



An
Bord
Pleanála

Inspector's Report ABP-300138-17

Development

The demolition of an existing habitable dwelling and garage and the construction of a two storey apartment block with 12 no. apartments consisting of 8 no. 2 bedroom apartments and 4 no. 1 bedroom apartments. The development will consist of a new entrance onto the Clane Road, provision of 14 no. car parking spaces, landscaping and boundary treatments, and all associated site and development works and services. This application is for development on the same footprint as previously granted under planning permission 06/766 as extended under Reg. Ref. 13/132.

Location

Asgard, Clane Road, Sallins, Co Kildare.

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

17/924

Applicant(s)

Patrick Quinn

Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Patrick Quinn.
Observer(s)	Mr and Mrs Simone Polverini.
Date of Site Inspection	7 th March, 2018
Inspector	Stephen Kay

1.0 Site Location and Description

- 1.1. The site is located on the Clane Road to the north of the centre of Sallins. The site is located c. 0.9km from the railway station and approximately 0.6km from the centre of the town.
- 1.2. The site is triangular in shape with a significant frontage of c.105 metres onto the Clane Road. To the east, the site adjoins the Sallins Park residential development and abuts two cul de sacs of two storey semi-detached houses called the Grove and the Lawn. Access to the Sallins Park residential area is located c.80 metres to the south of the appeal site off the R407. The area at the southern end of the site is characterised by a number of mature trees. To the north, the site is bounded by Hillview Estate, a residential development of single storey dwellings and the area immediately adjoining the northern boundary of the site comprises open space serving this residential development. To the west, on the opposite side of the R407, the Castlesize residential estate, a large residential development of detached and semi-detached two storey dwellings is located. Access to this development is via a junction to the R407 opposite the southern corner of the appeal site.
- 1.3. The site is currently occupied by a single storey detached dwelling that is located on a large (0.21 ha.) site. The dwelling is located towards the northern end of the site and is of no particular design or visual merit. The existing vehicular access to the site is onto the Clane Road and the site frontage currently comprises a low wall topped by a timber fence.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing dwelling on the site and the construction of a two storey apartment building containing a total of 12 no. apartments. The proposed unit mix is 8 no. two bedroom units and 4 no. one bed units.

- 2.2. The floor area of the proposed units is 56-62 sq. metres in the case of the one bedroom units and 77-78 sq. metres in the case of the two bedroom units. The cumulative overall floor area is 861 sq. metres which meets the minimum floor area calculation set out in the Apartment Guidelines for Planning Authorities, 2015. All units have an area of private amenity space in the form of a balcony. All units are proposed to be dual aspect.
- 2.3. The footprint of the proposed block is L shaped to be located along the western and northern boundaries of the site. The enclosed area is proposed to comprise a public open space of 439 sq. metres (c.25 percent of the site area) and the southern end of the site is proposed to provide for the parking of 14 no. cars.
- 2.4. Vehicular access to the site is proposed to be provided via a new entrance from the Clane Road towards the southern end of the road frontage.
- 2.5. The overall density of the proposed development is 57 no. units per hectare.
- 2.6. It is stated that the proposed development would be owned and managed by a housing association (Tuath) and that the development would be occupied by the elderly.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for a total of 6 no. reasons that can be summarised as follows:

1. That having regard to the zoning of the site as residential / infill which seeks to protect existing residential amenity and provide for infill development at a density appropriate to the area, to the nature, scale and character of the surrounding area and to the scale bulk, massing and configuration of the proposed development it is considered that the proposed development would seriously injure the residential and visual amenity of the area by virtue of overlooking and visual dominance and that to permit the proposed development would set an undesirable precedent and be contrary to the proper planning and sustainable development of the area.

