



An
Bord
Pleanála

Inspector's Report ABP300517-17

Development	8 Houses, 14 apartments
Location	Glensavage, Avoca Road, Blackrock, County Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0397
Applicant(s)	Bartra Property Limited
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	(1) Peter & Mary Sullivan (2) Frances Britton (3) Redmond & Yvonne Joyce/Padraic and Phyllis Joyce (4) Avoca Road and Glenart Avenue Residents Association (5) Tom O'Carroll/Susan O'Carroll (6) Niall & Lisa McFadden (7) John Brophy (8) Phelim O'Leary/Judy Leyden and

Others.

Observer(s)

(1) Helen McMahon

(2) Lynda & Richard Booth

Date of Site Inspection

20th April 2016

Inspector

Hugh Mannion

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1.0 Site Location and Description

1.1. The site of the proposed development has a stated area of 0.94ha and is located in Blackrock in the southern suburbs of Dublin city in an area characterised by two storey houses with front and rear gardens. The site is irregularly shaped, the north/south access is the longer and comprises of a two storey house 'Glensavage' and its gardens. The house is closed and in poor repair. The site is densely covered with a trees and shrubs. The boundary is, generally, defined a rubble/stone boundary wall and heavily screened by trees and shrubs. There is a combined pedestrian/vehicular access off Avoca Road fitted with functioning electrical gates. The western boundary adjoins the rear gardens of houses on Avoca Road and Linden Grove. There is a small area of public open space also on this boundary through which a pedestrian access to Linden Grove is proposed. The southern boundary adjoins the rear gardens of houses on Grove Paddock and the eastern boundary adjoins the rear gardens of houses on Avoca Park.

2.0 Proposed Development

2.1. The proposed development comprises;

- Demolition of existing two storey house,
- Construct 3 one bed detached houses with one car space each,
- Construct 4 five-bedroom detached houses with two car spaces each,
- Construct 1 split level five-bedroom house with two car spaces,
- Construct 14 apartments in two blocks (6 one bed, 8 two bed) with 18 car spaces,
- Bike parking 14 bikes, parking for 2 motor cycles, and bin storage,
- Entrance, boundary walls and associated works.

All on a site of 0.94ha at Glensavage, Avoca Road, Blackrock, Dublin.

3.0 Planning Authority Decision

3.1. Decision

3.2. The planning authority decided to grant permission subject to 28 conditions.

3.3. Planning Authority Reports

3.3.1. Planning Reports

Following the submission of further information, the planner's reports recommended a grant of permission as provided for in the Manager's Order.

3.3.2. Other Technical Reports:

Irish Water (report 6th June 2017) noted the constraints imposed by site levels on getting a gravity drain on site and suggested that a connection to the public sewer on Avoca Park would overcome this issue.

The Dept. of Arts, Heritage, Regional Rural and Gaeltacht Affairs required that an archaeological impact assessment should be carried out and that conditions should be applied to any grant providing for protection of ecology on site.

Transport Planning recommended further information

- Quality Audit demonstrating details of compliance with DMURS,
- Details of compliance with the planning authority's taking in charge document,
- Details of the proposed Avoca Road entrance,
- Provide for a stop sign/stop road marking at the Avoca Road entrance.
- Submit drawings providing for an internal access road width of 4.2m and footpath of 1.8m.
- Provide access to Linden Grove.
- Provide for visitor car parking spaces.
- Provide for 40 bike parking spaces.
- Car parking should be wired for electric cars.
- Details of the road layout to accommodate turning by emergency vehicles.

- Submit a construction/traffic management plan.

A subsequent Transport Planning report dated 2nd October 2018 reviewed the further information submission and recommended a grant of permission.

Parks/Landscape reported that too little regard has been had to the trees on site in the proposed housing layout, and there was an absence of centrally located public open space. Insufficient regard to the Development Plan policy in relation to quality placemaking and climate resilience. Refusal was recommended.

The planning authority sought further information 23rd June 2017. A second report from Parks/Landscape maintained concerns in relation to loss of tree cover and recommended refusal.

Drainage Planning (2nd October 2017) stated that natural drainage on site is east to west and sought clarification as to the levels of the surface water sewer within the site to create gravity flow from the site to Avoca Road. Subsequent to the submission of the clarification of further information (report dated 20th November 2017) the drainage planning section recommended a grant of permission with conditions.

Biodiversity Officer (19 June 2017) requested a bat survey of the site and recommended that any grant of permission should require an invasive species management plan, and controls of surface water runoff from the site.

4.0 Planning History

- 4.1. There is no relevant planning history for this site.

5.0 Policy Context

- 5.1. The **National Planning Framework Project Ireland 2040: Building Ireland's Future** seeks to secure more compact growth on infill/brownfield development sites within all urban areas.
- 5.2. New apartments must have regard to the **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities** (DoHP & LG March 2018).

