



An
Bord
Pleanála

Inspector's Report ABP 300347-17.

Development	Demolition of dwelling and construction of 3 no. dwellings and vehicular entrances.
Location	157 Orwell Road, Churchtown, Dublin 14.
Planning Authority	Dún Laoghaire Rathdown Co. Council
Planning Authority Reg. Ref.	D17A/0812
Applicant	Orwell Homes Development Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellants	(1) Paul & Maria Dixon (2) Hilary Mc Donagh
Observer	Ciaran Butler
Date of Site Inspection	24/5/18
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The site of the proposed development is located at no. 157 Orwell Road, Churchtown, Dublin 14. It lies on the northern side of Orwell Road, which links Churchtown Road Lower and Highfield Road. Orwell Road is predominantly residential. The house types mainly comprise two-storey semi-detached dwellings. Mount Carmel Community Hospital is situated to the south off Braemor Park.
- 1.2. The site is situated on an escarpment on the southern side of the Dodder Valley. The River Dodder is circa 100m to the west. The site has a stated area of 0.14 hectares and contains a detached dwelling. The property is a single-storey split level house which has been built into the slope on site. The dwelling was built in the 1940's and has a floor area of circa 128.5sq m. The front elevation of the dwelling addresses the east and the southern gable wall of the property adjoins the public road.
- 1.3. The road side boundary is formed by a concrete capped wall. No. 159 Orwell Road a detached two-storey is the neighbouring property to the east. The boundary is defined by a block wall with a railing, with a height of 1.8m. The northern site boundary adjoins the rear gardens of a number of properties within Orwell Gardens. There is a sharp fall in ground levels across the site. There is 1:4 gradient from the southern roadside boundary to the towards the northern boundary with Orwell Gardens.

2.0 Proposed Development

- 2.1. Permission is sought for the following;
 - Demolition of the existing dwelling
 - Construction of 3 no. detached 3-bedroom split-level dwellings with 3 levels of accommodation at lower ground floor, ground floor and first floor;
 - Three vehicular entrances from Orwell Road;
 - Landscaping and boundary treatments;

- Site development works and services.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission was granted subject to 17 no. conditions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The proposed scheme has addressed the previous reasons for refusal. The size and scale of the proposed development has been reduced from previous schemes. The shadow analysis indicates the proposed development should not have a significant impact in terms of loss of light on adjoining properties at Orwell Gardens. The level of residential amenity provided for future residents of the proposed dwellings is considered to be improved in comparison to previous proposals. This is evident particularly in relation to proposed bedrooms 3 & 4 within the three dwellings where there is improved access to light and ventilation.

3.2.2. Other Technical Reports

Surface Water Drainage – No objections subject to conditions.

Transport Planning – No objections subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. Irish Water – No objections

3.4. **Third Party Observations**

3.4.1. The Planning Authority received 12 no. submissions/observations in relation to the proposed development. The main issues raised are similar to those set out in the third party appeals and observation on the appeals.

4.0 Planning History

- 4.1.1. There is a comprehensive planning history on the site which is detailed in the Planner's report. The most recent case which relates to the subject site is;
- 4.1.2. Reg. Ref. D16A/0442 & PL06D.247206 – Permission was refused by the Board for the demolition of the existing house and the construction of four houses for two reasons.
1. Having regard to the location of the proposed development on elevated ground above the adjoining residential development of Orwell Gardens, and to its scale, bulk and height, and notwithstanding the changes between the present proposal and that refused by the Board under file appeal reference numbers PL 06D.244793 and PL 06D.243106, it is considered that the proposed development would continue to represent significant overdevelopment of this site, would give rise to an overbearing appearance and would be visually obtrusive, when viewed from adjoining properties in Orwell Gardens, and especially those to the north and northwest of the site. The proposed development would seriously injure the residential amenities of adjoining properties and would contravene the zoning objective of the Dún Laoghaire-Rathdown County Development Plan 2016–2022, to protect and/or improve residential amenity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
 2. Having regard to its overall layout and design, it is considered that the proposed development would represent an unimaginative and inappropriate response to the constraints of this site and to its wider context, including the pattern of existing development in the vicinity, and would provide a limited quality of residential amenity for future residents by virtue of the short depth of rear garden space, its northerly aspect and concerns of overshadowing. Furthermore, it is considered that the internal layout of the proposed dwellings and in particular the residential amenity of bedrooms 3 and 4 would represent a poor level of amenity for the future occupants in terms of natural light and ventilation. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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 157 Orwell Road, is located on Map 1 of the Dun 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 refers to Residential Development