2. That the proposed density of development is excessive and the use of an apartment building form not appropriate given the designation of Sallins as a small town and the location of the site outside of the town centre. The proposed development would represent over development of an infill site would be contrary to the provisions of the Sallins LAP in relation to appropriate locations for new residential development and would be contrary to the proper planning and sustainable development of the area.
3. That having regard to the access to the site from a regional road, to the site layout and the proximity of parking to the site access it is considered that the proposed development would represent a sub-standard form of development that could lead to an obstruction of road users by reason of traffic hazard.
4. Having regard to the level of green infrastructure on site, the transitional nature of the site and the intensity of development proposed, the loss of trees on the site would further erode the visual and natural heritage character of the area . The proposed development would be contrary to Policies GI8, GI9 and GI13 of the Kildare County Development Plan, would set an undesirable precedent for similar development, would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.
5. That the bedroom in the one bedroom unit proposed to be transferred to the local authority under part V is irregular in shape and narrow such that it does not comply with the provisions of the Sustainable Urban Housing Design Standards for New Apartments 2015 and would represent a sub-standard form of development for future occupants.
6. That having regard to the insufficient information submitted in relation to surface water attenuation, capacity of the surface water network and the location of interceptors, flow restrictors and rain water harvesting infrastructure, to permit the proposed development in its current form would be prejudicial to human health and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer highlights the following issues:

- That the principle of demolition of the existing dwelling is considered acceptable.
- That the proposed development does not meet the plan requirements with regard to density and location given its location 700 metres from the town centre, 900 metres from the train station and that it comprises an infill site in an edge of centre location. For such a site in a transitional location a density of 20-25 units per ha. Is considered more appropriate.
- That the proposed development makes little effort to address its prominent and highly visual location.
- That the relationship of the block and the balconies to the R.445 is not considered to be appropriate.
- Given the existing residential / infill zoning of the site and the prominent location the design approach proposed is not considered appropriate.
- There would be issues of overlooking of adjoining properties to the rear (east) of the site.
- The removal of the existing mature trees would be regrettable.
- There are infrastructure issues relating to traffic and access and surface water.

3.2.2. Other Technical Reports

The following reports are on file and referenced in the report of the Planning Officer:

Environment – no objection to proposed development subject to conditions.

Water Services – recommends further information on surface water issues including account for 20 % climate change factor.

Transportation – Further information recommended with regard to sightlines, access for service vehicles and layout and proximity of parking spaces to access.

Housing – Notes that the layout of unit proposed for Part V does not meet Sustainable Urban Housing standards.

EHO – No objection.

Fire Officer – No objection.

3.3. **Prescribed Bodies**

Irish Water – response stated that there is no objection Class 1. States that the Planning Authority should note that there are sewer network constraints in Sallins which will be addressed on completion of the Upper Liffey Valley Sewerage Scheme Contract 2B which will be completed in Q2 2021.

3.4. **Third Party Observations**

A significant number of objections to the proposed development were submitted to the Planning Authority. The main issues raised in these submissions were as follows:

- Contrary to the zoning objective
- Negative impact on residential amenity of adjoining houses.
- Excessive density of development.
- Adverse visual impact.
- Loss of trees and impact on existing mature trees on site.
- Traffic impacts and creation of a hazard with new entrance.

4.0 **Planning History**

The following planning history is of relevance:

Kildare County Council Ref. 06/766 – Permission granted by the Planning Authority for the demolition of existing dwelling and the construction of a two storey block containing 10 no. apartments.

Kildare County Council Ref. 13/132 – Extension of duration of permission Ref. 06/766 granted by the Planning Authority for period up to January, 2018.

5.0 Policy Context

5.1. Development Plan

The applicable plans are the Sallins LAP, 2016-2022 and the Kildare County Development Plan, 2017-2023.

Sallins LAP 2016-2022

Under the Sallins LAP the site is zoned ‘existing residential / infill’ with the stated objective ‘*to protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services*’.

The purpose of this Existing Residential / Infill zoning is to preserve and improve residential amenity and to provide for infill residential development at a density that is considered appropriate to the area.

The lands fronting the R445 to the immediate north and south of the appeal site are zoned Open Space.

Kildare County Development Plan, 2017-2023

Sallins is identified as a Small Town in the settlement hierarchy for Kildare.

Policies for residential development are set out at Chapter 4 of the Kildare County Development Plan. Density policy is set out at Table 4.1 and section 4.5 of the Plan contains policies and objectives relating to density.

