



An
Bord
Pleanála

Inspector's Report PL06D.248803

Development	Permission sought for 7 houses and associated site works.
Location	Lissadell, Leopardstown Road, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17/0347
Applicant(s)	Victoria Homes Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First-v-Refusal
Appellant(s).	Victoria Homes Ltd
Observers	(1) An Taisce (2) Westminster & Torquay Wood Residents (3) Niall & Mary O'Connor & Others (4) Patricia & Adrian Reid

Date of Site Inspection

21st September 2017

Inspector

Colin McBride

1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 0.18 hectares, is located at the junction of Leopardstown Road and the service road for Torquay Wood/Westminster Lawns housing development. The site is occupied by a large detached dwelling (Lissadell) and garage. Along the north eastern boundary of the site and separating it from Torquay Wood/Westminster Lawns is an 8 m wide landscaped strip of amenity space, while some 50 m to the north on the other side of Westminster Lawns is a substantial area of maintained amenity open space. On the opposite side of Leopardstown Road to the south east there is a relatively recent residential development separated from that road by a buffer strip of amenity open space. Abutting the site to the north west is a modern two storey detached dwelling No. 1 Torquay Wood, which is the first of three in a row of closely spaced similar dwellings. To the south west of the site along the Leopardstown Road is a two-storey detached dwelling (Cintra).

2.0 Proposed Development

2.1. Permission is sought for the demolition of an existing dwelling on site (Lissadell) and the construction of 7 no. three-storey dwellings including 6 no. semi-detached and 1 no. detached dwelling. The dwellings all have a floor area of 160sqm, a ridge height of 10.714m and are three bed units. The proposal also entails the provision of a new vehicular entrance off Leopardstown Road, parking on site and connection to existing services.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on two reasons for refusal...

1. Having regard to the location of the proposed entrance directly off Leopardstown Road, and in close proximity to an existing road junction with Torquay

Wood/Westminster Lawns, it is considered that the additional traffic turning movements generated by the proposed development onto the heavily trafficked Leopardstown Road, which provides an important part of the link road between the N11 and the South County Business Park/Sandyford Industrial Estate, would endanger public safety by reason of traffic hazard and would have a seriously adverse impact on the safety and free flow of traffic on Leopardstown Road. The proposed development would also by the precedent that the grant of permission for it would set for further multiple dwelling access points have consequent implications for public safety and free flow of traffic on Leopardstown Road. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

2. The proposed development by reason of its height, configuration and siting would seriously and adversely affect the residential amenities enjoyed by the occupants of Cintra and 1 Torquay Wood and would also adversely affect the quality of the streetscape along Leopardstown Road. More particularly, the development provides insufficient separation distance between the rear building line and Cintra, as well as between the gable wall to proposed dwelling no. 7 and no. 1 Torquay Wood and furthermore the configuration of dwelling no. 1 provides insufficient passive surveillance along Leopardstown Road.

3. The proposed development would endanger public safety due to the lack of provision of adequate visitor car parking creating potential for illegal/inappropriate parking on public roads in the area and affecting local amenity. The proposed development would set an undesirable precedent and is therefore contrary to the proper planning and sustainable development of the area.

Note: There are a number of other issues which have been raised, including the adequacy of the tree survey and landscaping plan, surface and foul water drainage and the absence of a Section 97 Certificate. This should be addressed in any future application.

3.2. Local Authority reports

- 3.2.1. Transportation Planning (24/05/17): Refusal recommended due to traffic safety concerns, precedent and lack of adequate visitor parking.
- 3.2.2. Irish Water (26/05/17): Further information required including water and drainage issues.
- 3.2.3. Drainage Planning (26/05/17): Further information required regarding surface water drainage and attenuation.
- 3.2.4. Planning Report (02/06/17): Issues of concern included traffic impact, design, height and scale relative to an adjoining dwelling and subsequent impact on residential amenity. Refusal was recommended based on the reasons outlined above.

4.0 Planning History

- 4.1 D17A/0039: Permission refused to demolish existing dwelling and construct 7 no. dwellings. Refused due to traffic safety issues and inadequate private open space.
- 4.2 PL06D.238283: Permission refused to demolish a house and construct 6 no. apartments and 3 no. houses and all associated site works. Refused on the grounds of traffic safety.
- 4.3 PL06D.236096: Permission refused to Kevin Lynn for relocation of proposed vehicular entrance, permitted by PL06D.226572.
- 4.4 PL06D.226572: Permission granted to Kevin Lynn to demolish existing house and garage; construct 7 no. apartments and 4 no. town houses with all associated works.
- 4.5 PL06D.217129: Permission refused to Kevin Lynn for demolition of shed/garage

and part of rear extension conversion of house into 2 no apartments and construct 3 storey apartment block comprising 8 no. apartments and associated works.