5.2. Natural Heritage Designations

- 5.2.1. South Dublin Bay SAC is 4.3km to the north-east of the appeal site.
- 5.2.2. South Dublin Bay and River Tolka Estuary is 4.3km to the north-east of the appeal site.
- 5.2.3. Wicklow Mountains SAC is located 7.6km to the south.
- 5.2.4. Wicklow Mountains SPA is located 7.9km to the south.
- 5.2.5. North Dublin Bay SAC lies 8.4km to the north-east.
- 5.2.6. North Bull Island SPA lies 8.4km to the north-east.
- 5.2.7. Glenasmole Valley lies 8.7km to the south-west.

6.0 The Appeal

6.1. Grounds of Appeal

(1) A third party appeal has been lodged by George Boyle Designs on behalf of Paul & Maria Dixon. The main issues raised are as follows;

- The appellant's home directly adjoins the appeal site.
- The boundary wall between the appeal site and the appellant's property no. 159 Orwell Road is in poor condition. The proposals to remedy the wall are

not practical or viable. It is requested that if permission is granted, that the Board attach a condition seeking that the wall is designed in accordance with the requirements of the Engineers for all parties.

- There should be provisions made for appropriate access to wall for maintenance and repairs.
- The orientation of the buildings on site is not considered appropriate. It is suggested that the buildings could be realigned to a less oblique angle to an alignment which is more sympathetic to the existing building alignment along Orwell Road.
- The height and mass of the proposed buildings on site are considered inappropriate for the elevated nature of the site and its relationship with the dwellings at Orwell Gardens to the north.
- The proposed development would involve a significant amount of cutting and filling. It is considered that insufficient information has been provided in relation to the impact excavation works would have on the appellant's property.
- Access to the 'no mans land' area to the rear of no's 159, 161 & 163 Orwell Road is an issue of concern. It is suggested that a 2.5m access strip could be provided along the eastern site boundary.
- The dwelling on the eastern side of the site would be 1.5m from the boundary with the appellant's property. Under the previous scheme the separation distance was 2.58m.
- The appellants contend that insufficient information has been provided regarding boundary treatment, including new retaining boundary walls between the site and no. 159 to the east and no's 159, 161 and 163 to the north. It is considered that insufficient information has been provided regarding landscaping and that the scheme would result in the loss of tree planting on site.
- Concern is expressed regarding surface water drainage proposals and potential impacts upon surface water drainage and flooding in the surrounding area.

- In relation to the proposed three new vehicular entrances, it is stated that they will be located onto a busy road and close to a bend in the road. It is suggested that a single vehicular entrance to serve the scheme would be more appropriate.
- It is concluded that the proposed scheme is less onerous in terms of massing and scale than the previously proposed schemes. However, it is still considered that the design and orientation of the dwellings is unsatisfactory and the other issues cited in the appeal remain unresolved.