5.3. Development Plan

The site is zoned objective “A” – ‘to protect and/or improve residential amenity’ in the **Dun Laoghaire Rathdown County Development Plan 2016/2022**.

Policy RES3 in relation to residential density states:

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).

5.4. Policy ASR5 Buildings of Heritage Interest

5.5. It is Council policy to:

i. Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features.

ii. Identify buildings of vernacular significance with a view to assessing them for inclusion in the Record of Protected Structures.

6.0 Natural Heritage Designations

See AA screening below.

7.0 The Appeal

7.1. Grounds of Appeal

- The proposed houses are too close to nearby houses on Avoca Wood, Grove Paddock, Linden Grove and Avoca Road and therefore the proposed development contravenes zoning objective for the site 'to protect and/or improve residential amenity' set in the Dun Laoghaire-Rathdown County Development Plan 2016-2022.
- The proposed development will be out of character with the pattern of development in the area. The proposed design is inappropriate. The proposed development will negatively impact on 24/29 and 30 Avoca Park through loss of trees. The shape of the site makes development difficult – the application should be redesigned to reduce density to limit impacts on adjoining property.
- Apartment Block B will particularly impact on Paddock Grove. Proposed house number 5 will adversely impact on 4 Avoca Wood. Block A will particularly impact on Cedar Cottages and 27/29 Linden Grove. Units 1, 2,3 will impact on 24 Avoca Road.
- The application did not properly consider alternative drainage layouts to the east of the site. Changes to site levels may impact on the surface water regime in the area and may give rise to flooding.
- The proposed density is excessive.
- The proposed development breaks the building line established by Avoca Road.
- The tree survey is inadequate. All trees on site which contribute to the amenity of the area will be lost. Open space provision is inadequate and too much of the site given over to roads/parking areas.

- Parking provision of 31 spaces is inadequate. The road network in the area is inadequate to accommodate additional traffic. The proposal will give rise to traffic hazard. There should be no pedestrian access to Linden Grove. The internal roads do not comply with DMURS.
- No adequate architectural assessment of Glensavage House was undertaken. It may be appropriate to designate the house as a protected structure.
- There are inadequate school places available locally to serve the proposed development.

8.0 Applicant Response

- The site accommodates a single house in poor condition. It is close to bus/DART public transport and the N11.
- The proposal complies with the zoning objective for the site and is low density of 23 units per ha reflecting the pattern of development in the area. The proposal complies with Policy RES7 in that it provides a mix of unit sizes. The proposal reflects the advice set out in the Draft Update Sustainable Urban Housing: Design Standards for New Apartments.
- Item 3 of the Further Information request addresses retention of trees on site. The application included an assessment of the trees on site. The proposal was amended to retain 57 of the trees on site. These will be augmented by an additional 90 semi-mature trees illustrated on the landscape master plan.
- A mix of building types and materials is proposed which reflect the mixed character of buildings in the immediate area.
- The design/layout is chosen to avoid overlooking of adjoining property.

8.1. Planning Authority Response

8.2. The grounds of appeal do not raise new issues which require comment.

8.3. Observations

Observations have been received from Helen McMahon, Lynda & Richard Booth. These may be summarised as follows;

- There will be a significant loss of trees,
- There will negative visual impact,
- There will be an impact on boundary walls,
- There will be a risk of undermining neighbouring property by the construction of a flood attenuation tank.
- Pedestrian/vehicular traffic will be brought close to the boundary of adjoining properties.
- The pedestrian access to Linden Grove will negatively impact on residential amenity.

8.4. Further Responses

Redmond & Yvonne Joyce/Padraic and Phyllis Joyce, Peter & Mary Sullivan, Avoca Road Residents, Diarmuid O'Grada, Tom O'Carroll/Susan O'Carroll, John Brophy commented as follows (in summary);

- There will be negative impacts on Linden Grove arising from the proposed development,
- The application drawings are inadequate,
- There is inadequate information/assessment of the surface water drain through Linden Grove,
- The proposal is inconsistent with zoning objective for the site.
- The proposed development will give rise to traffic hazard during construction and operational phase, the development should be re-designed to provide two vehicular access points, one on Avoca Road, a second onto Linden Grove.
- The proposal alters ground levels and will give rise to flooding on adjoining lands.

- The development is too dense and will overlook/overshadow adjoining development.
- The proposal will impact on 24, 25 and 26 Avoca Park.
- The assessment provided of Glensavage House is inadequate.