Section 4.11 relates to residential development in established urban areas and infill development and states that such development will generally be encouraged where it respects the amenity and character of the existing residential area and is well designed, Policy SR1 and Objective SRO1.

Section 13.10 of the Plan relates to green infrastructure and sets out a number of policies and objectives for the protection of green infrastructure and green spaces.

Development management standards are set out at chapter 17. Section 17.4.6 of the Plan states that apartment schemes shall only be considered in appropriate locations at a suitable scale and extent and that primarily this will be in town centre locations and in proximity to public transport.

Residential design standards are specified including for plot ratio (17.2.3), site coverage (17.2.2) and overlooking. The relevant standards for residential development in an outer suburban location is maximum site coverage of 50%, plot ratio standard of 0.25 – 0.5 and above ground floor separation of 22 metres and 35 metres in the case of overlooking living room windows and balconies.

5.2. Natural Heritage Designations

The site is not located in or adjacent to any identified European site. The proposed development would be connected to the existing public water and drainage network and this is the only pathway by which there may be a connection to any European site.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the first party appeal against the decision of the planning authority to refuse permission:

- That the council granted planning permission for an apartment development on the site in 2006 which was very similar in scale to that currently proposed.
- That there are a number of amendments to the layout that are proposed as part of the first party appeal. These include the relocation of a window in units Nos. 1-7 to the south side of the block, amendments to the car parking layout, revised layout internally to unit 4 and provision of a bin storage area.

- That the wording of the reasons for refusal cited by the Planning Authority are such that there is no reference to material contravention and the Board is not therefore constrained by s.37 of the Act in making its decision.
- That the context of the site in terms of visual amenity and relationship to surrounding properties is the same as when permission was granted in 2006.
- That there is only one first floor bedroom window where the minimum 22 metres distance referenced in the Strategic Residential Development in Urban Areas Guidelines (SRDUAG) is not met. This has been addressed by the relocation of this window as indicated on plans submitted with the appeal.
- That the population of Sallins in the 2016 was 5,849 which is greater than the range for a small town cited in the SRDUAGs which is 400-5,000. It is therefore contended that the appropriate density is that for a larger town. Specifically, the guidelines recommend minimum net densities of 50 units per ha. within 1km of a rail station. This is supported by paragraph 4.5 of the plan.
- The precedent of the redevelopment of Brady's public house in Blanchardstown is noted which was at 120 units / ha. Ref. PL06F.248037.
- The development on Sallins Road Naas permitted under PL07.122292 is also noted where development at 70 units per ha. was permitted.
- Noted that the guidelines are clear that increased densities should be permitted within 1km of rail stations and this takes precedent over considerations that this is an edge of centre location.
- That paragraph 17.4.6 of the plan relating to apartment schemes being primarily in town centres is not a specific plan policy and does not prohibit apartments outside of town centres where they are in proximity to public transport.
- Noted that DMURS was published in March 2013 and the permission was extended in April 2013.
- That a by-pass of Sallins has commenced and that this will reduce traffic levels on the R445.

- This appeal is accompanied by a report (TPS Transport Limited) that demonstrates compliance with DMURS and sightlines.
- That the trees on site are '*domestic trees of no particular significance or merit*'. They are not the subject of any protection.
- That the impact of these trees in terms of visual amenity is very localised and not worthy of retention.
- It is proposed that the Mitchel and Associates Landscape Plan submitted with the 2006 application will form the basis for the site landscaping and this proposed an extensive programme of replanting.
- That the dominant land use in the vicinity of the site is residential and it is not agreed that the site is transitional in nature or character.
- That the layout of the Part V unit has been revised and revised plans submitted with this appeal.
- That there is no requirement for a lift in the proposed development to comply with Part M.
- That the details regarding surface water are as per the previously permitted layout and that the on-site attenuation is additional to the previously permitted layout. It is submitted that it is appropriate that permission be granted subject to details of the layout to be agreed with the Planning Authority.
- That the development addresses the R445 and a Site Characterisation Rationale justifying the layout is re submitted.
- Specific references to how the proposed development meets the criteria set out in the Urban Design Manual are detailed.
- That the only new guidelines produced since the last permission are DMURS and the 2015 Apartment Guidelines and the proposed development is consistent with these documents.