(2) A third party appeal has been lodged by Kent Doyle Planning Partnership Ltd on behalf of Ms. Hillary McDonagh and others. The main issues raised are as follows;

- The upper section of the site which adjoins Orwell Road is circa 4m-5m higher than the lower section of the site. While the site has a depth of circa 15m from the northern to southern boundary. Therefore, the site is severely constrained in area and a higher density scheme must take into account the amenities of the low-lying houses at Orwell Gardens to the north.
- It is acknowledged that the proposed development is an improvement upon the previous schemes. However, it is considered that the currently proposed scheme does not satisfactorily balance the requirements of new development against the protection of existing residential amenities.
- It is considered that the first reason for refusal issued by the Board in relation to PL06D.247206 still remains the outstanding.
- The scale, bulk and height of the proposed development on an elevated site above Orwell Gardens remains the key issue.
- Notwithstanding the revised design the proposed houses still have a significant mass. The ridge height of no's 2 and 3 would exceed the ridge height of the existing dwelling on site. The ridge heights would be circa 17m above the ground floor level of the houses at Orwell Gardens.
- The siting and orientation of the houses facing north-east would result in the dwellings appearing as an unbroken mass of buildings when viewed from Orwell Gardens. Therefore, the proposed development would have

an overbearing impact and be visually obtrusive when viewed from Orwell Gardens.

- Shadow diagrams were submitted with the application. These indicated limited shadow impact from the proposed development on Orwell Gardens at the equinox.
- It is highlighted that Orwell Gardens is particularly vulnerable to shadowing during winter months when the sun is low in the sky. Due to the height and massing of the proposed dwellings the scheme would have a disproportionately negative impact upon the penetration of direct sunlight to Orwell Gardens during the winter.
- Permission on site was also previously refused on the basis of potential overlooking. In the currently proposed scheme the matter of overlooking has been addressed with the siting and design of the dwellings. This includes the reduction in fenestration to the northern elevation.
- However, the proposed dwellings feature windows with wide views over the properties at Orwell Gardens to the north. The proposed external stairs to the rear of the dwellings extend over three floors and would also cause overlooking.
- It is noted that there is some ambiguity in the submitted drawings with rooflights indicated in bedroom no. 2 of House no. 2 7 3. However, these rooflights are not indicated on the roof plans or the northern elevations. These rooflights would have views of Orwell Gardens.
- The design and orientation of the proposed dwellings means that the rear gardens of the properties would be overshadowed.
- The house design over four floor levels requires a number of flights of stairs within each property. There are no lifts proposed, therefore residents would have to use these stairs to access the various rooms of the house. This may be considered a poor form of residential amenity.
- Orwell Gardens is located within Flood Risk Area A & B as identified in the Development Plan. There is a history of flooding in Orwell Gardens and the wider vicinity on Orwell Road. Concern is raised that the proposed

development could contribute to further problems in relation to flooding in the area and particularly having regard to the topography of the area.

- It is proposed to collect rainwater run off in a recycling system. Concern is raised that the system may not be able to accommodate water generated during intensive rainfall events or that the system may malfunction.
- The site is located on an escarpment above the Dodder River. There is concern that construction works would impact the stability of the soil and due to the topography of the site that the removal of vegetation could have an adverse impact upon adjoining properties at Orwell Gardens should run-off of material or a collapse or subsidence of lands occur.
- No detailed construction methodology or plan was submitted. It is requested that the Board address this should permission be granted.
- Extensive piling is proposed along the boundary with No. 159 Orwell road in order to safeguard the boundary wall. It is considered that insufficient information has been submitted in relation to this.
- Noise and vibration would occur during construction works which could be intrusive. These issues could be addressed in a construction management plan. It is requested that the Board address this matter should permission be granted for the scheme.
- There are a number of mature trees in the rear gardens of properties at Orwell Gardens, it is requested that these trees are protected from potential damage arising from any development on the lands.
- It is requested that should the Board decide to grant permission that consideration be given to reducing the number of permitted dwellings from 3 to 2 to facilitate the breaking up of the solid mass of the building on the elevated site.
- In conclusions, it is considered that the proposed development still does not achieve the balance with facilitating higher density development and protecting the amenity of existing residential areas.

