



An
Bord
Pleanála

Inspector's Report ABP-300344-17

Development

The construction of a new build two storey house (1 of 4), new vehicular access from Springfield Lane and associated site works with shared amenity space and attenuation pond.

Location

Springfield Lane, Carrickmines, Co. Dublin.

Planning Authority

Dún Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D17A/0802

Applicant(s)

Jessica Doolin

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party v. Decision

Observer(s)

Mr. Jonathan Huet

Date of Site Inspection

27th March, 2018

Inspector

Robert Speer

1.0 Introduction

- 1.1. The Board is advised to determine this appeal having regard to ABP Ref. Nos. ABP-300341-17, ABP-300342-17 & ABP-300343-17 on the basis that they are located on immediately contiguous sites.

2.0 Site Location and Description

- 2.1. The proposed development site is located at Carrickmines, Co. Dublin, approximately 1.5km northeast of the village of Kiltiernan and 800m south of the M50 Motorway Interchange (Junction 15), where it occupies a position along the southern side of a minor roadway / laneway known as Springfield Lane which extends south-eastwards from its junction with Glenamuck Road (the R842 Regional Road). Whilst the wider area is characterised by a number of recently developed higher density residential schemes such as Carrickmines Manor to the north and the Cairnbrook Estate to the west, which include three to five storey apartment buildings in addition to detached, semi-detached and terraced houses, the easternmost extent of Springfield Lane is more rural in character with the existing pattern of development including a number of individually developed one-off dwelling houses.
- 2.2. The site itself has a stated site area of 0.054 hectares, is irregularly shaped, and presently forms part of a larger undeveloped parcel of land that is somewhat overgrown and unkempt in appearance. In this regard it is of further relevance to note that the application site has been identified on the submitted drawings as 'Site No. 3' within a series of 4 No. individually proposed housing plots (in addition to an amenity space). The wider landbank is bounded by Springfield Lane to the north, an outbuilding to the east, 2 No. detached dwelling houses to the south, and by a private access laneway to the west. It is also traversed by 110kV overhead power lines.

3.0 Proposed Development

- 3.1. The proposed development consists of the construction of a contemporarily designed, detached, two-storey dwelling house based on an asymmetrical plan (with a two-storey front gable feature and a single storey mono-pitched annex to the rear

of the main construction) with a stated floor area 151.45m² and a ridge height of 8.103m. External finishes will include white & grey render, a slate roof, grey cladding and 'Aluclad' windows.

- 3.2. Access to the site will be obtained directly from the adjacent laneway / roadway to the immediate north via a new entrance arrangement with the existing roadside ditch to be removed and replaced with a new post and rail fence. Water and sewerage services are available from the public mains, however, connection to the public mains foul sewer will be reliant on the construction of a new sewer line through adjacent lands as presently proposed under ABP Ref. Nos. ABP-300341-17, ABP-300342-17 & ABP-300343-17. It is also proposed to drain surface water runoff to an existing watercourse via a new attenuation pond sited within a nearby amenity area which will be developed in conjunction with the adjoining development proposals presently under consideration i.e. ABP Ref. Nos. ABP-300341-17, ABP-300342-17 & ABP-300343-17.

N.B. On 31st October, 2017, the Planning Authority issued a Certificate of Exemption pursuant to the provisions of Section 97 of the Planning and Development Act, 2000, as amended, with regard to the proposed development.

4.0 **Planning Authority Decision**

4.1. **Decision**

On 1st November, 2017 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 2 No. reasons:

- 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.

- The site is located within an area identified for residential development within the Kiltarnan / 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).

4.2. **Planning Authority Reports**

4.2.1. Planning Reports:

States that there are a number of constraints with regard to the development of the subject site (and the concurrent planning applications on the adjacent lands), with particular reference to the site location within the Local Area Plan, the presence of overhead power lines, the rural setting of the site, its location along a private road, and the proximity of a Recorded Monument. The report also references the transitional nature of the site in terms of land use planning and the need to avoid abrupt changes in scale etc. With regard to the overhead power lines, it is noted that the submitted details do not provide the clearance distance of 20m either side of the centre line as required by the Development Plan, although it is acknowledged that the application has been accompanied by correspondence from the ESB which states that the separation proposed is acceptable. The report proceeds to raise concerns as regards the suburban design and layout of the proposal, particularly when taken in conjunction with the concurrent applications on the adjacent lands, given the transitional nature of the site and its rural character / setting. It is further

stated that whilst the overhead power lines serve to limit building height on site, the overall density of the proposal fails to accord with the requirements of the Kiltiernan / Glenamuck Local Area Plan, 2013 (i.e. 45-55 No. units / hectare). The report also states that further details would be required in order to establish if the applicant is entitled to an exemption from the payment of development contributions.