9.0 **Assessment**

9.1. **Planning Policy**

9.2. The National Planning Framework Project Ireland 2040: Building Ireland's Future seeks to secure more compact growth on infill/brownfield development sites within all urban areas. The site is zoned objective "A" – to protect and/or improve residential amenity" in the Dun Laoghaire Rathdown County Development Plan 2016-2022. Residential development is permitted in principle in this zone. I conclude therefore that the proposed development complies to Development Plan policy for the site.

9.3. The appeal makes the point that the density is too high for the site. The Sustainable Residential Development in Urban Areas (DoEHLG May 2009) makes the point that that minimum net densities of 50 residential units per hectare is appropriate in cities and towns on sites which are close to good transport links (rail, light rail or bus services). The guidelines make the further point in this context that achieving higher densities is dependent on appropriate design and recognition of the necessity of protecting the amenity of adjoining sensitive land uses, especially housing. The County Development Plan (section 2.1.3.3) states that the default density within the area of the plan will be 35 units per ha.

9.4. In the present case the site is 0.94ha and the proposed density is 23 units per ha. This is a relatively low density having regard to the Guidelines and the Development Plan policy. Nevertheless, it may be considered that the location of the site within an established residential community, the irregular shape of the site and its relatively narrow and elongated shape and the proximity of adjoining development to the site boundary allows for a relatively lower density to protect the amenity of property in the vicinity.

9.5. **Residential Amenity**

- 9.6. The appeal makes the point that the proposed development will negatively impact on the amenity of adjoining houses because of proximity to the boundary, overlooking and overshadowing. Mention is made particularly of the impacts on houses on Avoca Wood, Linden Grove, Avoca Road and Grove Paddock.
- 9.7. House number 1 is a single storey bungalow. It is set 1.665m off the western boundary of the application site which adjoins a gated access lane which separates the application site from 24 Avoca Road (the closest house on Avoca Road to the site). Proposed house number 1 has a total separation distance from the side wall of 24 Avoca Road of 6.476m. There are no rear windows on the house type number 1. House numbers 2 and 3 are similarly situated along the western boundary. Having regard to the separation distance off the boundary, the single storey nature of house type numbers 1, 2 and 3 and the absence of rear windows I conclude that house numbers 1, 2 and 3 will not impact negatively on adjoining property because of overlooking or overshadowing.
- 9.8. On the eastern boundary the rear gardens of numbers 24 and 25 Avoca Park back onto the access road within the site which currently serves Glensavage house and will serve the proposed development. Having regard to the separation distance (circa 10m) from the front elevations of proposed houses numbers 1 and 2 to the site boundary and their single storey design I conclude that these houses will not impact negatively on the amenity of numbers 24 and 25 Avoca Park. The rear gardens of numbers 24 to 29 Avoca Park back onto the eastern boundary of the application site. The gable/rear walls of 30A and 42 Avoca Park are also on the eastern boundary. Proposed house number 4 is south of 29 Avoca Park and set back 7m from the boundary at its closest and 15m from the gable of number 29 Avoca Park. Proposed house number 4 is two storey at its northern end where it is 8.2m high and closest to the gable of number 29 Avoca Park but has only a single bathroom window at first floor level. Proposed house number 5 has a basement with two storeys above. This proposed house has a first-floor bathroom window facing north which is about 7m from the gable of 30A Avoca Park. There are also two east facing windows on the rear elevation which are more than 10m off the boundary with 42 Avoca Park. There are two further houses (Alvelely and another) on Avoca Park. Apartment block A is about 35m from the rear elevation of Alvelely; apartment block B is about 25m the rear elevation of Alvelely at it closest. House number 6 is two

storeys and has two first floor rear windows. The window closest to the nearest house serves a stairwell and will not give rise to overlooking of adjoining property. It is noteworthy that none of the adjoining houses discussed above is 11m off the common boundary with the application site, it would therefore be unreasonable to impose this separation distance on the application site. I conclude that the proposed houses will not impact negatively on adjoining property because of overlooking or overshadowing.

- 9.9. Apartment Block B is a three storey building located in the southern end of the site. It is about 2.5m off the boundary at its closest point and about 14m from the rear wall of 10 Grove Paddock. The plans for apartment Block B have remained unchanged throughout the application process and are unaltered by the planning authority's decision. There are no windows overlooking the rear of 10 Grove Paddock from first or second floor level. There are first and second floor balconies but these face due south and include screen planting at first and second floor levels to limit views south. Having regard to these factors I conclude that the proposed apartment block B will not unreasonably impact on the amenity of adjoining property by way of overshadowing or overlooking.
- 9.10. Apartment Block A is located on the western boundary. Generally, it overlooks the small element of public open space between the site's boundary wall and the footpath/verge within Linden Grove and this aspect of the proposal does not raise any issues of impact on residential amenity. The southwestern corner is about 2.3m off the boundary at its closest point and just over 8m from the closest point of the rear of 27 Linden Grove which itself appears to be a single story relatively recent infill development. A planted screen and boundary screening will obstruct the view south from the terrace serving the apartments on the first and second floor of apartment block A. Apartment block A is 4m/5m off the boundary on its northern elevation and addresses the gable of the house number 5 in the terrace of five two storey houses in Cedar Cottages on Linden Grove. The planning authority has imposed conditions 2 and 3 amending the north facing windows on first and second floor of apartment block A which I consider adequate to protect the amenity of these houses.
- 9.11. There are two remaining houses, numbers 7 and 8. A single storey return on proposed house number 7 addresses the rear of boundary of number 2 Cedar Cottages at a distance of 6.4m. The first-floor windows are set about 14m off the