6.2. Applicant Response

A response the third party appeals was submitted by Simon Clear & Associates Planning and Development Consultants on behalf of the applicant Orwell Homes Development Limited. The main issues raised are as follows;

- The appeal submitted by George Boyle Design is largely supportive of the design aspects of the proposal and does not seek a refusal. The issues raised relate to the existing and proposed eastern site boundary wall, the feasibility of engineering works required to carry out the development and access to lands referred to as 'No man's lands'.
- The appeal submitted by Doyle Kent raises concern regarding overdevelopment, overshadowing, overlooking, residential amenity, trees, flooding and other issues. These issues were also raised in relation to earlier proposals on the site. It is considered that the new design approach has addressed the issues.
- The previously proposed northern boundary wall and elevated rear gardens which were contentious issues have been omitted from the proposed scheme.
- The depth and orientation of the rear gardens and access to sunlight have been dramatically improved. The proposed north-east/south-west orientation provides for significant afternoon and late evening sunlight.
- The proposed alignment of the houses on a north-east/south-west axis avoids direct overlooking of the rear gardens of houses on Orwell Gardens.
- The proposed rear gardens will be approximately level with the existing boundary between the site and Orwell Gardens. Therefore, no retaining wall is required.
- The rear elevations of the dwellings have been sensitively designed to avoid undue overlooking.
- Regarding the Orwell Road elevation, it is considered that it is compatible and harmonious with the adjacent houses on Orwell Road,

- The Shadow Path Diagrams for the March equinox are included with the application. The diagrams indicate that the proposed development will have a negligible impact on sunlight and overshadowing in Orwell Gardens.
- In response to the appeal from the owners of no. 159 Orwell Road it is noted that the matter of the shared boundary was raised.
- The eastern boundary is formed by a retaining wall which supports the more elevated site no. 159. It is acknowledged that the wall is deteriorating and needs to be replaced.
- It was noted in the report of the Planning Officer that issues concerning party walls are civil matters. Condition no. 10 as attached by the Planning Authority addressed boundary treatment and required that details are submitted for their agreement. The applicant states that they intend to carry out full site investigations and engineering design process and that boundary treatment will be agreed with the Planning Authority and the appellants.
- The proposed separation distance of 1.5m is considered acceptable between the gables of the new dwelling and the appellant's house.
- The area referred to as 'no mans land' is outlined in blue with the current site location map. The applicant states that there are on-going legal proceedings in relation to that area of land and therefore the area cannot be included into the development.
- Regarding the appeal lodged by residents of Orwell Gardens the main issues raised concerned overdevelopment, overshadowing, overlooking, residential amenity, trees and flooding.
- It is the applicant's opinion that all these issues have been satisfactorily addressed in the newly designed scheme which re-orientated the dwellings, reduced the number of units from four to three, omitted the rear retaining wall and elevated rear garden. Furthermore, it was noted that the varied roof profile would break up the bulk and massing of the development.
- Reference was made in the appeal to the removal of trees. The site contains a large suburban garden which is densely overgrown. Trees of significance have been retained and it is proposed to retain those trees also.

- Regarding potential overlooking it is stated that the only view of the houses in Orwell Gardens will be from three windows in the proposed houses. The view would be at an oblique angle and over 50m in distance.
- The design of the proposed dwellings is considered to be an attractive family home and is not directly comparable to a standard two-storey house.
- The appeal refers to overshadowing and potential impact upon access to winter sunlight. In response to this the applicant states that inadequate evidence was provided to support the impact on access to winter sunlight.
- The application site is elevated above Orwell Gardens, however the rear gardens of the houses at Orwell Gardens are circa 40m long. Therefore, the proposed houses would be located a considerable distance from the houses at Orwell Gardens.
- A site section was prepared by Duignan Dooley Architects which indicates that the proposed development falls below the 25° line using the 25° test as set out in the BRE Digest 209: Site Layout Planning for Daylight and Sunlight. Therefore, it is considered that any likelihood of a substantial effect on daylight and sunlight is extremely low.
- Regarding potential overlooking from windows in the rear elevation of the proposed dwellings it is reiterated that the windows in the northern elevation have been carefully designed to reduce overlooking. The windows are 11m from the rear boundary and when combined with the long gardens at Orwell Gardens the separation distance provided is more than double the standard 22m. Furthermore, it is noted that there is already existing overlooking by four windows in the existing house and from the rear windows of 159 Orwell Road.
- It is stated in the appeal that the ground floor is elevated to the rear. This is a consequence of the split-level design.
- The proposed external steps provide access from the front to the rear of the properties and have a width of 1.45m. However, it is noted that views from the steps would be limited by walls on either side and any views possible would be from lower levels.

