



An
Bord
Pleanála

Inspector's Report APB 300341-17.

Development	Two-storey house, vehicular access, associated site works with shared amenity space & attenuation pond.
Location	Springfield Lane, Carrickmines, Co. Dublin.
Planning Authority	Dun Laoghaire-Rathdown
Planning Authority Reg. Ref.	D17A/0807
Applicant	Stuart Doolin
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant	Stuart Doolin
Observers	Jonathan Huet Architect
Date of Site Inspection	3/5/18
Inspector	Siobhan Carroll

1.0 Site Location and Description

- 1.1. The appeal site is situated on the western side of Springfield Lane located in Carrickmines Dublin 18. It is within the defined plan area of the Kiltiernan/Glenamuck Local Area Plan 2013-2019. It lies circa 300m from the junction of Springfield Lane and Glenamuck Road. Cairnbrook Estate is located to the west of the site and accommodates a residential development comprising three to five storey apartment buildings and detached, semi-detached and terraced houses. Carrickmines Manor a scheme of apartments is situated to the north.
- 1.2. The appeal site with a stated area of 0.0495 has frontage of 16m and is part of a larger landholding. The site is one of four other adjacent sites along Springfield Lane where there are concurrent applications and appeals for dwellings. Springfield Lane is a relatively narrow rural road it serves 7 no. detached dwellings and agricultural buildings. There are two detached dwellings circa 38m to the south of the site. A 110kV power line runs through the south-western corner of to the site.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a two-storey dwelling. Features of the scheme include;
 - Vehicular access
 - Shared amenity space to the north
 - Share attenuation pond to the north-west

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for two reasons.

1. Notwithstanding the constraints of the 110KV power lines, it is considered that the proposed development would result in an inefficient and unsustainable

pattern of development on residentially zoned land that is identified within the Kiltiernan / Glenamuck Local Area Plan (2013). The proposed development, at a density of twenty (20) units per hectare, is not considered to be of a sufficiently high density as envisaged by the County Development Plan and Ministerial Guidelines at this location. The proposed development, therefore, materially contravenes Section 11 of the Kiltiernan / Glenamuck LAP (2013) Policy RES3 'Residential Density' of the Dun Laoghaire Rathdown County Development Plan, 2016-2022 and Section 5.8 of the Sustainable Residential Development in Urban Areas Guidelines (DoEHLG 2009). The proposed development is, therefore, contrary to the proper planning and sustainable development of the area.

2. The site is located within an area identified for residential development within the Kiltiernan / Glenamuck LAP (2013) and the Dun Laoghaire County Development Plan (2016-2022). The site also lies directly adjacent to areas of land zoned Objective B – 'to protect and improve rural amenity and to provide for the development of agriculture' and Objective G – 'to protect and improve high amenity areas', the proposed development of a large detached dwelling identical to three other proposed dwellings represents a suburban form of development that results in an abrupt transition in land use from the residential zoning adjacent to the rural and high amenity areas which does not integrate successfully into the landscape, contrary to Section 8.2.3 of the Dun Laoghaire County Development Plan (2016-2022). NOTE: There are a number of outstanding issues that have been highlighted throughout the planner's report above including right of access to the site, biodiversity issues, and drainage details. If the reasons for refusal can be overcome and a new application is submitted at a future date the issues raised would need to be addressed.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning Authority concluded that the proposed development represented inefficient use of residential zoned lands and that it provided a

density well below what is required under the provisions of the Kiltiernan/Glenamuck LAP 2013. It was also considered that the proposed development would provide an abrupt transition between the lands zoned Objective B & G. The Planning Authority also considered that the applicant had not adequately addressed the matters of transportation, biodiversity and drainage.

3.2.2. Other Technical Reports

Drainage Planning – Further information requested

Transportation Planning – Further information requested

3.3. **Prescribed Bodies**

Department of Culture, Heritage and the Gaeltacht – No objection subject to conditions.

3.4. **Third Party Observations**

3.4.1. The Planning Authority received five submissions/observations in relation to the application. The main issues raised are similar to those set out in the observation.

