



An
Bord
Pleanála

Inspector's Report

PL 06D.249074

Development	Construction of a dwelling, replacement entrance gates to existing vehicular entrance and all associated site works.
Location	Site between 'Corrie' and 'Rathanna House', Blackglen Road, Sandyford, Dublin 18
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0511
Applicant(s)	Andrew and Naomi O' Kane
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Andrew and Naomi O' Kane
Observer(s)	No observers
Date of Site Inspection	24 th October 2017
Inspector	Erika Casey

1.0 Site Location and Description

1.1. The subject site is located off the Blackglen Road. It is a backland site, located to the rear of an existing dwelling known as 'Corrie'. It has an area of 0.147 hectares and is vacant. The site is in part bound by an existing stone clad wall. There is an existing mature hedgerow along the eastern boundary. To the east and west of the site, are further detached dwellings. A greenfield site is located to the south. Lamb Doyle's Public House is located approximately 100 metres to the west.

2.0 Proposed Development

2.1. The proposed development comprises the construction of a detached 4 no. bedroom dwelling. The proposed dwelling has an area of 256 sq. metres and has a part single storey/part two storey design. The maximum height of the dwelling is 7.3 metres.

2.2 The dwelling has a contemporary design and materials and finishes comprise render finish, stone cladding and natural slate roof tiles. The single storey element has a zinc clad roof. It is proposed that a stone clad wall of between 3 and 5 metres will bound the perimeter of the site. Access to the dwelling is via an existing entrance to be shared with the adjacent dwelling house. Replacement entrance gates to this entrance are proposed. The development also provides for re-connection to the existing wastewater services.

3.0 Planning Authority Decision

3.1. Decision

To Refuse Permission for 1 no. reason:

"The proposed development is deemed premature pending the upgrade of the Blackglen Road and would endanger public safety by reason of the traffic hazard it would create by the traffic generated by the proposed new development, at both construction and operational stages on the adjoining Blackglen Road, which in its existing condition is substandard in terms of alignment and width and would set an undesirable precedent for similar proposals along this heavily trafficked route. The proposed development, therefore, would be contrary to the proper planning and sustainable development of the area."

3.2. Planning Authority Reports

3.2.1. Planning Report (25.07.2017)

- It is considered that the development complies with the guidance set out in the Development Plan regarding backland development and private open space.
- Having regard to the design and footprint of the proposed dwelling, and the height of the proposed boundary treatment, it is considered that the proposed development will not detract from the residential amenity of adjoining dwellings.
- The development will result in the intensification of an existing entrance and thus will create a road safety hazard due to deficiencies in the width and alignment of the Blackglen Road.

3.2.2. Other Technical Reports

Transportation Planning (05.07.2017): Recommends refusal on the basis that Blackglen Road is deficient in width and alignment and has no footpath. Any additional traffic generated by the development at both construction and operational stages will create a road safety hazard. This can only be remedied when the Blackglen Road Improvement Scheme has been put in place. The report notes that it is anticipated that this road scheme will commence construction in mid 2018.

3.3. Prescribed Bodies

Irish Water (30.06.2017): Requests Further Information seeking clarification as to how it is intended to supply water to the proposed dwelling.

3.4. Third Party Observations

- No observations received.

4.0 Planning History

4.1 There have been a number of previous applications pertaining to the site of relevance. In addition, there have been a number of other recent applications in the vicinity of the site that are pertinent to the current proposal. These are summarised below.

Adjacent Site

Planning Authority References D98A/0810, D01A/0341/D04A/1007

- 4.2 These applications relate to the site currently occupied by Corrie, located immediately adjacent to the subject application site.

Subject Site

Planning Authority Reference: D05A/0940

- 4.3 Permission granted in December 2005 for a development comprising 2 no. detached two storey dwellings, new entrance, new driveways, demolition of existing two storey dwelling and associated works at Corrie. The layout plan indicated two detached dwellings located on the site of the current application. It was proposed that the two dwellings, in addition to the Corrie dwelling, would be served with a shared access from the Blackglen Road. There were no objections to the proposal from a roads or traffic perspective.

Planning Authority Reference: D05A/0940/E

- 4.4 An application for extension of duration of permission relating to application D05A/0940 was sought in October 2010. It was noted in the Planner's Report that the Road Improvement Scheme for the Blackglen Road had been deferred due to financial constraints and in this context, it was considered that the proposed development would be premature due to the lack of adequate, safe pedestrian and cyclist facilities on the Blackglen Road. In December 2010, the application for the extension of duration was refused on the basis that the development was no longer consistent with the proper planning and sustainable development of the area.

