and sustainable development of the area.

Siobhan Carroll
Planning Inspector

22nd August 2017