4.0 **Planning History**

- None on Site

Concurrent Application and Appeals on Adjacent Sites for single dwellings

Reg. Ref. D17A/0802 & ABP300344-17

Reg. Ref. D17A/0803 & ABP300343-17

Reg. Ref. D17A/0801 & ABP300342-17

5.0 Policy Context

5.1. Development Plan

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

The site at Springfield Lane, Carrickmines, Co. Dublin is located on Map 9 of the Dún Laoghaire Rathdown Development Plan and is identified as being Zoned Objective A 'to protect and/or improve residential amenity'.

- Chapter 8 – Principles of Development
- Section 8.2.3.4 – refers to Additional Accommodation in built up areas
- RMP No. 026-018 – located at Carrickmines Great – Classification – Cross
The zone of archaeological potential lies to the south of the appeal site.

5.2. Kiltiernan/Glenamuck Local Area Plan 2013

- 5.2.1. The site forms part of a larger parcel of land designated Development Parcel 31a, incorporating an area of 4.5 hectares. This Parcel is designated for medium density residential development with apartments, duplexes, terraces, detached providing an average density of 45-55 per hectare. It also forms part of the lands within Phasing A of the LAP.
- 5.2.2. The Buildings Height Map of the LAP indicates that building heights of between 2-4 storeys would be considered.
- 5.2.3. Constraints to development are noted in the plan Extent of potential development is curtailed by current access, which is off a private roadway (Springfield Lane), and other constraints (overhead powerline and archaeological site). 31a could be accessed via land parcel 30 to the west, but development will be curtailed by the capacity of the access roadway off Glenamuck Road.

5.3. National Policy

The following is a list of relevant section 28 Ministerial Guidelines:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' including the associated Urban Design Manual.
- 'Design Manual for Urban Roads and Streets' (DMURS)

5.4. Natural Heritage Designations

5.4.1. Knocksink Wood SAC is 4km to the south of the appeal site.

5.4.2. Ballyman Glen SAC is 4.5km to the south of the appeal site.

5.4.3. Wicklow Mountains SAC and Wicklow Mountains SPA are 6km to the south-west of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was submitted by Graham Doolin on behalf of Stuart Doolin. The main issues raised are as follows;

- The applicant Stuart Doolin is currently living at Cairnbrook, Carrickmines. He previously lived at 'Caroline' on Springfield Lane, Carrickmines.
- The first refusal reason issued by the Planning Authority states that the proposed density is not sufficiently high as envisaged by the County Development Plan and Ministerial Guidelines. It was concluded that the development materially contravenes Section 11 of the Kiltiernan/Glenamuck Local Area Plan (2013). The refusal reason also refers to the presence of the 110Kv power line.
- In response to this it is stated in the appeal that as per the Kiltiernan/Glenamuck LAP, the density for that parcel of land is set out as 45-55 units per hectare. It is noted that the LAP also refers to the constraint to

development presented by the location of the 110Kv overhead powerline which traverses the site.

- The LAP refers to the limitations of building outside the 20m zone of the 110Kv overhead powerline. The ESBi guidelines recommend a minimum separation distance of 10m.
- It is stated that the proposed density ranges from 45 units per hectare to 476 units per hectare when the recommendations of the LAP regarding the vicinity of the 110Kv powerline is included.
- It is argued that the current proposed arrangement of houses including on the subject site and adjoining separate three sites is the most efficient utilisation of the lands.
- Carrickmines Manor located to the north is currently under construction. It is a residential scheme granted permission under Reg. Ref. D15A/406. That scheme has a density equivalent to 25 units per hectare.
- The second reason for refusal refers to the land in question as a transitional zone. It is noted that the County Development Plan provides guidance in relation to transitional zones. It states that it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones. In zones abutting residential development within mix use zones, particular attention must be paid to the use, scale and density of development proposal in order to protect the amenities of these residential properties.
- The architect of the scheme has paid particular attention to that guidance.
- The overall proposed development including the three other separate and adjoining sites will provide housing for family members. It is not proposed for commercial purposes.
- At the adjacent site to the north at Carrickmines Manor there is permission for 75 no. dwellings. The proposed dwelling is similar in design to those permitted dwellings.
- The proposed design incorporates elements of local material including a granite façade as recommended in the LAP.

- It is noted that there is a mix of house types and designs on Springfield Lane. The proposed house design is contemporary and will integrate with surrounding properties.

6.2. **Planning Authority Response**

- The grounds of appeal do not raise any new matters which would justify a change in attitude of the proposed development.
- The Board is referred to the previous Planner's Report.

