



An
Bord
Pleanála

Inspector's Report PL06S.249298

Development	House to rear of 2 dwellings with vehicular access
Location	Manor Avenue (rear of 8-10 College Drive) Terenure, Dublin 6.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD17A/0229
Applicant(s)	Ann Egan
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First party
Appellant(s)	Ann Egan
Observer(s)	Leo Costello and others
Date of Site Inspection	12 th December 2017
Inspector	Ciara Kellett

1.0 Site Location and Description

- 1.1. The appeal site is located off a laneway known as Manor Avenue which is accessed off College Drive and Wainsfort Grove in Terenure, Dublin 6. Fortfield Avenue is located c.175m to the east serving Terenure College and Templeogue Road is c.650m to the south.
- 1.2. College Drive, Wainsfort Park and Wainsfort Grove are well established, mature residential areas comprising a mix of detached, semi-detached and terrace dwellings with good sized gardens and mature trees and hedgerows. College Drive comprises a number of properties with very large long rear gardens, and Manor Avenue is a laneway which runs to the rear of these dwellings. Manor Avenue is a narrow laneway which serves 5 dwellings and a commercial unit.
- 1.3. The appeal site itself is formed from part of the rear gardens of 8-10 College Drive. The cluster of dwellings from no. 4 to 20 College Drive have long gardens which back onto Manor Avenue. The remaining houses from no.22 to 42 back onto Manor Avenue but with slightly shorter rear gardens. The site is stated as being 0.04Ha and currently comprises a number of trees and is quite overgrown.

2.0 Proposed Development

- 2.1. The proposed development is for a single storey dwelling of 174.5sq.m area with a flat roof of maximum height of 6.65m. The design of the dwelling is modern and materials include vertical cedar cladding, white render nap finish, and a black engineered brick finish. The existing stone rubble boundary wall is to be raised to 1.8m high to the front with vertical slat cedar panel gate. The rear boundary is 1.8m high timber panel and concrete posts.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for one reason:

- (a) *Vehicles exiting the rear access on to the laneway do not have adequate sightlines and therefore the development would endanger public safety by reason of traffic hazard.*
- (b) *The generation of additional traffic on a laneway substandard in width and alignment and without adequate facilities for pedestrians and vulnerable road users would endanger public safety by reason of a traffic hazard.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Notes dwelling is permitted in principle in RES zoning.
- Considers dwelling size and private garden area to be in excess of the minimum requirements of the Development Plan.
- Considers design of dwelling to be visually acceptable.
- Considers that in the event of a grant of permission, the proposed boundary wall should be reduced in height from 1.8m to 1.2m to provide for passive supervision along Manor Avenue.
- Considers there will be no overbearing or overlooking issues.
- Refers to previous refusal for outline permission and Roads Department concerns about precedent for access onto an unsuitable road. Roads Department report notes road width of 3.5m with no footpaths or drainage; sightlines not provided; and 1 parking space is inadequate. Notes Road Department recommends refusal.
- Notes Environmental Services requests Further Information in relation to the private surface water drain and Irish Water request in relation to water main drawing. Considers these could be addressed by way of condition.
- Having regard to Roads Department recommendation, recommends refusal of permission.

The decision was in accordance with the Planner's recommendation.

3.2.2. Other Technical Reports:

- **Surface Water Drainage:** Further Information requested
- **Roads Section:** Refusal recommended
- **Parks and Landscape:** No report

3.3. Prescribed Bodies

- **Irish Water:** Further Information requested.

3.4. Third Party Observations

A number of submissions were made. Concerns stated included: compliance with Building Regulations; turning radius on access road; damage to mature trees; out of scale with other dwellings; traffic hazards; access during construction; previous planning history not stated; and water pressure.

4.0 Planning History

There are no recent permissions pertaining to the subject site. A planning application for the development of a two storey house on the site was refused permission in October 1992.

In the vicinity there have been a number of planning applications. Of note are:

- **Reg. Ref. SD15B/0194:** Permission granted in July 2015 in No.8 College Drive (to the rear of subject site) for replacement of the existing flat roof over garage and porch with a concrete tiled pitched roof. Minor alterations to the front elevation including modification of porch entrance and tiles over existing plaster between ground floor window and first floor window sills to match neighbouring dwelling.
- **Reg. Ref. SD14B/0231:** Permission granted in October 2014 for (inter alia) the demolition of an existing and construction of a new rear extension to the existing semi-detached dwelling; and the retention of a vehicular entrance to the rear of the site at 16 College Drive. Of note is the fact that the retention of the vehicular entrance was to be omitted via condition no.1 of that grant.