- Regarding the rooflights to the rear of the dwellings it was decided to omit the rooflights from Bedroom 3 of House 1, Bedroom 2 of House 2 & 3 as satisfactory light and ventilation was available from the west facing bedroom. These rooflights were indicated accidentally on a number of floor plans and site plans.
- The Planning Officer assessed the houses on the basis that the bedrooms will have rooflights. It is considered that the potential for overlooking from overhead rooflights would be negligible. The rooflights would provide additional light, however should the Board consider it necessary the rooflights can be omitted by condition.
- It is suggested in the appeal that the number of houses should be reduced from 3 to 2 in order to break up the mass of the buildings. The Planning Authority considered that the proposed houses will be varied in height and proportion with a stepped roof profile to reduce the bulk. The applicant does not accept that necessity to omit one dwelling.
- In relation to the other grounds of the appeal including flood impact, impact on trees and car access the applicant considers that these issues are not supported by any technical details. Should permission be granted suitably qualified project Engineers will carry out detailed design and method statements to comply with all technical conditions.
- It is requested that permission be granted subject to the attachment of appropriate conditions.

6.3. **Planning Authority Response**

- The Planning Authority refer the Board to the Planner's Report and state that they have no further comments regarding the proposed development and subject appeal.

6.4. **Observation**

(1) Ciaran Butler

- The Observer lives at 25 Orwell Gardens which adjoins the appeal site to the north.
- The site adjoins the Dodder Valley. Orwell Gardens is designated a flood zone and has a history of severe flooding.
- The existing planting on site provides a significant level of surface water absorption. The proposed development would reduce the level of surface water which would be absorbed on site.
- The boundary wall between the appeal site no. 157 and no. 159 and the adjoining three properties is in poor condition. The Observers property lies at the bottom of the embankment and he is concerned that if the wall collapses it will cause damage to the property.
- Due to the elevated nature of the site above Orwell Gardens concern is expressed that the proposed development could cause subsidence.
- The proposed development would result in an area of lands to the north-east of the site and adjoining the rear of Orwell Gardens becoming inaccessible. This would prevent access for maintenance purposes.

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:

- Design and layout
- Impact upon amenity
- Drainage
- Access and car parking
- Other issues
- Appropriate Assessment

7.1. Design and layout

- 7.1.1. It is proposed to demolish the existing split-level bungalow on site and construction 3 no. detached split level detached dwellings. The appellants have raised concern regarding the design of dwellings particularly their bulk and scale relative to the surrounding properties in terms of overlooking and proximity to Orwell Gardens also in terms of the impact on the surface water drainage and in relation to traffic considerations. I shall examine these matters in this and subsequent sections of the report.
- 7.1.2. The proposed scheme is contemporary in design it includes a rendered external finish, grey slate/tiled roofs. In relation to the integration of the scheme into the existing streetscape, I note that the housing along Orwell Road is primarily two-storey detached and semi-detached properties. While the dwellings are split level due to the topography of the site they address Orwell Road with two storeys. Having regard to the proposed contextual elevations indicated on Drawing No. 15-034-P-3.002 and due to the topography of the area the proposed ridge height of the dwellings is between 2m and 3.93m below the ridge height of the neighbouring dwelling no. 159 Orwell Road. Therefore, as viewed from Orwell Road the dwellings appear lower than the neighbouring properties. Furthermore, having regard to the limited scale of the proposed development I considered that it can be satisfactorily integrated within the streetscape.
- 7.1.3. Regarding the siting and orientation of the dwellings, concern is expressed in the appeal submitted by Paul & Maria Dixon that the proposed orientation of the buildings is not appropriate. They consider that the dwellings should be built to a less oblique angle and follow the existing building alignment along Orwell Road.
- 7.1.4. In response to the matter the applicant states that following previous applications and refusals of permission on the site that the design of the scheme was revised including the proposed alignment of the houses on a north-east/south-west axis. The proposed orientation serves to prevent direct overlooking of the rear gardens of houses on Orwell Gardens.