6.3. **Observations**

An observation was submitted by Jonathan Huet, Architect. The issues raised are as follows;

- The proposed development requires access to a privately owned lane. No application has been made for this Right of Way.
- The site is located adjacent to two shallow wells which were not indicated on the drawings. These are privately owned wells which provide potable water to five adjacent houses. The wells were impacted during construction on adjacent lands. Therefore, the observer raises concerns that the proposed development will further effect the wells.
- Surface water flooding is an issue along Springfield Lane and on the appeal site.

7.0 **Assessment**

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

- Development Plan policy
- Access and traffic
- Drainage

- Appropriate Assessment
- Other issues

7.1. Development Plan policy

- 7.1.1. Reason for refusal no. 1 set out by the Council states that the density proposed is not sufficiently high and is contrary to the LAP, the County Plan and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. It is stated that it would materially contravene section 4.2 of the LAP and policy RES 3 of the County Plan.
- 7.1.2. Policy RES3 of the Dún Laoghaire – Rathdown County Development Plan 2016-2022 refers to residential density and sets out that it Council policy to promote higher residential densities in order to maximise the use of zoned and serviced residential land. This policy follows the guidance issued in the Ministerial Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, which promoted the provision of increased densities on residentially zoned lands and particularly on public transport corridors.
- 7.1.3. The site lies within the boundary of the Kiltiernan/Glenamuck Local Area Plan 2013-2019. The site is zoned Objective ‘A’ “To protect and/or improve residential amenity”. Chapter 11 of the Local Area Plan sets out planning guidelines for Development Land Parcels. The appeal site forms part of development parcel 31a. Development parcel 31a has an area of 4.5 hectares.
- 7.1.4. As set out in the guidance medium/higher density residential development is required, i.e. apartments, duplexes, terraces and detached housing. A density of 45-55 dwelling units per hectare is permissible. The height of the housing is limited to 4 storeys. It is also noted that there are constraints to development from the 110kV powerline and archaeological site in the northern portion of the site.
- 7.1.5. The subject proposal is a detached two-storey dwelling on a 0.0495 site. The proposed density is equivalent to 20.2 units per hectare. This density is well below the required density range of 45-55 units per hectare. It is argued in the appeal that the currently proposed dwelling with three other dwellings for family members on three separate and adjoining sites is the most efficient utilisation of the lands. It is

also noted that the density of the neighbouring residential scheme at Carrickmines Manor to the north is equivalent to 25 units per hectare. The appellant also cites the presence of the 110kV line as a factor in considering a lower residential density.

- 7.1.6. While the proximity of the 110kV line needs to be addressed when considering the development of the site and surrounding lands, I consider that an overall proposal for the residential development of parcel 31a can achieve densities in accordance with the provisions of the Kiltiernan/Glenamuck Local Area Plan 2013-2019 and can be achieved subject to innovative design.
- 7.1.7. The site is located 1.4km from the Ballyogan Luas stop and therefore I would concur with the assessment of the Planning Authority that it is appropriate that in the case of the subject site that a higher residential density should be provided on the site having regard to the proximity of the site to public transport and that the proposed scheme would represent an inefficient and unsustainable use of serviced, zoned land and would also be contrary to the provisions of "Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas."
- 7.1.8. The second reason for refusal issued by the Planning Authority refers to the location of the site adjacent to lands zoned Objective B – 'to protect and improve rural amenity and to provide for the development of agriculture' and Objective G – 'to protect and improve high amenity areas', and that the proposed development and proposed adjoining development on separate sites would represent a suburban form of development which would result in an abrupt transition in land use from the residential to the rural and high amenity areas. While I note that the site is on the edge of the defined plan area of the Kiltiernan/Glenamuck Local Area Plan 2013-2019 and adjoins agricultural zoned lands, I am also cognisant of the fact that it is zoned for medium to high density residential development. Therefore, it is appropriate to conclude that future development on site would be in the form of higher density residential development subject to the overall design integrating with the surrounding area.

7.2. Access and traffic

- 7.2.1. Springfield Lane located off Glenamuck Road in Carrickmines is a rural road which serves a number of dwellings and agricultural buildings. It is proposed to develop a new vehicular entrance to serve the subject dwelling. Three other separate new

entrances are proposed to serve dwellings proposed under the concurrent applications.