In conclusion, the report states that there are a number of concerns with regard to the proposed development, including the inefficient use of residentially zoned lands, the unsuitability of the submitted design, and a failure to establish a right of access to the site. It subsequently recommends a refusal of permission.

4.2.2. Other Technical Reports:

Biodiversity Officer: Recommends that the applicant be required by way of a request for further information to submit a screening exercise for the purposes of appropriate assessment in addition to a preliminary ecological assessment compiled by a suitably qualified ecologist.

Transportation Planning: Refers to the site location along Springfield Lane, a narrow minor roadway which has not been 'taken-in-charge' by the Local Authority, and states that the intensification of traffic during both the construction and operational phases of the development may obstruct existing road users. The report proceeds to state that in the event the Planning Authority is contemplating a grant of permission, further information should be sought in respect of a number of issues including proposals for the widening of Springfield Lane, the completion of a speed survey in order to establish the adequacy of the available sightlines from the proposed entrance arrangement, the details of the front boundary treatment, the provision of public lighting, and the submission of a Construction Management Plan.

Drainage Planning (Municipal Services Department): Recommends that further information should be sought with regard to the proposed surface water drainage arrangements.

4.3. **Prescribed Bodies**

- 4.3.1. *Irish Water:* States that the applicant has not demonstrated how the proposed development will be supplied with public mains water and proceeds to recommend

the submission of appropriate engineering drawings detailing the pipe routes, pipe materials and sizes etc.

- 4.3.2. *Department of Culture, Heritage and the Gaeltacht:* Notes that the proposed development is located in close proximity to Recorded Monument Ref. No. DU026-018 (a cross base) and recommends that a condition pertaining to archaeological monitoring of groundworks be included in any decision to grant permission.

4.4. **Third Party Observations**

A total of 4 No. submissions were received from interested parties and the principle grounds of objection contained therein can be summarised as follows:

- The proposed development will exacerbate flood events along Springfield Lane.
- Potential detrimental impact on water quality and yields etc. in nearby private wells / water sources that serve surrounding properties.
- The inadequacy of the existing roadway to accommodate any increase in traffic levels.
- Procedural inadequacies / deficiencies with regard to the public notices, including the failure to erect a site notice along the public road (as opposed to along Springfield Lane which is a private laneway).
- Concerns with regard to the impact of the proposed development on existing services in the area i.e. watermains, sewerage etc.
- Springfield Lane is in private ownership and the applicant has not been granted a right of way to access the site from same.
- No documentary evidence has been provided to confirm that the subject proposal can connect into the foul water drainage system and the water supply infrastructure serving the adjacent residential development of Cairnbrook.

5.0 Planning History

5.1. On Site:

None.

5.2. On Adjacent Sites:

PA Ref. No. D17A/0803 / ABP Ref. No. ABP-300343-17. Application by Rachel Doolin for permission for the construction of a new build two storey house (1 of 4), new vehicular access and associated site works with shared amenity space and attenuation pond. Whilst a notification of a decision to refuse permission was issued by the Planning Authority on 1st November, 2017, this decision has since been appealed and a determination by the Board is pending.

PA Ref. No. D17A/0807 / ABP Ref. No. ABP-300341-17. Application by Stuart Doolin for permission for the construction of a new build two storey house (1 of 4), new vehicular access and associated site works with shared amenity space and attenuation pond. Whilst a notification of a decision to refuse permission was issued by the Planning Authority on 1st November, 2017, this decision has since been appealed and a determination by the Board is pending.

5.3. On Sites in the Immediate Vicinity:

PA Ref. No. D17A/0801 / ABP Ref. No. ABP-300342-17. Application by Graham Doolin for permission for the construction of a new build two storey house (1 of 4), new vehicular access and associated site works with shared amenity space and attenuation pond. Whilst a notification of a decision to refuse permission was issued by the Planning Authority on 1st November, 2017, this decision has since been appealed and a determination by the Board is pending.

5.4. Other Relevant Files:

PA Ref. No. D03A/0681. Was granted on 5th September, 2003 permitting Lyngrove Developments Ltd. permission for the construction of a Block of 19 apartments. The development consists of 15 no. 2 bed apartments, 4 no. 2 bed and study apartments and is comprised in a building being two storey to eaves with the third floor in the roof space. This application relates to Block B of the development approved under Reg. Ref. D00A/0970, and in relation to compliance with Condition No. 3 of the grant

of permission issued by An Bord Pleanála under Reg. Ref. No. PL06D.128126. It involves a redesign of Block B reducing it from a 4 storey building to a total of 3 storeys. All at Glenamuck Road, Carrickmines, Dublin 18.