7.2. Impact upon amenity

- 7.2.1. Concerns have also been raised by appellants and observers regarding potential overshadowing, overlooking, and overbearing impact. The appellants Paul & Maria

Dixon referred to the proximity of proposed House no. 3 to their property no. 159 Orwell Road. They also raised concerns regarding the existing boundary wall between the appeal site and their property.

- 7.2.2. House no. 3 as indicated on the site layout Drawing No: 15-034-PL-1.006 has a separation distance of 1.5m from the gable wall to the site boundary and would be at its closest point at the south-eastern corner of the dwelling 2.23m from no. 159 and 4.8m at the widest point. I consider that a minimum separation of 2.23m at the corner of the dwelling and increasing to 4.8m is acceptable.
- 7.2.3. The boundary between the site and no. 159 is formed by a block wall with a railing, with a height of 1.8m. The appellants have stated that the wall is in a poor stated of repair they have requested that should the Board decided to grant permission that a condition be attached requiring that the wall is designed in accordance with the requirements of the Engineers for all parties.
- 7.2.4. In response the applicant acknowledges that the boundary wall is in a poor condition and needs to be replaced. The Planning Officer in their report on the scheme noted that issues concerning party walls are civil matters and I would concur with this. The applicant has stated that the issue can be addressed by conditioning that the boundary treatment details prepared and submitted by a suitably qualified engineer to be agreed with the Planning Authority. I considered this is a satisfactory way to address the matter.
- 7.2.5. Regarding the issue of overshadowing, I have examined the proposed plans and elevations and having regard to the location of the appellants' properties and specifically in relation to potential impact to properties at Orwell Gardens to the north. As part of the application a Shadow Study analysis was prepared by Duignan Dooley Architects and Planning Consultants. The diagrams indicated shadowing at 9am, 11am, 1pm, 3pm 5pm and 6pm at the spring equinox, March 21st. These indicated in the morning at 9am there would be some limited shadowing of the adjoining rear gardens at Orwell Gardens which would occur if the dwellings were built. The submitted shadow diagrams do not indicate that there would be any direct shadowing of the dwellings as a result of the proposed development.
- 7.2.6. The appeal on behalf of Hilary Mc Donagh raised the issue of shadowing during winter months when the sun is low in the sky. In response to the matter a site

section was prepared by Duignan Dooley Architects. The section indicates that the proposed dwellings would fall below the 25° line using the 25° test as set out in the BRE Digest 209: Site Layout Planning for Daylight and Sunlight to establish the effect a proposed building will have on existing properties with regards to obstructing daylight to existing windows/rooms. As the whole proposed development falls underneath the line drawn at 25° it is therefore unlikely to be a detrimental effect to daylight on the existing properties at Orwell Gardens.