6.2. Planning Authority Response

Response received stating as follows:

- That each application is treated on its merits. Notwithstanding the extant permission, the proposed development was considered to be unacceptable given the location outside of the town centre zoned lands, the status of Sallins as a small town and the policies of the LAP.
- Copies of reports from Housing, drainage / environment and Transportation on the appeal attached. Housing states no objection to revised layout. Water Services report states that the issues arising and referenced in the refusal can be addressed as part of a pre commencement condition. Transportation Department comments state that the submission with the first party appeal are noted and that the main comments of Kildare County Council are set out in the roads report dated 3rd October, 2017.

6.3. Observations

An observation has been received from residents of a dwelling in the Hillview Estate to the north of the appeal site. The following is a summary of the main issues raised in this observation:

- That there is already significant traffic congestion in the area of the site and conflicts with the entrances to adjoining residential developments.
- That the development will result in overlooking of the observers property.
- That the proposal does not meet the standards and requirements set out in the Kildare County Development Plan and the Sallins LAP.

7.0 Assessment

7.1. In my opinion, the following are the main issues arising in the assessment of the proposed development the subject of this appeal:

- Principle of Development and Demolition,
- Design Scale and Visual Impact,
- Traffic and Site Access,
- Appropriate Assessment,

- Other Issues.

7.2. Principle of Development and Demolition

- 7.2.1. Under the Sallins LAP the site is zoned 'existing residential / infill' with the stated objective '*to protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services*'. Residential development is listed as a permissible use on lands zoned '*existing residential / infill*' and the principle of the redevelopment of the site for residential use is therefore considered to be acceptable in principle. The issue as to the appropriateness of the design proposed and the impact on residential amenity will be considered in more detail in the sections below.
- 7.2.2. With regard to the proposed demolition, the existing bungalow on the site is not of any particular design merit and is not included on the record of protected structures. The existing dwelling is not visible from the public road and does not therefore contribute to the streetscape character or visual amenity when viewed from the R407. It is therefore my opinion that the demolition of the existing structure and its replacement with a revised residential layout or form of development is acceptable in principle.
- 7.2.3. The stated purpose of the 'Existing Residential / Infill' zoning objective is '*to preserve and improve residential amenity and to provide for infill residential development at a density that is considered appropriate to the area*'. The question of the appropriate density for any re development of the appeal site is an issue that is cited as a reason for refusal by the Planning Authority (Reason No.2), restated in the planning authority response to the appeal and is challenged by the first party appellant.
- 7.2.4. The planning authority note the designation of Sallins as a small town in the settlement hierarchy for Kildare set out in the *Kildare County Development Plan, 2017-2023* and that the role of such towns is to develop as a local centre. The location of the site is such that it is considered to be an edge of centre site that as per Table 4.1 of the Plan has an indicative density of 20-35 units per ha. The first party appellant disputes this assessment and notes firstly, that the population of Sallins as per the 2016 Census is 5,849 meaning that it is larger than the definition of a small town given in the Sustainable Residential Development in Urban Areas

Guidelines for Planning Authorities which is 400-5,000 population. Secondly, the first party contend that as the site is located within 1km of a rail station that the Sustainable Urban Development Guidelines recommend minimum net densities of 50 units per ha. should be applicable. With regard to the location of the site relative to the rail station, I have measured the distance from the proposed site entrance to the entrance to the rail station and the distance is exactly 1km. It is not therefore clear that the site is within 1km of public transportation as stated by the first party and if this is the case it is only marginally within the 1km radius. Regarding the most applicable indicative density figure for the site as per the Sustainable Residential Development Guidelines document, I note that the population of Sallins as per the 2016 census of population is 5,849 and that it therefore exceeds the 400-5,000 population range which is defined as a smaller town for the purposes of the Guidelines. For larger towns, Chapter 5 of the Sustainable Residential Development Guidelines indicate densities in the range of 35-50 units per ha. In the case of outer suburban locations such as the appeal site.