PA Ref. No. D05A/0337. Was granted on 10th May, 2005 permitting Mr. Gerry Barry permission for a dormer bungalow and treatment plant at Springfield Lane, Glenamuck Road, Carrickmines, Dublin 18.

PA Ref. No. D15A/0406. Was granted on 29th January, 2016 permitting Paul McCann appointed Statutory Receiver over Carrickmines Manor Ltd. permission for the demolition of 36 no. incomplete terraced dwellings previously permitted under Reg. Ref. 02A/1061 and 05A/1631, the construction of 75 no. (21 no. 4 bed, 54 no. 3 bed) detached, semi-detached and terraced houses and all associated site works. All at Carrickmines Manor, Glenamuck Road, Dublin 18.

PA Ref. No. D17A/1062. Was granted on 21st March, 2018 permitting Paul McCann appointed Statutory Receiver over Carrickmines Manor Ltd. permission for a development consisting of modifications to planning permission reg. ref. D15A/0406 (specifically a portion of the site comprising 44 no. permitted houses) as follows: Revised finished floor levels and ridge levels for permitted House Nos. 12-19, 40-75. Finished floor levels increased by c. + 0.3m to c. + 2.23m. Reduction in the size of permitted House Nos. 13-19 from c. 118.4 sqm to c. 117.4 sqm each. Relocation of permitted House Nos. 36-42 and alterations to rear gardens of permitted House Nos. 43-45. Modifications to permitted House No. 44 from a 4-bed mid-terrace house (c. 150.8 sqm) to a 3-bed mid-terrace house (c. 150.8 sqm); and to permitted House Nos. 55 and 56 from 4 bed detached house (c. 119.6 sqm each) to 3-bed semi-detached house (c. 117.4 sqm each). Revised house types to House Nos. 40-54 and 57-75 to include omission of permitted attic conversion and dormer window/skylights. Alterations to dimensions of House Nos. 12-13, 16-19, 44 and 57-62. Alterations to permitted site/road levels c. +0.1m to c. +2.3m. Relocation of the permitted pedestrian access to Springfield Lane. All associated site development and landscaping works to include tree removal. The remainder of development as permitted under reg. ref. D15A/0406. All at a site of c. 1.46 ha at Carrickmines Manor, Glenamuck Road, Dublin 18.

6.0 Policy Context

6.1. National and Regional Policy:

- 6.1.1. The ‘*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*’ generally encourage more sustainable urban development through the avoidance of excessive suburbanisation and the promotion of higher densities in appropriate locations. In general, appropriate locations for such increased densities include city and town centres, ‘brownfield’ sites (within city or town centres), sites within public transport corridors (with particular reference to those identified in the Transport 21 programme), inner suburban / infill sites, institutional lands and outer suburban / ‘greenfield’ sites. The proposed development site is located at Carrickmines / Glenamuck on the urban fringe of Dublin City on lands that can be categorised as ‘greenfield’ and the Guidelines define such areas as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers, and ancillary social and commercial facilities such as schools, shops, employment and community facilities. Studies have indicated that whilst the land take of the ancillary facilities remains relatively constant, the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.

6.2. Development Plan:

- 6.2.1. **Dun Laoghaire Rathdown County Development Plan, 2016-2022:**

Land Use Zoning:

The proposed development site is located in an area zoned as ‘A’ with the stated land use zoning objective ‘*To protect and-or improve residential amenity*’.

Other Relevant Sections / Policies:

Chapter 2: Sustainable Communities Strategy:

Section 2.1: *Residential Development:*

Section 2.1.3: *Housing – Supply and Demand:*

- *Policy RES3: Residential Density:*

It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:

- ‘Sustainable Residential Development in Urban Areas’ (DoEHLG 2009)
- ‘Urban Design Manual - A Best Practice Guide’ (DoEHLG 2009)
- ‘Quality Housing for Sustainable Communities’ (DoEHLG 2007)
- ‘Irish Design Manual for Urban Roads and Streets’ (DTTaS and DoECLG, 2013)
- ‘National Climate Change Adaptation Framework - Building Resilience to Climate Change’ (DoECLG, 2013).

Chapter 5: Physical Infrastructure Strategy:

Section 5.1: *Environmental Infrastructure and Management:*

Section 5.1.5: *Statutory Undertakers and Telecommunications Policies:*

- *Policy EI27: Overhead Cables:*

It is Council policy to seek the undergrounding of all electricity, telephone and television cables wherever possible, in the interests of visual amenity and public health.

Overhead cables detract from visual amenity and therefore it is Council policy to seek the placing underground of cables. It is the intention of the Council to co-operate with other agencies as appropriate, and to use its development management powers in the implementation of this policy.