Planning Authority D10A/0573

- 4.5 Permission refused in December 2010 for alterations to the development permitted under D05A/0940 relating to the re-siting of the houses and elevational amendments. The reasons for refusal related to deficiencies in the road network serving the area particularly in relation to adequate pedestrian and cyclist facilities; that the development had sub-standard sightlines and that the development would result in a piecemeal and unsustainable form of development.

Vicinity of the Site

Planning Authority References D11A/0352 (Appeal Reference PL06D.239686) and D11A/0362 (Appeal Reference PL06D.239687)

- 4.6 These applications relate to concurrent applications for two detached dwellings on a site that formed part of an existing surface car park that served the Lamb Doyle's Bar and Restaurant. The sites are located approximately 100 metres to the west of the current application. The proposed site plans submitted with the applications indicated that the sites would have a temporary access shared with that serving the pub car park, and that separate vehicular entrances off the Blackglen Road would be provided when the road upgrade is complete.
- 4.7 The Board granted permission for both applications in April 2012 noting that particular regard was had to the residential zoning objective for the site, and the developments were acceptable in view of the transitional suburban character of the area and that adequate sightlines could be provided having regard to the 50 kph speed limit that applies in the area.

Planning Authority Reference D10A/0177 (Appeal Reference PL06D.236991)

- 4.8 This application related to a proposal for a new detached dwelling served by a new vehicular access onto the Blackglen Road. Concerns were raised by the Inspector regarding the adequacy of sightlines and the development was refused in November 2010 for the following reason:

"The proposed development would create an additional vehicular entrance onto the busy Blackglen Road, which is substandard in terms of alignment and width. Notwithstanding the mitigation measures proposed, it is considered that the access proposals for the existing and proposed dwellings would fail to provide adequate sight distances for traffic using the site or to offer sufficient improvements over the existing arrangement to justify an intensification of traffic turning movements at this location. The proposed development would, therefore, endanger public safety by reason of traffic hazard."

Planning Authority Reference D14A/0090 (Appeal Reference PL 06D.243375)

- 4.8 This application relates to a site to the west of the application site. Permission was granted by the Board in September 2014 for the subdivision of a site and the

construction of a 3 bed dormer bungalow, modifications to entrance gates and new footpath adjacent to Blackglen Road. Access to the site was via shared use of the entrance serving the existing dwelling. The Inspector in their deliberation of the proposal noted uncertainty over the timescale of completion of the necessary upgrade works to the Blackglen Road. A refusal was recommended on the basis of prematurity.

- 4.9 The Board, however, granted permission and had regard to the fact that the design and layout of the proposed access incorporated provision for the proposed Blackglen Road Improvement Scheme. It was also noted that the amendments to the access arrangements had overcome previous concerns raised in an earlier application pertaining to traffic safety. In this regard, it was considered that the development would be acceptable in terms of traffic safety.

Planning Authority Reference D14A/0850

- 4.10 Permission granted in September 2015 for a dwelling adjacent to 1 Blackglen Road. The access to the dwelling is from Blackglen Court which leads onto the Blackglen Road.

Planning Authority Reference D16A/0493 (Appeal Reference 06D.247285)

- 4.11 This application relates to a site located approximately 100 metres to the east of the subject site. Permission was refused by the Board in December 2016 for a development comprising the provision of a new vehicular access including the provision of a 5 metre wide gate set back from the public road. The reason for refusal stated:

“The proposed development would be premature pending the upgrade of the Blackglen Road in terms of the lack of adequate, safe pedestrian facilities, which renders it unsuitable to carry the increased construction traffic likely to result from the proposed development. The proposed development would, therefore, endanger public safety by reason of a traffic hazard.”

- 4.12 It was indicated by the applicants that the lands do not have any vehicular access and permission was sought to access the lands for maintenance purposes. It was also noted that if the access was permitted, it could be modified and incorporated into the Part 8 Scheme.

4.13 The Inspector's Report notes that there had been a number of previous applications on the site which had been refused, including a proposal for 180 residential units, refused in relation to traffic hazard.

4.14 The Inspector's Report also noted that post construction traffic utilising the access would be minimal and would not constitute a traffic hazard. The primary concern related to the impacts of construction traffic.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative development plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The subject site is zoned Objective A: *'To Protect and/or improve residential amenity'*. The plan identifies a 6 year road proposal relating to the site. Relevant policies and objectives include:

Section 8.2.3.4 (vii) Infill: *"New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings."*

Section 2.1.3.4 Existing Housing Stock Densification: *"Encourage densification of the existing suburbs in order to help retain population levels - by infill housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc."*

In older residential suburbs, infill will be encouraged while still protecting the character of these areas."