- 7.2.7. The appellants have expressed concern in relation to the impact the proposed development would have on their existing amenities, specifically in relation to overlooking and overbearing impact. The rear of proposed dwellings has been designed to orientate towards the north-east and not directly north towards the dwellings. The rear elevation of House type 1 features two small first floor windows which serve a living room and hall. House type 2 and 3, feature one rear window which serves a bedroom.
- 7.2.8. The closest residential properties to the rear of the site are located at Orwell Gardens to the north. As indicated on the site layout plan Drawing No: 15-034-PL-1.006 there are separation distances of between 37m and 39.8m from the rear of the closest dwellings at Orwell Gardens to the site boundary.
- 7.2.9. Having reviewed the proposed site layout of the scheme relative to the existing surrounding properties, I consider having regard to the proposed siting of the new dwellings the relative separation distances to the existing dwellings and design of the proposed dwellings that it would not result in any undue overlooking of the neighbouring residential properties.
- 7.2.10. Regarding the issue of overbearing impact, I consider that the mass and bulk of the proposed development has been addressed in this current proposal. The reduction in the number of units to three, combined with the proposed detached design of the dwellings and with variation in the proposed roof height this serves to break up the mass of the overall proposed development. While the topography of the site means that ground level of the proposed houses are it is circa 3m above the ground level of the properties to the north at Orwell Gardens, I consider that the proposed design of the dwellings including their orientation combined with the separation distances of

over 40m between the dwellings ensures that there would be no undue overbearing impact.

- 7.2.11. In relation to potential impacts of the proposed development other issues have been raised include potential for subsidence on site and impacts from the removal of trees and vegetation. Regarding these issues I consider that should the Board decide to grant permission that a condition be attached requiring that the developer shall submit a Construction Management Plan to the Planning Authority for their agreement.

7.3. **Drainage**

- 7.3.1. The appeals and observation raised the matter of surface water drainage. Specific reference is made to the location of sections of Orwell Gardens within flood zone A. Section 5.1.1.8 of the Development Plan requires that all new development proposals include SuDs drainage measures.
- 7.3.2. The applicant has proposed to incorporate Sustainable Drainage Systems (SuDS) into the scheme in accordance with the development plan requirements. These proposals include the provision of permeable paving, rainwater harvesting system and soakaways.
- 7.3.3. The report from the Drainage Planning Section stated that they had no objections to the proposed scheme subject to the attachment of a condition to ensure that no surface water arising from the dwellings roofs and pavements shall discharge into neighbouring properties. Accordingly, subject to the provision of Sustainable Drainage Systems on site I consider that there should be no undue impact upon neighbouring properties. Should the Board decide to grant permission, I recommend that a condition be attached requiring that disposal of surface water comply with the requirements of the planning authority.

7.4. **Access and car parking**

- 7.4.1. The proposal entails the provision of a total of 3 no. new dwellings with the demolition of the existing detached dwelling. The existing dwelling is served by a vehicular entrance off Orwell Road of the site. It is proposed to construct 3 no. separate vehicular entrances off Orwell Road to serve the three properties. The location of the proposed entrances is onto a straight section of the road where satisfactory sightlines of 45 in both directions are available. There is a bend in the

road to the north-west this is circa 50m from the closest proposed entrance this would reduce the speed of vehicles travelling towards the entrances. I note that there is a low concrete median in the road which runs for circa 100m along the section of road adjacent to the site. This road configuration restricts access into and out of the entrances to southbound side of the road and ensures that the new development would not generate right turning movements from Orwell Road onto the site or generate turning manoeuvres across the roadway from the site.

7.4.2. The appellants have expressed concern at the level of additional traffic which would be generated by the proposed scheme. Having regard to relatively limited scale of the proposed development comprising a further two dwellings to the existing site, 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. Furthermore, I am satisfied having regard to the details contain on file including the reports of the Transportation Planning Section and having inspected the site and road network in the vicinity I would consider that such is of sufficient capacity to deal with level of traffic likely to be generated by the proposed development.

7.4.3. Table 8.2.3 of the Dun Laoghaire-Rathdown Development Plan 2016-2022 refers to Residential land use car parking standards. It is required under the Development plan that a three bedroom or larger dwelling a minimum of 2 no. car parking space be provided. The proposed dwellings contain 3/4 no. bedrooms. 2 no. on-site car parking spaces are proposed to the front of each dwelling which is in accordance with development plan requirements.