- 4.6 PL06D.210957: Permission refused to Kevin Lynn for demolition of garage, part demolition of house rear extension, conversion of house to 2 no. apartments and construction of 12 no. apartments, parking and site works.

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.

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 proposal would be satisfactory in the context of the amenities of adjoining dwellings to the north west and south west with adequate separation and existing trees providing sufficient protection of amenity as well as measures such as opaque glazing being fitted to some windows.
- It is noted that it is unrealistic to provide development addressing the Leopardstown Road with existing dwellings located a significant distance from the road and existing front boundary treatment characterised by high walls and mature vegetation along the Leopardstown Road.
- It is noted that parking provision can be increased with a plan showing the provision of two additional spaces.
- It is noted that the provision of existing residential development at this location should be encouraged and is in walking distance of public transport and a major employment hub. It considered that the proposal should not be refused on traffic grounds with it noted there is a significant number of individual

entrances along the road and the proposal is accessible by other modes of transport other than car traffic.

- It is noted that the site is too small to provide public open space and if such was provided it would not benefit the amenities of the future residents.
- It is noted that all site services are available in the area and conditions are invited regarding agreement of such with the Local Authority prior to the commencement of development.

6.2 Responses

6.2.1 Response by Dun Laoghaire Rathdown County Council.

- It is noted that the site is within the boundary of an area subject to a Section 49 Supplementary Contribution Scheme and that if permission is granted a contribution under this scheme is required.

6.3 Observations:

6.3.1 An observation has been received from An Taisce.

- It is noted that permission for similar development on site has been refused in the past and that the previous reasons for refusal have not been dealt with in this case.
- The proposal for direct entrance off Leopardstown Road is not satisfactory.
- There is inadequate level of public open space provided.
- In the event of a grant of permission a condition retaining two trees (T4 and 23) should be included.
- The existing dwelling is not a protected structure but possibly should be.

6.3.2 An observation has been received from Westminster Lawn & Torquay Wood Residents Association and the following

- The proposal would constitute a traffic hazard and such has been a reason for refusal for similar development on this site.
- The proposal would be injurious to the residential amenities of the adjoining dwellings including those in Torquay Road to the north west and 'Cintra' to the south west by virtue of overlooking and overshadowing.
- The proposal fails to have regard to the established building line along Leopardstown Road.
- The proposal provides insufficient levels of private open space to serve the proposed dwellings with it noted that there is possibility for the dwellings to have more than 3 bedrooms.
- The proposal entails a significant loss of existing trees with no tree survey submitted.
- It is noted that the proposal fails to address previous refusal reasons concerning previous applications on site and the observers refute a number of arguments raised by the appellant in the appeal submission.

6.3.3 An observation has been received from the following ...

Niall & Mary O'Connor, 1 Torquay Wood, Foxrock, Dublin 18.

Pat & Anne O'Reilly, 3 Torquay Wood, Foxrock, Dublin 18.

David & Millie Gorman, 4 Torquay Wood, Foxrock, Dublin 18.

Daniel & Linda Kitchen, 5 Torquay Wood, Foxrock, Dublin 18.

Paul & Anne Waldron, 6 Torquay Wood, Foxrock, Dublin 18.

Seamus & Mary Halford, 7 Torquay Wood, Foxrock, Dublin 18.

Pat & Patricia O'Connor, 8 Torquay Wood, Foxrock, Dublin 18.

Bernarde & Marguerite Hamill, 13 Torquay Wood, Foxrock, Dublin 18.

- The proposal would constitute a traffic hazard and such has been a reason for refusal for similar development on this site.
- The proposal would be injurious to the residential amenities of the adjoining dwellings including those in Torquay Wood to the north west and 'Cintra' to the south west by virtue overlooking and overshadowing.
- The proposal fails to have regard to the established building line along Leopardstown Road.
- The proposal provides insufficient levels of private open space to serve the proposed dwellings with it noted that there is possibility for the dwelling to have more than 3 bedrooms.
- The proposal entails a significant loss of existing trees with no tree survey submitted.
- It is noted that the proposal fails to address previous refusal reasons concerning previous applications on site and the observers refute a number of arguments raised by the appellant in the appeal submission.