A small number of planning applications have been permitted for pedestrian gates leading to Manor Avenue.

5.0 Policy Context

5.1. South Dublin County Development Plan 2016 – 2022

Under the County Development Plan 2016 – 2022, the site is zoned '**RES: To protect and/or improve residential amenity**'.

Section 2.4.0 of the Development Plan considers *Residential Consolidation – Infill, Backland, Subdivision and Corner sites*. Housing **Policy 17** states that '*It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County*'.

H17 Objective 2 states '*To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 implementation*'.

H17 Objective 3 states '*To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation*'.

H17 Objective 5 states '*To ensure that new development in established areas does not impact negatively on the amenities or character of an area*'.

Section 11.3.2 (i) specifically refers to Infill Development. It states (inter alia):

Development on infill sites should meet the following criteria: Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual; A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the

surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character; Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.

Section 11.3.2 (iii) specifically refers to Backland Development. It states that the design of development on backland sites should meet the criteria for infill development in addition to the following criteria: *Be guided by a site analysis process in regard to the scale, siting and layout of development; avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area; Development that is in close proximity to adjoining residential properties should be limited to a single storey, to reduce overshadowing and overlooking; Access for pedestrians and vehicles should be clearly legible and where appropriate, promote mid-block connectivity.*

5.2. Natural Heritage Designations

There are no designated European sites within the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal against the decision of the Planning Authority to refuse permission has been lodged. In summary it states:

- Notes that the Planning Authority accepted the principle of development, and it was only the recommendation from the Roads Department that resulted in a refusal.
- Considers reason for refusal does not hold up to scrutiny.
- Appeal documentation includes a drawing showing suggested revisions.
- With respect to sightlines Traffic Consultants note that design speed is 10-20kph and therefore sightlines required are 14m x 2m in either direction.

Considers revised design of reducing boundary wall to 1m and replacing gate with collapsible bollards will address the sightlines.

- With respect to public safety it is stated that the laneway should be considered suitably fit for the purposes intended and reference is made to “homezones”.
- Two car parking spaces can be accommodated.
- Applicant willing to accept a condition relating to tree root protection and wall height of 1.2m.

6.2. **Planning Authority Response**

The Planning Authority responded confirming their decision and consider issues raised are addressed in the Planner’s Report.

6.3. **Observations**

A number of residents of 8, 10 and 12 College Drive submitted an observation on the appeal. In summary, it states:

- Appellant has incorrectly concluded that the application was only refused due to recommendation of Roads Department. Note that additional information was requested by the Surface Water Drainage department and Irish Water and that no report was received from the Parks department.
- Wish to draw attention to the incorrect information on the Planning Application including no reference to earlier planning application in 1992, consider there has been flooding on the site. Also note that the speed limit on the avenue is 30kph so sightlines should be 23m. Distance from back of existing house is shorter than indicated.
- Development Plan includes a specific objective to protect and preserve trees. Most of the trees would have to be removed to facilitate the proposal.
- Development would overlook the back gardens of no’s. 8 and 10 College Drive.

- Access laneway has no footpaths and does not meet the minimum width for emergency vehicles.
- Argue that the trip rate is not averaged but that peaks at commuter times occur. Any risk to pedestrians is unacceptable.
- Granting permission would form a dangerous precedent.

7.0 Assessment

I consider the key issues in determining this appeal are as follows:

- Principle of Development/Compliance with Development Plan policy
- Residential Amenity
- Traffic Impact
- Appropriate Assessment

7.1. Principle of Development/Compliance with Development Plan policy

- 7.1.1. The site is located within an area zoned 'RES: To protect and/or improve residential amenity' in the South Dublin County Development Plan 2016 - 2022. Planning policy supports development of dwellings in backlands or corner/side gardens, subject to appropriate safeguards and standards.
- 7.1.2. Whilst I am satisfied that the proposed development is acceptable in principle, the Development Plan states that a site analysis should accompany proposals for backland development. Having regard to this particular site, it is noted that the rear gardens of no's. 4 - 20 of College Drive are very long and all with access directly onto Manor Avenue.
- 7.1.3. I am of the opinion that the intent of the policy with respect to providing a site analysis is to consider how the proposal integrates with the surrounding area in terms of architectural integration, site, scale and layout. No such information has been provided to ensure that this proposal will not result in piecemeal development, or set a precedent or prohibit a co-ordinated approach to the development of this backland site.