- 7.2.5. While the size of Sallins exceeds the 5,000 population cut off cited in the guidelines between small and larger towns, I consider that the settlement hierarchy cited in the County Development Plan where Sallins is identified as a small town needs to carry some weight. Similarly, while not reflected in a specific policy, the provisions of paragraph 17.4.6 of the County development plan relating to the appropriate location of apartment schemes being primarily in town centres is in my opinion of relevance in a settlement such as Sallins. I would also note that recent development and population increase in Sallins has been significant and such that as per the Sallins LAP there is a significant extent of over zoning and limited requirement for new development over the lifetime of the plan, (240 as per Table 3 of the Sallins LAP 2016-2022). In view of the above factors relating to the size and future development requirements for Sallins, the location of the site relative to the rail station and the prevailing pattern of development and residential character in the vicinity of the site, it is my opinion that an appropriate density for development of the appeal site would be somewhere between the 20-35 units per ha. cited for the edge of centre of a small town / village and the 35-50 units per ha. for the outer areas of larger towns. In view of this, the density of the proposed development at 57 units per ha. would appear to be high for this settlement and site.

7.2.6. The first party has made specific reference to the fact that permission was previously granted for an apartment development on the site of very similar format to that currently proposed (Ref. 06/766) and to the fact that this permission was the subject of an extension of duration in 2013. It is stated that there has not been any change in policy in the interim period such as would justify the original grant of permission being reversed. On this issue I note and agree with the comments of the Planning Authority that each application has to be assessed on its individual merits and also note that the original grant of permission on the site in 2006 was not the subject of appeal to the Board. With regard to the precedent cases cited by the first party appellant relating to density, the first on the site of Brady's Public House in Blanchardstown has, in my opinion a very different context being located in a large urban centre and in close proximity to the centre of Blanchardstown Village. That site was also significantly larger in scale than the subject site and could more readily accommodate significant re development. In the case of Ref. PL07.122292 the permitted development comprised 310 units on a site area of 35 ha. which equates to approximately 9 units per ha.

7.3. Design Scale and Visual Impact,

- 7.3.1. The scale of development proposed is primarily two storey in nature with the part of the building closest to the north east corner of the site proposed to be single storey. The principle of two storey development on the site is acceptable given the prevailing single and two storey form of development on surrounding sites.
- 7.3.2. In terms of overlooking and the potential for adverse impacts on residential amenity, the proposed separation distances to the front of the houses located to the north in the Hillview Estate is significant and above the normal minimum of 22 metres cited in the County Development Plan. Similarly, to the east, the separation between the proposed development and the rear of the houses in the Grove residential development also exceed the 22 metre separation. I note the amendment proposed by the first party as part of the appeal submission to the southern end of the block and the relocation of the bedroom window in this area. In the event that permission is granted it is recommended that this revised layout would be required by way of condition.

- 7.3.3. In my opinion, the main impact arising from the proposed layout is the very significant loss of the existing mature trees on the site and the visual prominence of the development arising from the loss of existing trees and the proximity of the development to the northern and western site boundaries. As part of the appeal submission, the first party has submitted a landscaping plan that relates to the previous application on the site. This plan for 2006 indicates the retention of only three of the existing trees on the site and proposes a replanting plan of semi mature trees. It also proposes the planting of semi mature trees along the northern boundary of the site but in an area that appears to be within the open space of the Hillview Estate. While a quotation from a landscape contractor identifying specific trees that require removal on account of their condition and / or location has been submitted with the first party appeal only 7 no. trees are specifically identified in this document, no comprehensive new tree survey of the site in its existing form or revised landscaping plan has been submitted as part of the current application.
- 7.3.4. Section 17.2.6 of the County Development Plan relates to soft landscaping and states the landscaping plans and tree surveys should be submitted for sites containing mature trees such as the appeal site. It is also stated that mature trees should be incorporated into the proposed layout and protected during construction. It is appreciated that the retention of all existing mature trees on the site is not feasible in a site such as the appeal site where the trees are spread across the site. Similarly, it is appreciated that the presence of trees where not the subject of specific protection should not act to sterilise the development of a site. In the case of the appeal site, however its location in the outer part of Sallins and in an area surrounded by low density housing is such that the loss of the existing trees would in my opinion have a significant adverse visual impact on the local area. This is in my opinion compounded by the fact that very few if any of the existing trees are proposed to be retained or incorporated into the proposed layout. The first party contends that the existing trees are *'domestic trees of no particular significance or merit'*. I am not sure what is meant by this statement and its accuracy is difficult to verify in the absence of an up to date tree survey.
- 7.3.5. The proximity of the proposed development to the northern site boundary and the loss of planting in this area would in my opinion have an adverse impact on the setting of the open space area to the north in the Hillview development. The