Chapter 8: Principles of Development:

Section 8.2: Development Management:

Section 8.2.3: Residential Development:

Section 8.2.3.1: Quality Residential Design

Section 8.2.3.2: Quantitative Standards

Section 8.2.3.5: Residential Development – General Requirements

Section 8.2.9: Environmental Management:

Section 8.2.9.10: Development and Overhead Power Lines:

In determining applications proximate to overhead power lines the Planning Authority will have regard to the clearance distances as recommended by the Electricity Supply Board (ESB) and other service providers:

- For development in proximity to a 10kV or a 38kV overhead line, no specific clearance is required.
- With regard to development adjacent to an 110kV overhead line, a clearance distance of 20 metres either side of the centre line or 23 metres around a pylon is recommended.
- For a 220kV overhead line, a clearance distance of 30 metres either side of the centre line or around a pylon is required.

Section 8.2.10: Climate Change Adaptation and Energy:

Section 8.2.10.4: Flood Risk Management

6.2.2. Kiltiernan Glenamuck Local Area Plan, 2013:

Chapter 4: Residential Development:

Section 4.2: Residential Density

Table 4.1: Areas/Extent of Residential: Parcel 31(a): 45-55 No. dwellings per hectare

Section 4.7: Urban Design Issues

Section 4.8: Housing Design Issues

Chapter 6: Environmental Infrastructure:

Section 6.6: *Electricity:*

Section 6.6.1: *Existing Services:*

For planning and development purposes, certain limits are imposed on building adjacent to transmission lines, especially in the case of suburban-type residential developments and commercial/industrial developments. These restrictions are as follows:

- 110kV Lines: A minimum lateral clearance of 20 metres either side of the centreline (i.e. a 40m wide restricted corridor).

A clearance of 23 metres must be allowed for any tower leg.

- 220kV Lines: A minimum lateral clearance of 30 metres either side of the centreline (i.e. a 60m wide restricted corridor).

Section 6.6.3: *Undergrounding of ESB Cables:*

- *Objective EI13:*

It is an objective of the Council that high voltage transmission lines in the Plan area be undergrounded, both to improve the visual amenities of the area and to remove the constraints to development presented by the lines. To this end, the Council will work with Eirgrid, ESB Networks and other relevant stakeholders. To encourage and/or facilitate the undergrounding of the Arklow-Carrickmines double circuit 220/110kV transmission line and the Carrickmines-Fassoroe 110kV transmission lines Nos. 1 and 2. Where undergrounding is not feasible, to sensitively incorporate any restriction corridors associated with said powerlines into the design of future developments.

6.3. **Natural Heritage Designations**

The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The Knocksink Wood Special Area of Conservation (Site Code: 000725), approximately 4.1km south-southwest of the site.

- The Wicklow Mountains Special Area of Conservation (Site Code: 002122), approximately 6km southwest of the site.
- The Wicklow Mountains Special Protection Area (Site Code: 004040), approximately 6km southwest of the site.
- The Ballyman Glen Special Area of Conservation (Site Code: 000713), approximately 4.3km south-southeast of the site.
- The Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), approximately 6km east of the site.
- The Dalkey Island Special Protection Area Site Code: 004172), approximately 6.6km northeast of the site.

7.0 The Appeal

7.1. Grounds of Appeal

- In its decision to refuse permission, the Planning Authority has stated that the density of the proposed development equates to 20 No. units / hectare, however, this figure has been calculated on the basis of the gross site area as opposed to the net buildable area. In this regard it should be noted that the extent of net usable land is restricted by the following on-site constraints:
 - The presence of the overhead 110kV power lines and the restrictions imposed by ESBI.
 - The presence of the overhead 110kV power lines and the restrictions imposed by the Kiltiernan / Glenamuck Local Area Plan, 2013.
 - The requirement of the Local Authority to widen the carriageway of Springfield Lane.
- When cognisance is taken of the constraints arising from the restrictions imposed by the Local Area Plan as regards construction in the vicinity of 110kV power lines, it is apparent that there is a notable variation in density between the subject proposal and the developments proposed by the

concurrent applications lodged on adjacent sites i.e. PA Ref. Nos. D17A/0801, D17A/0803 & D17A/0807.