6.3.4 An observation has been received from Patricia & Adrian Ried, 16 Westminster Lawns, Foxrock, Dublin 18.

- The proposed gardens are below minimum requirements.
- The density is out of character with surrounding development and is substandard in terms of the future amenities of residents.
- The proposed vehicular entrance is deficient in layout and sightlines.
- The proposed dwellings would have a negative and obtrusive visual impact.

- The proposal should be considered in the context of future road widening proposals at this location.
- The proposal does not conform to the established building line at this location.
- The loss of existing mature trees would have a negative impact.
- The level of parking provided on site is insufficient and will result in overspill into Torquay Wood.
- The proposal is not accessible for service and delivery vehicles and will generate parking outside the site creating traffic issues.
- The design and quality of the overall development is considered substandard.

6.4 Submissions to Local Authority:

6.4.1 3 submissions were received by the Local Authority and can be summarised as follows...

- Previous reasons for refusal concerning development on site have not been addressed.
- The proposal is for four bed units and not three bed as described.
- The proposal would have an adverse impact on the residential amenity of adjoining properties.
- The proposal provides gardens of insufficient depth.
- The proposal entails tree removal.

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/residential amenity

Architectural Heritage

Traffic impact

Appropriate Assessment

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 as well some higher density suburban style development. The proposal entails an increased density. 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 7 no. dwellings on a site of 0.18 hectares. This gives a density of 38 units per hectares. This is above the recommended minimum density for new residential development in the County Development Plan of 35 units per hectare and below 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 38 units per hectares and is in accordance with the standard advocated under Development Plan policy for residentially zoned lands. I would consider that the density proposed is acceptable at this location, however is contingent on the development meeting the relevant development control standards, having adequate regard to the amenities of adjoining properties, the visual amenity of the area and being satisfactory in regards to traffic safety.

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 7 no. dwellings with each being a three bed unit. Under Section 8.2.8.4 of the County Development Plan the minimum requirement for dwellings with 3 bedrooms is

60sqm while for 4 bedrooms or more is 75sqm. The new dwellings back onto the south western boundary with rear gardens ranging from 60-63 sqm provided in all cases. The dwellings are described as three bed units; however, each has a study that is large enough to be used as a bedroom. I would consider that these are four bedroom dwellings and would therefore fail to meet the required development control standards.

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”. In this case no public open space is provided on site. I would note that the size of the site makes it difficult to increase density on site and provide public open space and there may be argument for permitting development lacking public open space in cases where the site size would make it difficult to provide such without compromising development potential and where the overall design is of good quality including the provision of private open space. As noted above the proposal is deficient in both the level of private and public open space provided and would not be in compliance with minimum Development Plan requirements for either. In this regard the proposal would give rise to substandard development and be contrary to the proper planning and sustainable development of the area.

7.4.3 In regards to car parking, the proposal provides off-street car parking for 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. It is notable that permission was refused

(reason no. 3) due to concern regarding there being insufficient visitor parking. The appellant has submitted a potential revised proposal for two additional space on site, which is feasible. Notwithstanding such I do not consider the third refusal reason is fair considering the proposal meets the minimum stated standards for car parking under the Development Plan.

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

- 7.5.1 The proposal provides for 7 dwellings that back onto the south western boundary with their front elevations orientated to the north east. The dwellings are three-storey dwellings (second floor in the roof space). The site is in an established suburban area with a mixture of large detached dwellings two-storey detached dwellings in the vicinity. The refusal reason relates to impact on the residential amenity of adjoining properties and insufficient passive surveillance of Leopardstown Road.
- 7.5.2 I would consider that the overall visual impact of the proposal to be acceptable at this location. The design and scale of the dwellings would not be out of keeping at this location, which is an established suburban residential area. The design of the dwellings is acceptable, however it is not a development of significant architectural merit and more thought could have gone into the design of the dwelling nearest the Leopardstown Road to address the road frontage of the site. Notwithstanding such, I would consider that the overall visual impact of the proposal would be acceptable.
- 7.5.3 The second reason for refusal highlights concerns regarding impact on the residential amenities of adjoining properties including the existing dwelling to the south west (Cintra) and no. 1 Torquay Road to the north west of the site. The refusal reason highlights the proximity of the dwellings to the south western boundary and its subsequent impact on the existing dwelling to the south west. I am satisfied that the pattern of development proposed would not be out of keeping or uncommon in a suburban area such as this. I would consider that the level of separation between the rear elevations and the boundary to be below the commonly accepted standard of at least 11m, which maintains an adequate separation in the event of a similar pattern

of development being proposed on the adjoining site. As things stand the proposal is lacking in adequate separation distances to protect the residential amenities of the adjoining property to the south west and in the context of the possible future development on the adjoining site.