Section 8.2.3.4 (vi) Backland Development: The plan notes that backland residential development usually involves the establishment of a new single dwelling, and a building line to the rear of an existing line of houses. It notes that the following standards will generally apply:

- Generally, be single storey in height to avoid overlooking.
- Adequate vehicular access off a lane width of 3.7 m must be provided to the proposed dwelling (3.1 m at pinch points).
- Proposed dwellings shall have minimum individual private open spaces of 60 sq. m. plus for three/four or more bedroom units exclusive of parking.

- Proposed two storey backland dwellings shall be located not less than 22 metres from the rear facade of the existing dwelling where windows of habitable first floor rooms directly face each other. Proposed two-storey backland dwellings should have a minimum rear garden depth for the proposed dwelling of 11 metres.

5.2 Natural Heritage Designations

- None applicable.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed dwelling has been sympathetically designed with appropriate setbacks from adjacent dwellings. Fenestration has been considered to minimise potential overlooking.
- The dwelling has ready to go connections to both a potable water supply and sewage. The dwelling is for a family with a genuine housing need.
- Following completion of the M50, traffic volumes on the Blackglen Road have reduced significantly to less than 10,000 vehicles per day.
- Dun Laoghaire Rathdown County Council have identified the need to upgrade the Blackglen Road and Harold's Grange Road since 2004. A Part 8 planning application for the road improvement scheme was approved in June 2016. Construction of the scheme is anticipated to commence in 2018.
- Since 2004, the Council have granted planning permission for a number of developments with access from the Blackglen and Harold's Grange Roads, notwithstanding the fact that the upgrade works was an active objective of the Council at that time. These developments were not considered premature.
- The appellants refer to the planning history of the site which is detailed above in Section 4. It notes that planning permission was historically granted for two houses on the subject site in 2005. With regard to the refusal pertaining to planning application reference D10A/0573, the appellant notes that this decision does not appear rational given that the principle of a dwelling on the

site with a shared access to the Blackglen Road had been permitted under an earlier application.

- The appellant refers to a number of precedent cases including planning application references: D11A/0352 (appeal reference PL 06D.239686), D11A/0362 (appeal reference PL06D.239687), D14A/0090 (appeal reference PL067D.243375) and D14A/0850. It is contended by the appellant that these decisions, three of which were refusals overturned by An Bord Pleanála, provide a precedent for allowing additional traffic onto Blackglen Road at both the construction and occupancy stages of development. It notes that 2 of these applications (D11A/0362 and D11A/0352) are within 100 metres of the subject site.
- In relation to application reference D10A/0177 (appeal reference PL 06D.236991) which was refused permission by An Bord Pleanála, the appellant notes that this development had inadequate sightlines.
- There have been a number of large scale developments including 71 dwellings under application reference D11A/0191 and 41 dwellings under application reference D06A/0712 which have been permitted, notwithstanding the road improvement scheme not being completed.
- The development has been designed to achieve sightlines of 70 metres which are appropriate as the site is located within a 50 kph speed limit.
- A new entrance gateway to the dwelling is proposed, set back approximately 15 metres from the existing roadside boundary. The existing access and driveway will not be altered and ties in with the pending Blackglen Road – Harold's Grange Road Improvement Scheme.
- Blackglen Road is used frequently by cyclists with no difficulty.

6.2. Planning Authority Response

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. **Observations**

- No observations received.

7.0 **Assessment**

7.1. The residential zoning of the site is noted. The design and layout of the dwelling have been considered and I am satisfied that it accords with the relevant development plan standards and guidance for such infill development. The principle of the development is therefore acceptable. The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Access and Traffic.
- Appropriate Assessment.

7.2. **Access and Traffic**

7.2.1 The principle objection of the Planning Authority to the proposed development is that it is premature pending the completion of the necessary upgrade works to the Blackglan Road. Part 8 approval for these works has been granted and it is stated in the Planning Authority Transportation Report that it is envisaged that works will commence in mid 2018.

7.2.2 It is detailed that the approved Part 8 works will consist of approximately 3 km of single carriageway road along the route of the proposed Road Improvement Scheme including cycle tracks, footpaths, boundary walls, retaining walls, entrances, re-graded driveways, railings, fences, bus stops, road marking, public lighting, road drainage outfalls with new attenuation areas, alterations to other services, signage, extensive landscaping, planting of new trees and hedges, and public realm improvements. I have reviewed the Part 8 drawings and I am satisfied that the design and layout of the road improvement works incorporates the existing access point proposed to serve the dwelling.