7.4.4. Accordingly, I consider the proposed development is acceptable in terms of access and parking considerations.

7.5. **Other issues**

Accuracy of drawings

7.5.1. The appellants have raised issues relating to perceived errors in a number of the submitted drawings. They noted that there was some ambiguity in the submitted drawings with rooflights indicated in bedroom no. 2 of House no. 2 and no. 3. However, the rooflights were not indicated on the roof plans or the northern elevations.

- 7.5.2. In response to the matter of rooflights to the rear of the dwellings the applicant has stated that as part of the current scheme it was decided to omit the rooflights from Bedroom 3 of House 1, Bedroom 2 of House 2 & 3. However, the rooflights were indicated accidentally on a number of floor plans and site plans.
- 7.5.3. The first party noted in the response to the appeals that the Planning Officer in their assessment of the proposal considered the proposal on the basis that the bedrooms will have rooflights. The first party argued that they considered that the rooflights would not cause overlooking and would provide additional light, however should the Board consider it necessary the rooflights can be omitted by condition.
- 7.5.4. A number of drawings were submitted by the first party as part of their response to the appeals. These included roof plans of the three houses and also sections through the three houses which indicated rooflights serving bedroom 3 in House 1 and bedroom 2 in House 2 and 3. I am satisfied that the applicant has provided a satisfactory response in relation to issue of the proposed rooflights. Furthermore, having regard to the high-level nature of the rooflights I do not consider that they would cause any undue overlooking of the neighbouring properties at Orwell Gardens.

Land

- 7.5.5. The appeal submitted on behalf of Paul & Maria Dixon refers to an area of land which adjoins the appeal site and lies between the rear of no. 159, no. 161 and no. 163 Orwell Road and to the rear of no's 30 to no. 33 Orwell Gardens. It is referred to in the appeal as 'No man's lands'. The appellants have expressed concern in relation to availability of access to those lands for general maintenance purposes. They have requested that an access strip be provided along the eastern boundary of the site to serve the subject area of land or that it be included in the site.
- 7.5.6. In response to these matters the applicant states that the subject area of land is outlined in blue on the site location map. The applicant advises in their submission that there are on-going legal proceedings in relation to that area of land and therefore the area cannot be included into the development. Having regard to the fact that there is a dispute in relation to that area of land and the matters concerning it relate to Civil Law, I consider it is outside the remit of the Board to determine legal interests and/or obligations held by the applicant, in relation to such lands.

7.6. Appropriate Assessment

- 7.6.1. The appeal site is not within or adjoining any Natura 2000 site. The appeal site is situated circa 4.3km to the south-west of the closest European sites South Dublin Bay and Tolka River Estuary SPA and South Dublin Bay SAC. Having regard to the nature and scale of the proposal, the nature of the receiving environment, namely a suburban and fully serviced location and the separation distance to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be granted for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the residential zoning of the site in the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 and having regard to the pattern of development in the area, the layout of the scheme, and the planning history on the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 9th day of January, 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Detailed design and method statements shall be prepared by the contractors for boundary treatment works and shall be submitted to, and agree in writing with, the planning authority prior to commencement of development. These design and method statements shall be prepared to the satisfaction of a suitably qualified engineering and shall be signed with his/her approval.

Reason: In the interest of visual amenity, and in order to ensure the provision of durable boundary treatment, in the interest of residential amenity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The new driveway/parking areas shall be constructed in accordance with the recommendations of Sustainable Drainage Systems (SuDS) and to the satisfaction of the planning authority.

Reason: In the interest of public health.

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

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual and residential amenity.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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

construction/demolition waste including any excess soil arising from the proposed excavation of the site.

Reason: In the interest of public safety and residential amenity.

8. A plan containing details of the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

9. Proposals for a name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the

area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Siobhan Carroll
Planning Inspector

18th of June 2018