- There is limited capacity to increase the density on site and within the adjacent lands due to the aforementioned constraints and the requirement to provide for off-street parking. It is considered that the arrangement proposed represents the most efficient utilisation of the subject site.
- The adjacent development of Carrickmines Manor (PA Ref. No. D15A/0406) has a density of 25 No. units / hectare.
- The proposed development site is zoned as 'A' with the stated land use zoning objective '*To protect and / or improve residential amenity*'. In this regard, the Board is advised that the proposed dwelling house has a floor area of less than 200m² (i.e. 156m²).
- The subject site is located within a '*Transitional Zonal Area*' and, therefore, particular attention has been made to ensure that the density of the proposed arrangement is in line with what would be considered favourable in a transitional zone having regard to the constraints previously noted.
- The proposed dwelling house (in addition to those proposed under PA Ref. Nos. D17A/0801, D17A/0803 & D17A/0807) will be occupied by the applicant (and other family members) as her primary residence and is not being developed for speculative purposes.
- Both the subject proposal and the applications made under PA Ref. Nos. D17A/0801, D17A/0803 & D17A/0807 have been lodged by members of the same family who have resided locally and are first-time buyers.
- The subject site and the neighbouring family lands are bordered by a parcel of land zoned as Objective 'A' with the stated land use zoning objective '*To protect and / or improve residential amenity*' which acts as a transitional buffer zone between the proposed housing and those lands zoned as 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 adjacent development of Carrickmines Manor (as approved under PA Ref. No. D15A/0406) involves the construction of houses of a similar design

and directly borders lands zoned as 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 lower density of the proposed development due to the on-site constraints automatically results in a buffer zone.
- The proposed housing development incorporates elements of local materials i.e. a granite facade as per the Glenamuck & Kiltiernan Local Area Plan – this will provide a common feature within the proposed development.
- The submitted design is uncomplicated and utilises a simple form in order to ensure a more sustainable style in accordance with the requirements of the Glenamuck & Kiltiernan Local Area Plan.
- The surrounding pattern of development provides for a variety of designs and includes both modern and contemporary housing types.
- All of the items raised in the Record of Executive Business / Planner's Report have been reviewed in detail by various parties, including engineers, and have been deemed to have been given adequate consideration.

7.2. Planning Authority's Response

- States 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.

7.3. Observations

7.3.1. Mr. Johnathan Huet:

- The proposed development is reliant on access over private property that forms part of the estate of the late Mr. Christopher Greaves and no application has been made for any such right of way.
- The proposed development is located immediately adjacent to 2 No. shallow wells which have not been shown on the submitted drawings. These wells are privately owned and provide the only source of potable water for 5 No.

neighbouring dwelling houses i.e. 'South Springs', 'Glen Heather', 'Springhill', 'Mountain View' & 'Springfield' (the observer's residence). In this respect the Board is advised that it is known from previous experience that shallow wells are easily compromised by development e.g. a shallow well serving a neighbouring dwelling house ('Ashlawn') dried up when building work commenced at Carrickmines Manor and it has remained in this state ever since.

- There have previously been incidences of surface water flooding both on site and within the adjacent laneway during periods of wet weather. The cause of this flooding would appear to be related to an undersized surface water pipe in the ownership of the applicants and this needs to be rectified in advance of any consideration being given to development of the site.

7.4. **Further Responses**

None.

8.0 **Assessment**

8.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design, layout & density
- Traffic implications
- Infrastructural / servicing arrangements
- Flooding implications
- Appropriate assessment
- Other issues

These are assessed as follows:

8.2. **The Principle of the Proposed Development:**

- 8.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is zoned as 'A' with the stated land use zoning objective *'To protect and-or improve residential amenity'* in the Dun Laoghaire Rathdown County Development Plan, 2016-2022 and that the lands have also been identified for *'Medium / Higher Density Residential'* development in the Kiltiernan Glenamuck Local Area Plan, 2013. Moreover, the application site forms part of a larger landbank identified as Parcel 31(a) in Table 4.1: *'Areas / Extent of Residential'* of the Local Area Plan wherein it is envisaged that residential development should occur at a density of 45-55 No. dwellings per hectare. In addition to the foregoing, it should also be noted that whilst the immediate site surrounds are somewhat rural / undeveloped in character, the prevailing pattern of development in the wider area is dominated by conventional housing construction such as the Carrickmines Manor and Cairnbrook schemes. In this respect I would further suggest that given the site location relative to the urban fringe of the wider Dublin City area, the proposed development site can be considered to comprise an 'outer suburban / greenfield' location and thus I would draw the Board's attention to the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'* which generally promote increased residential densities in appropriate locations including on outer suburban / 'greenfield' lands such as the proposed development site.
- 8.2.2. Therefore, having considered the available information, including the site context, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

8.3. **Overall Design, Layout & Density:**

- 8.3.1. In relation to the overall design and layout of the proposed development, at the outset I would reiterate that the subject proposal should be considered having regard to ABP Ref. Nos. ABP-300341-17, ABP-300342-17 & ABP-300343-17 on the basis that they are located on immediately contiguous sites. Accordingly, when taken in conjunction with the adjacent development proposals, the proposed development consists of the construction of a contemporarily designed two-storey dwelling house

which forms part of a series of comparably designed dwellings set on individual plots in a linear manner facing onto Springfield Lane.