7.1.4. In conclusion, while the development is acceptable in principle, the development as proposed does not include any level of site analysis or other supporting information that may demonstrate whether a comprehensive backland redevelopment, in conjunction with other adjoining long rear garden sites, utilising the existing Manor Avenue laneway could, or could not, be achieved. Furthermore, a comprehensive scheme could enable a widening or a better alignment of Manor Avenue to address the concerns of the Roads Department in terms of width and sightlines. This is contrary to the Development Plan requirements as stated in Section 11.3.2 (i) and (iii).

7.2. Residential Amenity

- 7.2.1. Local residents express concern with a number of aspects of the proposal. I will address traffic below. There are concerns with overlooking, removal of trees and information required by Irish Water and the internal Drainage department.
- 7.2.2. I note from the drawing submitted by the observers that they consider information with respect to the distance between the dwelling and no.8 College Drive is incorrect. The drawing indicates that there is 20.5m distance from the rear wall of no.8 and the proposed rear boundary wall. There is a further 11m from the proposed boundary wall and the rear wall of the new dwelling. The design proposed provides for a two storey dwelling. The Development Plan states development that is in close proximity to adjoining residential properties should be limited to a single storey, to reduce overshadowing and overlooking. However, having regard to the distances involved in this instance, I consider it sufficient to address any overlooking concerns.
- 7.2.3. Concern is expressed with regard to the removal of trees on the site. I do not consider their proposed removal a reason for refusal. If the Board are of a mind to grant the subject proposal, I consider that additional landscaping can be conditioned.
- 7.2.4. I note that the water services requested Further Information, I consider that this could also be addressed by way of condition.
- 7.2.5. In conclusion, I do not agree that the subject proposal would have an unacceptable negative impact on residential amenities and many concerns could be addressed by way of condition.

7.3. Traffic and Transport Concerns

- 7.3.1. The reason for refusal of permission by the Planning Authority relates to traffic concerns. The reason referred to a) concerns with vehicles exiting onto the laneway without adequate sightlines, and b) the generation of additional traffic onto a laneway substandard in width and alignment, without adequate facilities for pedestrians and vulnerable road users.
- 7.3.2. I have referred to the need for a site analysis above. I consider that improvements could be made to the lane if a comprehensive scheme was prepared. I accept that traffic volumes are low, but in the absence of a comprehensive scheme, piecemeal development could occur which could add significantly to the volumes. I note that a commercial activity operates at the end of the laneway. During my site visit I witnessed a large truck reversing into the lane towards the commercial unit. No other information is provided to indicate the volume of traffic the unit generates daily and the type of vehicles that use the laneway. Thus, in the absence of this information, it is not possible to fully assess the traffic impact.
- 7.3.3. With the current design I have concerns with the sightlines. I accept the applicant's contention that speed limits are low, however the speed limit for this laneway is 30kph and the sightlines for 30kph are not achievable with the current design.
- 7.3.4. In conclusion, I am not satisfied that the development will not endanger public safety by reason of traffic hazard.

7.4. Appropriate Assessment

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, 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 that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. The proposed development would represent piecemeal backland development of two long rear gardens. The development as proposed does not include any level of site analysis or other supporting information that would demonstrate whether a comprehensive backland redevelopment, in conjunction with other adjoining long rear garden sites, utilising the Manor Avenue access lane could, or could not, be achieved. This site analysis and other supporting information is a requirement of Sections 11.3.2(i) and 11.3.2(iii) of the South Dublin County Development Plan 2016-2022. The proposed development would represent an unsustainable use of zoned serviced lands and would contravene the aforementioned requirements of the said development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a minor laneway at a point where sightlines are restricted.

Ciara Kellett
Inspectorate

13th December 2017