- 7.2.2. The observers have expressed concern at the level of additional traffic which would be generated by the proposed scheme. They also state that the applicant does not have a right of way on Springfield Lane.
- 7.2.3. The report of the Transportation Planning Section stated that further information would be required in relation to the widening of Springfield Lane and its resurfacing along the section in the applicant's ownership. It was also requested that a traffic speed survey be conducted to establish if satisfactory sightlines for exiting vehicles can be achieved.
- 7.2.4. Subject to the required widening of the lane and the provision of sightlines in accordance with the Planning Authority's requirements, I would consider that the level of traffic likely to be generated by the proposed development to be modest in level and in keeping with existing traffic generated at this location.
- 7.2.5. In relation to the matter of the right of way, I note that it is not within the remit of the Board to determine legal interests and/or obligations held by the applicant, in relation to such lands. Section 34(13) of the Planning and Development Act, 2000, as amended, relates as follows: "A person shall not be entitled solely by reason of a permission or approval under this section to carry out a development." This subsection makes it clear that the grant of permission does not relieve the grantee of the necessity of obtaining any other permits or licences which statutes or regulations or common law may necessitate."

7.3. Drainage

- 7.3.1. The observations to the appeal refers to surface water flooding occurring on Springfield Lane. An attenuation pond is proposed to serve the subject dwelling and the other dwellings proposed under the concurrent applications. The attenuation pond is proposed on lands directly to the west where an amenity space is proposed to serve the development. The location of the attenuation pond is on a low-lying area which on inspection of the site appears an area where seasonal surface water ponding occurs.
- 7.3.2. The report from the Drainage Planning Section stated that further information would be required in relation to the submission of surface water drainage design details

indicating that 50% of surface water generated by the new dwelling being infiltrated within the curtilage of the proposed dwelling.

- 7.3.3. While the applicant has proposed an attenuation pond the Drainage Planning Section does not appear to the favour this. In this regard, I note Section 5.1.1.8 of the Development Plan which requires that all new development proposals incorporate Sustainable Drainage Systems (SuDS). Should the Board decide to grant permission, I consider that issues concerning surface water drainage could be addressed by condition.

7.4. **Appropriate Assessment**

- 7.4.1. The appeal site is situated circa 4km from Knocksink Wood the closest European site. Ballyman Glen SAC is 4.5km to the south of the appeal site. Wicklow Mountains SAC and Wicklow Mountains SPA are located 6km to the south of the appeal site. Having regard to the separation distance to the nearest European sites and the fact that they are located within different river catchment areas it is considered that no appropriate assessment issues arise.
- 7.4.2. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Knocksink Wood SAC, Ballyman Glen SAC, Wicklow Mountains SAC and Wicklow Mountains SPA or any other European sites, in view of the sites Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

7.5. **Other issues**

Section 49 Supplementary Development Contribution Scheme

In relation to the Section 49 Supplementary Development Contribution Scheme Glenamuck District Distributor Road Scheme and surface Water Attenuation Ponds, it is noted that the subject site is located within the delineated catchment area of the scheme and is therefore liable for a contribution in respect of the scheme should the Board decide to grant permission.

8.0 Recommendation

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

9.0 Reasons and Considerations

1. The proposed development is located in an area zoned Objective A 'to protect and/or improve residential amenity' in the current Dún Laoghaire-Rathdown County Development Plan 2016-2022. Furthermore, it is located within the defined plan area of the Kiltiernan/Glenamuck Local Area Plan 2013-2019. Having regard to the provisions of the Development Plan specifically, Policy RES3 which refers to residential densities and states that it is Council policy to promote higher residential densities to ensure the use of zoned and serviced residential land is maximised, it is considered that the proposed density at approximately twenty (20) units per hectare, is not considered to be of a sufficiently high density. Notwithstanding the constraints of the 110KV power lines, it is considered that the proposed development would represent an inefficient and unsustainable use of serviced, zoned land and would be contrary to policy RES3 of the Development Plan, the provisions of the Kiltiernan/Glenamuck Local Area Plan 2013-2019 and to the provisions of "Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas" issued by the Department of the Environment, Heritage and Local Government" (2009). The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Siobhan Carroll
Planning Inspector

25th May 2018