- 8.3.2. However, from a review of the available information, it is apparent that the principle concerns as regards the overall design of the subject proposal pertain to the density of development which will be achieved consequent on the layout proposed. In this respect whilst it is the preference of both the applicant and her immediate family to develop individual dwelling houses on the subject lands for their own occupation, and although the site itself is located on the periphery of the urban fringe in an area which accommodates the gradual transition towards a more rural setting, it should be noted that the lands in question are located within the development boundary identified in the Kiltiernan Glenamuck Local Area Plan, 2013 and are specifically zoned for residential development. Moreover, the subject lands are serviced and form part of a larger landbank identified as Parcel 31(a) in Table 4.1: '*Areas / Extent of Residential*' of the Local Area Plan wherein it is envisaged that residential development should occur at a density of 45-55 No. dwellings per hectare. Clearly, the density of the subject proposal (c. 18.5 units per hectare), in addition to that when taken in conjunction with ABP Ref. Nos. ABP-300341-17, ABP-300342-17 & ABP-300343-17, is considerably below the density range specified in the Local Area Plan in addition to the recommendations of the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*'.
- 8.3.3. Whilst I would acknowledge that there are a number of on-site constraints which serve to inhibit the development of both the subject site and the wider family landholding, with particular reference to the presence of the overhead 110kV powerlines, I am inclined to suggest that a suitable proposal for the overall development of the landbank identified as Parcel 31(a) in Table 4.1 of the Kiltiernan Glenamuck Local Area Plan could achieve a significantly greater density which would accord with the requirements of the Local Area Plan and national guidance. In this respect it is of further relevance to note that Objective EI13 of the Local Area Plan specifically aims to underground high voltage transmission lines in the area, both to improve the visual amenities of the area and to remove the constraints to development presented by the lines.
- 8.3.4. In addition to the foregoing, the proximity of the application site to the Ballyogan Luas stop (c.1.0km distant) and the availability of other public transport services in

the immediate area would lend further credence to the appropriateness of developing the subject lands at a higher residential density in the interests of ensuring the efficient and sustainable use of zoned and serviced lands.

8.3.5. Therefore, on balance, I would concur with the findings of the Planning Authority that the subject proposal amounts to an unacceptable inefficient and unsustainable pattern of development on residentially zoned and serviced lands identified for development purposes in the Kiltiernan / Glenamuck Local Area Plan, 2013.

8.3.6. With regard to the site location on the urban fringe and its relationship with the rural / high amenity lands further east, whilst I note the concerns raised by the Planning Authority that the subject proposal would represent a suburban form of development that would involve an excessively abrupt transition in land use, I would reiterate that the subject site is located on zoned and serviced lands and thus I am of the opinion that a suitably coordinated approach to the future development of the wider landbank would provide for an appropriately designed scale and density of residential development.

8.4. **Traffic Implications:**

8.4.1. Access to the proposed development site will be obtained via a new entrance arrangement onto the adjacent roadway / laneway to the immediate north known as Springfield Lane which extends south-eastwards from its junction with Glenamuck Road (the R842 Regional Road), however, this laneway has not been taken in charge by the Local Authority (as detailed in the report of the Transportation Planning Section) and would appear to be in private ownership. Accordingly, in light of the concerns raised by a number of third parties, I would suggest that it would be preferable if further clarity could be provided as regards the applicant's entitlement (e.g. a right of way / wayleave) to access the subject site via Springfield Lane as proposed, although I would concede that there is likely to be an established right of way over same associated with the wider landholding.

8.4.2. In relation to the overall traffic impact of the proposed development, whilst I would acknowledge the restricted carriageway width of Springfield Lane at this location, having regard to the limited scale of development proposed and the likely traffic volumes and speeds along this section of roadway, the adequacy of the sightlines available at the junction of the laneway onto the regional road, and the proposal to

provide for road widening (when taken in combination with the developments proposed under ABP Ref. Nos. ABP-300341-17, ABP-300342-17 & ABP-300343-17), it is my opinion that the surrounding road network has sufficient capacity to accommodate the additional traffic volumes consequent on the proposed development and that the subject proposal does not pose a risk to traffic / public safety.