7.2.3 The site has a planning history and permission was previously granted for two no. dwellings under planning application reference D05A/0940. The principle of a shared access serving the development site and the existing dwelling referred to as 'Corrie' has therefore been previously accepted by the Planning Authority. It is noted

that under a later planning application, reference D10A/0573, concerns were raised by the Planning Authority regarding the adequacy of sightlines for this existing vehicular access. The applicant has addressed this issue in their appeal and I am satisfied that based on the information submitted, in addition to observations on site, that adequate sightlines of 70 metres in either direction can be achieved in relation to this existing entrance. It is also noted that the Transportation Department of Dun Laoghaire Rathdown County Council raised no concerns in relation to the sightlines proposed under the current application

7.2.4 There have been a number of similar applications in the vicinity of the site for infill residential development with shared access via an existing vehicular entrance. Three of these applications, all relating to single dwelling houses, have been granted by the Board, namely appeal references PL06D.239686, PL06D.239687 and PL06D.243375. In all of these cases the Board had particular regard to factors such as the zoning of the site, the character of the area and the fact that adequate sightlines could be achieved. In the case of PL06D.243375 the fact that the design and layout of the proposed access incorporated provision for the proposed Blackglen Road Improvement Scheme was also considered.

7.2.5 It is noted that the subject application site has many of these characteristics. The development is located on land that is zoned objective A - *'To Protect and/or improve residential amenity'*. It is served by an existing established access and permission has previously been granted for two additional dwellings to utilise this existing entrance. Adequate sightlines can be achieved and the approved Part 8 for the Blackglen Road Improvement Scheme incorporates this existing access point in its design.

7.2.6 It is acknowledged that a more recent application for a new access point off the Blackglen Road has been refused permission by the Board under PL06D.247285. It is evident that the Planning Authority also had regard to this precedent in their consideration of the current proposal and it is specifically referenced in the Planning Authority Planner's Report.

7.2.7 It is considered, however, that this application is somewhat different to the subject case, in that it was for a completely new access point to serve undeveloped lands for maintenance purposes. The current application is to serve just one dwelling, the

principle of which has been previously accepted by the Planning Authority. Having regard to the character of the development it is likely to have a very low impact in terms of traffic volumes during its operational phase. The Board did not raise any particular concerns regarding the operational impacts of the access proposed under application PL06D.247285 and the Inspector noted that it was envisaged that it would be associated with very low traffic volumes.

7.2.8 The primary concern raised by the Board in relation to the access proposed under PL06D.247285 related to potential impacts during the construction phase and it was considered that the Blackglan Road was unsuitable to carry the increased construction traffic likely to arise from the development. It is considered, however, that in this instance, the current existing access is adequate to deal with the limited volumes of construction traffic likely to be associated with a single dwelling. Furthermore, the hours of construction can be restricted by way of condition to limit construction traffic to outside of peak hour traffic periods. This will mitigate potential adverse impacts. The fact that the Part 8 works have now been approved and construction is imminent must also be considered. It has been confirmed that construction of the upgrade works will commence in 2018 and, therefore, are likely to be completed within a similar timeframe to the construction of the dwelling.

7.2.9 In this regard, having regard to:

- the previous decisions of the Board for previous infill residential dwelling applications in the vicinity of the site;
- the established nature of the existing access;
- the fact that the Part 8 works for the site are due to commence by Mid 2018;
- the planning history and zoning of the site,

it is considered that the proposed development will not have a material adverse traffic impact during the construction or operational phases and thus is in accordance with the proper planning and sustainable development of the area.

7.3 Appropriate Assessment

7.3.1 Having regard to the nature and scale of the proposed development, a single house within an established urban area, located on zoned serviced land, and the distance to the nearest European site, no Appropriate Assessment issues arise and it is not

considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

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

9.0 Reasons and Considerations

9.1 Having regard to the zoning of the site as set out in the Dun Laoghaire-Rathdown County Development Plan 2016-2022, the existing pattern of development in the vicinity of the site and the design and layout of the existing established access which incorporates provision for the proposed Blackglen Road Improvement Scheme, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: In the interests of public health.

3. Site development and building works shall be carried out only between the hours of 10.00 am to 16.00 hours Monday to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall be allowed only in exceptional circumstances where prior written approval has been received from the planning authority.

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

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction waste.

Reason: In the interests of public safety and residential amenity

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

Reason: In the interests of visual and residential amenity.

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

Reason: In the interest of visual amenity.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to

commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Erika Casey

Senior Planning Inspector

25th October 2017