7.5.4 The second refusal reason also notes concern regarding the design of proposal in regards to the existing building line within Torquay Wood and the impact of the proposal on the existing dwelling to the north west. The proposed dwellings do not conform to the established building line of the dwellings within Torquay Wood to the north west. Given the configuration of the site and the existing green area along the north eastern boundary, this is not feasible. I would consider that such a pattern of development is acceptable and that the orientation of the proposed dwellings conforms to the orientation of the existing dwellings to the north and despite being offset from the building line. There is a sufficient level of separation between the north western gable of no. 7 and the dwelling to the north at no. 1 Torquay Wood and subject to conditions requiring windows on the gable above first floor level being fitted with obscure glazing, the proposal would be acceptable in the context of the residential amenities of the adjoining property.

7.6 Architectural Heritage:

7.6.1 The proposal entails demolition of an existing two-storey dwelling. 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 Laoghaire under the Inventory of Architectural Heritage.

7.6.2 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 providing a development of sufficient quality in regards to development control standards, visual and residential amenity, and traffic safety.

7.6.3 The loss of trees in site is referred to in observations. There are existing trees on site, however there is not a significant amount of existing trees on site. I would consider that the loss of the trees on site should not preclude the provision of a good quality housing development that conforms to Development Plan Objectives such as RES3 outlined above.

7.7 Traffic Impact:

7.7.1 The first reason refusal relates to traffic impact with concerns regarding the proposal for access off the Leopardstown Road and the impact of turning movements at this location. The site has an existing vehicular access directly off the Leopardstown Road with this entrance to be closed in favour of a new entrance relocated further south west along the road frontage. In terms of visibility Leopardstown Road is a wide dual carriageway with both a footpath and a cycle lane along each side. I would consider that the required visibility standards (49m) set down under the Design Manual for Urban Roads and Streets are likely to be achievable at this location. Notwithstanding such, there are very real concerns regarding the proposal for additional turning movements directly off the Leopardstown Road.

7.7.2 The Leopardstown Road is a highly trafficked and busy arterial route and the proposal for increased turning movements in close proximity to the existing junction serving Torquay Wood/Westminster Lawns would potentially cause obstruction to other road users. The existing traffic flow on Leopardstown Road and its layout make it difficult to cater for the additional turning movements onto and off the site that is likely to be generated by the proposed development. It is notable that there is a significant history of development proposals on site refused on traffic grounds entailing direct access from Leopardstown Road. The current proposal, existing housing development pressures and the proximity of the site to existing public transport infrastructure do not address the traffic safety concerns that have led to previous refusal on site. I would consider that the applicant/appellant has not addressed such concerns and that nothing has changed that merits a change of attitude in regards to traffic safety. Having regard to the location of the proposed entrance directly off a busy arterial route, Leopardstown Road, and in close proximity to an existing road junction with Torquay Road/Westminster Lawns, it is considered

that the additional traffic turning movements generated by the proposed development would interfere with the safety and free flow of traffic on the public road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.7.3 The section on Development Control standards outline the fact that the proposal conforms to minimum standard in regards to off-street car parking. I do not consider that the refusal reason relating to insufficient visitor parking is merited and would note that the appellant has indicated that two additional space can be provided. In addition to such I would note that the site is within a reasonable proximity of an existing public transport corridor (Luas line).

7.8 Appropriate Assessment:

7.8.1 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.

8.0 Recommendation

8.1 I recommend refusal based on the following reasons.

9.0 Reason and Considerations

9.1

1. Having regard to the location of the proposed entrance directly off a busy arterial route, Leopardstown Road, and in close proximity to an existing road junction with Torquay Road/Westminster Lawns, it is considered that the additional traffic turning movements generated by the proposed development would interfere with the safety and free flow of traffic on the public road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development fails to provide a sufficient level of public and private amenity space on site in accordance with the minimum development control standards set down under Sections 8.2.8.2 and 8.2.8.4 of the Dun Laoghaire Rathdown County Development Plan 2016-2022. The proposal would constitute a substandard development and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development provides for an insufficient level of separation between the rear elevation of the proposed dwellings and the south western boundary of the site resulting in an overbearing impact on the existing dwelling to the south west and impact on the future development potential of the adjoining site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector

25th September 2017