8.5. Infrastructural / Servicing Arrangements:

- 8.5.1. With regard to the proposed foul and surface water drainage arrangements, it is of relevance at the outset to note that the subject proposal will be reliant on a shared drainage system which is to be developed in conjunction with the housing proposed on the neighbouring sites under ABP Ref. Nos. ABP-300341-17, ABP-300342-17 & ABP-300343-17. More specifically, it should be noted that the foul and surface water sewer lines intended to serve the proposed dwelling house will cross intervening lands, including the rear garden area of the dwelling proposed under PA Ref. No. D17A/0803 / ABP Ref. No. ABP-300343-17, before connecting to the public mains and the shared attenuation pond respectively. In this respect I would have concerns that the submitted proposal represents a somewhat uncoordinated and piecemeal approach to the development of the wider landbank which could potentially give rise to future difficulties in the event that the various individual dwelling houses and their sewerage systems (if approved) were to be developed by different parties at different times. Indeed, if the development proposed under PA Ref. No. D17A/0803 / ABP Ref. No. ABP-300343-17 were not to proceed, the subject proposal would not be able to avail of the servicing arrangements as proposed.
- 8.5.2. Further difficulties arise with regard to the proposed drainage arrangements given that it would not normally be acceptable practice for communal sewer lines to be laid through private property due to the need to ensure the future maintenance etc. of same. Moreover, I would also advise the Board that the extent of the proposed foul sewer line shown on the site drainage plan which extends through that part of the family landholding to the west of a private access laneway in order to connect into an existing manhole within the neighbouring 'Cairnbrook' housing development has not been included within either the subject planning application or ABP Ref. Nos. ABP-300341-17, ABP-300342-17 & ABP-300343-17. Accordingly, that section of foul water sewer line does not in fact form part of any current planning application nor

does it presently have the benefit of planning permission. In addition, it should be noted that the subject application has not been accompanied by any consent from the relevant landowner to lay a sewer beneath the private laneway to the immediate west of the proposed amenity area nor has any agreement been submitted which would provide for a connection to the sewerage system within the 'Cairnbrook' housing scheme (*N.B.* It is unclear as to whether or not 'Cairnbrook' has been taken in charge or if it remains in private ownership).

8.5.3. At this point it is of further relevance to note that Springfield Lane has not been taken in charge by the Local Authority (as has been acknowledged in the report of the Transportation Planning Section) and that Irish Water has also queried how the proposed development will connect to the public watermain.

8.5.4. Therefore, on the basis of the foregoing, with particular reference to a reliance on works to be undertaken by third parties and the absence of any consent to undertake various works on lands outside of applicant's control, I am not satisfied that it has been clearly established that the proposed development can be adequately serviced by way of sewerage and water supply infrastructure.

8.6. **Flooding Implications:**

8.6.1. Concerns have been raised by a number of parties that the proposed development will serve to exacerbate flood events in the vicinity of the application site, including within adjacent properties and along Springfield Lane, primarily due to a loss of soakage area / floodplain and the associated displacement of flood waters, although reference has also been made to an undersized surface water drainage pipe within the applicant's family landholding. In this regard I would refer the Board in the first instance to the National Flood Hazard Mapping available from the Office of Public Works (www.floodmaps.ie) which does not record any flood events in the immediate surrounds of the subject site, although it does reference multiple / recurring flood events at a location further northwest at the Glenamuck Stream alongside Glenamuck Road. However, it must be conceded that whilst this mapping serves as a useful tool in highlighting the potential for flood events in a particular area, it is not definitive. Therefore, it is perhaps of greater relevance to consider the indicative mapping prepared by the Office of Public Works and published in 2011 as part of its

Draft Preliminary Flood Risk Assessment, although it should be noted that this mapping indicates that there is no fluvial data available for the area in question.

(*N.B.* I would draw the Board's attention to the contents of Circular PL2/2014 as issued by the Department of the Environment, Community and Local Government on 13th August, 2014 which states that the Draft Indicative Preliminary Flood Risk Assessment Maps were prepared for the purpose of an initial assessment, at a national level, of areas of potentially significant flood risk and that *'the maps provide only an indication of areas that may be prone to flooding. They are not necessarily locally accurate and should not be used as the sole basis for defining Flood Zones, or for making decisions on planning applications'*. This Circular further recommends that for the purposes of decision-making in respect of planning applications, a Stage II Flood Risk Assessment as set out in *'The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009'* should be undertaken where there are proposals for development in areas that may be prone to flooding).

- 8.6.2. Accordingly, in view of the foregoing, I would refer the Board to the updated flood mapping prepared by the Office of Public Works as part of its CFRAM programme (recently made available on www.floodinfo.ie) which has been used to inform the development of Flood Risk Management Plans for specific areas and the proposed measures to be implemented. Notably, this mapping would seem to corroborate the earlier flood risk hazard mapping in that it makes no reference to any flood events in the immediate surrounds of the application site.
- 8.6.3. At this point I would advise the Board that whilst the submitted planning application form states that there is no history of flooding on site, it has nevertheless been accompanied by a site specific flood risk assessment of the proposed development entitled *'Assessment of Flood Risk'* prepared by Hendrick Ryan & Associates, Consulting Engineers. This report states that there are no records of flooding having occurred adjacent to the site and that the site itself is located within Flood Zone 'C' as defined by *'The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009'* wherein the development of a dwelling house is deemed to be 'appropriate' by reference to Table 4.2 of the guidelines. It further states that although the site was found to have very poor percolation / infiltration qualities, all storm water / surface water runoff from the proposal will be discharged to a small stream on site (which is a tributary of the Glenamuck Stream that subsequently joins