separation distances proposed to the site boundary in this area are between c.2.2 and 3.2 metres and notwithstanding the two storey nature of the development are such that the character and amenity value of this open space area would be significantly compromised.

- 7.3.6. Similarly, along the western boundary, the building is proposed to be located within c.2.5 – 3.0 metres of the site boundary. The development would therefore be both visually prominent on the main R407 route towards the centre of Sallins and also comprise a different form of development to others along the R407 in the vicinity of the site where the prevailing pattern is residential development set back from the road. The design proposed is not in my opinion of a particularly high standard or such that would clearly be appropriate to such a prominent location and setting. In the context of the criteria set out in the Urban Design Manual which accompanies the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, I do not consider that the development would respond well to its surroundings, particularly how the development would respect the form of buildings and landscape around the site and how the development would make a positive contribution to character and identity of the neighbourhood (Criteria 1 context). At a site level under the heading of Distinctiveness (Criteria 6) I do not consider that the layout proposed would make the most of opportunities presented by the existing landform and ecological features of the site or that the detailed design (Criteria 12) is such that it would make a clear positive contribution to the locality.
- 7.3.7. In terms of open space provision, all units have an area of private amenity space that meets the requirements of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities. Shared open space is proposed to be provided primarily in the enclosed courtyard area to the east and south of the building. The extent of this area is such that it comprises c. 20 percent of the site area and is considered to be acceptable.
- 7.3.8. The layout of the apartment units is such that in terms of unit sizes, mix, and room sizes it is consistent with the requirements of the development plan and with the *Sustainable Urban Housing: Design Standards for New Apartments, 2015*. The floor areas proposed meet the requirements for the additional 10 percent as required in section 3 of the guidelines. I note the fact that Kildare County Council highlighted how one unit contained rooms that did not meet the minimum dimensions to be

accepted under Part V and that revised layout for this unit has been submitted with the appeal. This revised layout is considered to be acceptable and in the event that permission is granted it is recommended that it would be required by way of condition.

- 7.3.9. A dedicated storage area to serve the units is proposed to be located at the eastern end of the block in the single storey part of the building and this storage area is considered appropriate. I note that this area is also proposed to accommodate a bin storage area and that this area appears to only cater for small scale individual bins rather than large scale refuse bins. It is not clear that such a layout is appropriate for the development. The location of the bin storage area is also such that it is not especially convenient to the site access and car park for collection and should larger bins be required access would be particularly problematic.

7.4. Traffic and Site Access,

- 7.4.1. The report of the planning officer highlights a number of concerns expressed by the transportation department of the council relating to sightlines at the proposed entrance, access for refuse collection vehicles to the site, the layout size and number of parking proposed and the arrangement for the collection of refuse material. Refusal reason No. 3 included by the planning authority makes reference to these issues. In response, the first party appeal has included some revisions to the car parking layout with footpaths indicated, spaces relocated further from the entrance and revisions to the layout such that clear access from the parking area to the open space and bin storage area is available. The first party has also submitted an analysis that demonstrates compliance with DMURS and sight lines at the entrance as well as a justification for the parking provision.
- 7.4.2. In terms of parking provision, a total of 14 no. spaces are proposed as per the revised layout. The report of the Transportation Department notes that 21 no. spaces are required for a development of this type comprising 1.5 spaces per unit plus 1 no. visitor space per 4 apartment units. This is the standard set out at Table 17.9 of the County Development Plan. The first party appellant contends that the parking provision proposed which equates to one space per unit and 2 no. visitor

spaces is adequate given the proximity of the site to the rail station. As noted above, the site is c.1km from the rail station and this separation combined with the location of the site in Sallins and away from other main public transport routes is such that I do not consider it appropriate that any significant reduction in development plan parking standards is appropriate. To permit the proposed 14 no. spaces rather than the 21 no. spaces as per the development plan could in my opinion lead to overspill parking from the site into surrounding residential locations.