the Shanganagh River further east) via a new storm water attenuation system designed to cater for a 1 in 100 year event which will also serve to limit the rate of discharge to existing 'greenfield' runoff rates thereby avoiding any impact on the public drainage system or downstream flood events. In addition, it has been submitted that runoff from the site will not be permitted to flow onto the public road whilst the general site and finished floor levels of the proposed dwelling house will be higher than the adjoining road network in order to ensure that the probability of stormwater runoff entering the site from adjoining hardstanding areas is within acceptable limits. The report proceeds to conclude that the proposed development will not result in any loss of floodplain storage in the area and that there will no significant flood risk to surrounding properties attributable to the subject proposal.

- 8.6.4. On the basis of the plans and particulars submitted with the planning application, including the site specific flood risk assessment, it would appear that the subject site is not located within any recorded flood plain or area at risk of flooding and that the proposed development will not give rise to any additional flood impact (such as by way of the displacement of flood waters), however, notwithstanding that the Drainage Planning: Municipal Services Department of the Local Authority has similarly raised no concerns as regards the potential flood impact of the proposed development, the conclusions set out in the application documentation would seem to directly conflict with the experience of local residents as detailed in the various third party submissions on file. In this regard, I would have reservations that there has been an inadequate investigation of possible localised incidences of flooding both on site and in the immediate surrounds. More particularly, in the event that the subject site serves to retain runoff / flood waters after periods of heavy rainfall, this could potentially undermine (surcharge) the proposed surface water attenuation system, whilst the overall development of the site could serve to displace flood waters. It is also notable that the trial pits excavated on site as part of the 'Ground Investigation Report' submitted with the application recorded a depth of 0.5m - 0.75m of 'made ground' across the site which would seem to suggest that the ground levels on site have previously been raised, although it is unclear whether or not said works were carried out for reasons related to flooding.

8.6.5. On balance, it is my opinion that further clarity is required as regards the source and extent etc. of any previous incidences of localised flooding both on site or elsewhere in the surrounding area, particularly alongside Springfield Lane.

8.7. **Appropriate Assessment:**

Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.8. **Other Issues:**

8.8.1. **Procedural Issues:**

In respect of the submission that the site notice was incorrectly displayed, in my opinion, the consideration of the adequacy of the public notices with regard to the validity of a planning application is the responsibility of the Planning Authority in the first instance and in this respect I would draw the Board's attention to the Planner's Report on file which confirms that the site notice in question was inspected by a representative of the Local Authority on 25th September, 2017 and was seemingly found to accord with the requirements of the Planning and Development Regulations, 2001, as amended.

8.8.2. **Archaeological Considerations:**

The proposed development site is located in the vicinity of Recorded Monument Ref. No. DU026-018 (Cross) to the northeast, which comprises a granite boulder, containing a socket for a cross, located in the front garden of a modern dwelling house on the lands of Springfield Farm (*N.B.* According to the Schools Survey (1937) in the Irish Folklore Commission, there was a tradition that the cross was buried somewhere in the immediate vicinity). Therefore, in accordance with the recommendations of the Department of Culture, Heritage and the Gaeltacht, it is recommended that a condition requiring the archaeological monitoring of any groundworks associated with the proposed development be included in any decision to grant permission.

8.8.3. Supplementary Development Contribution Scheme:

Given the site location within the plan area of the Glenamuck Kiltiernan Local Area Plan, 2013, the subject proposal would appear to be liable for a contribution in accordance with the provisions of the Glenamuck District Distributor Road Schema and Surface Water Attenuation Ponds Scheme Supplementary Development Contribution Scheme.

9.0 Recommendation

- 9.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the site location on zoned and serviceable lands identified in the current Dún Laoghaire-Rathdown County Development Plan, 2016-2022 and the Kiltiernan / Glenamuck Local Area Plan, 2013, in addition to the proximity and availability of local services and public transport nodes, it is considered that the proposed development does not provide for a sufficiently high density of development as to ensure an acceptable efficiency in land usage. Notwithstanding the existing on-site constraints, including the overhead power lines, it is considered that the proposed development would represent an inefficient and unsustainable use of serviced, zoned land which would be contrary to Policy RES3 of the Development Plan in addition to the provisions of the Kiltiernan / Glenamuck Local Area Plan, 2013 and the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009' issued by the Department of the Environment, Heritage and Local Government. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

31st May, 2018