7.4.3. With regard to the access, the first party appeal submission from TPS Limited setting out how the applicable sight triangle at the entrance is 2.4 by 49 metres in a 50 km/hr zone. The proposed access to the site can meet this standard and I note that the previous permission demonstrated a 70 metre sight line in each direction from a position further from the carriageway edge. Adequate visibility at the site entrance is therefore in my opinion available.

7.4.4. With regard to access for service vehicles, I note the comments of the first party that the standard arrangement for a development of this scale is that individual bins would be collected from on street close to the site entrance. The revised Site Layout Plan submitted with the first party appeal (Drg Ref. A1-002 Rev A) indicates a set down / bin store area close to the pedestrian access to the site. Such an arrangement would however require the refuse vehicle to stop on the R407 which is a heavily trafficked route. I am not convinced that a shared bin system that would require access to the site by the refuse vehicle is not more appropriate.

7.5. **Appropriate Assessment**

7.5.1. The appeal site is located such that it is not located within or adjacent to any European sites. The closest European site to the appeal site is Ballynafagh Bog SAC which is c.7.5km to the north west of the site. The nature of the appeal site and the proposed development is such that the development would be connected to the public water and drainage systems. There is therefore no likely potential pathway connecting the appeal site to any European site and for that reason the proposed development is not considered likely to have significant effects on any European site having regard to the conservation objectives for the site.

7.6. **Other Issues.**

- 7.6.1. Reason for refusal No.6 attached to the Notification of Decision issued by the Planning Authority relates to the lack of detail submitted with regard to surface water drainage on the site. A number of issues relating to surface water drainage were raised by the Water Services Department of the council during the assessment of the application by the Planning Authority, mainly demonstration of surface water drainage design with a 20 percent climate change factor used in the volume calculations for 30 and 100 year storm events, pipe design and gradients and petrol interceptor details. As permission was refused further details on these issues were not requested by the planning authority however the response to appeal received from the Planning Authority indicates that the issues raised can be addressed by compliance prior to commencement of development. It is not therefore considered necessary that additional details relating to surface water drainage is required.
- 7.6.2. With regard to foul drainage, the submission on file from Irish Water indicates that there is no objection to the proposed development. Note is however made of the fact that there are existing capacity constraint issues in Sallins but that these issues will be resolved with the completion of the Upper Liffey Valley Sewerage Scheme Contract 2B due for completion in 2021.

7.7. **Conclusion**

- 7.7.1. In conclusion, while there is no objection in principle to the demolition of the existing dwelling on the site and to the re development of the site for residential use, it is considered that the layout, in particular the proximity to site boundaries, the elimination of existing mature trees and the restricted parking provision is indicative of a scheme that is excessively dense for this outer location in Sallins town. This is reflected in a proposed density that is in excess of that indicated as appropriate in either the development plan or the Sustainable Residential Development Guidelines for Planning Authorities and a high plot ratio figure. The development would, in my opinion have an adverse impact on the amenity of the open space within the Hillview residential estate and an overall adverse impact on the visual amenities of the area arising from the loss of mature trees and design and siting of the proposed development such that it would be contrary to the existing residential / infill zoning of the site.

8.0 Recommendation

- 8.1. Recommended that permission be refused based on the following reasons and considerations:

9.0 Reasons and Considerations

1. Having regard to the pattern of development of the area, to the proximity of the proposed development to site boundaries, notably to the northern boundary and adjoining public open space area and the western boundary to the R407, to the failure to incorporate any significant extent of existing mature trees into the layout and to the under provision of car parking, it is considered that the proposed development would represent overdevelopment of the site such that it would seriously injure the residential amenities of property in the vicinity and the visual amenities of the area. The proposed development would therefore be contrary to the Residential / Infill zoning of the site which has the objective *'to protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services'* and would be contrary to the proper planning and development of the area.

Stephen Kay
Planning Inspector

14th March 2018