boundary with Cedar Cottages. Having regard to these separation distances and the boundary screening I conclude that proposed house number 7 will not negatively impact on the amenity of adjoining property by reason of overshadowing or overlooking. Proposed house number 8 has one first floor window serving an en-suite which faces onto the front garden of 11 Linden Grove; front gardens are ordinarily open to views from the public realm and are not regarded as private open space.

9.12. Having regard to the foregoing I conclude that the proposed development will not unreasonably impact on the residential amenity of property in the vicinity.

9.13. Apartment Standards.

9.14. The protection of residential amenity within the site is required by the zoning objective for the site set out in the County Development Plan and the quality of the proposed housing units contributes significantly to the achievement of this objective. The 8 individual houses are acceptable in terms of floor areas, private open space and provision of car parking.

9.15. New apartments must have regard to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHP & LG March 2018). Appendix 1 of the guidelines sets out, *inter alia*, the minimum floor areas for one, two and three bed apartments, storage and private open space/terrace areas. The proposed apartments in this case all meet these standards. The apartment layouts are acceptable in so far as all are dual aspect and have adequate internal storage.

9.16. Architectural Conservation

9.17. The appeal makes the case that no adequate architectural assessment of Glensavage House was undertaken and it may be appropriate to designate it as a protected structure. The application included a design statement (see copy deBlacam and Meagher wire bound A4 submission). The design statement provided a short structural assessment of Glensavage House and concluded that the poor state of the building fabric justified demolition. These points are reiterated in the applicant's response to the appeal. The planning authority commented that the existing house on site is ruinous and derelict.

- 9.18. Glensavage House is not a protected structure and is not recorded in the Buildings of Ireland/National Inventory of Architectural Heritage. However, the house dates from the 1820s and appears to have been called 'Landsend' in the 19th century and became 'Glensavage' in the 20th century. It is the planning authority's policy as set out in Policy AR5 of the County Development Plan in relation to buildings of heritage interest "to retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment..."
- 9.19. The house is not ruinous or derelict; the windows and doors are intact as is the roof. While the house is not visible from Avoca Road it is visible from Linden Grove and I conclude that the application has not provided an assessment of the house's historical or architectural interest sufficient to justify its demolition.
- 9.20. **Ecological Impacts**
- 9.21. The issue of ecological impacts especially on potential bat populations on site was raised by the planning authority's Biodiversity Officer and the Department of Arts, Heritage, Regional Rural and Gaeltacht Affairs. These points were addressed in the request for further information through the submission of a bat survey (19a), badger survey (19c), breeding bird survey (19d).
- 9.22. The application had included an Ecological Impact Assessment and an amended version of this was submitted on 13th September 2107 by way of further information. The amended report concluded that the site provides feeding areas for common pipistrelle bats but no roosts were confirmed. The planning authority's biodiversity office reviewed the further information and did not take issue with this finding. I conclude on the basis of the reports on file that the proposed development would not seriously disturb roosting bats. The applicant has additional responsibility towards bats under a NPWS administered licencing scheme. The Ecological Impact Assessment detailed bird activity on site and the planning authority's biodiversity office commented that site clearance should not be carried out during the bird breeding season (March 1 to August 31). It would be appropriate to condition this provision in any grant of planning permission. There is a badger sett on site which will have to

be removed in accordance with a NPWS licence. The application also includes a plan for the eradication of Japanese knotweed which is acceptable.

9.23. Having regard to the material submitted with the application and the reports of the planning authority I conclude that the proposed development will not unreasonably impact on the ecology of the site or of neighbouring property.

9.24. **Tree Protection**

9.25. The appeal makes the point that insufficient effort has been made to reflect the development plan objective to protect the trees on site. The initial Parks and Landscape Department report (20th June 2017) makes the point that 80% of the tree/vegetation cover on site will be lost and that two significant cedar trees and a walnut tree would be felled as part of the proposed development. This point was raised (point 3) of the request for further information requiring greater retention of trees and greater recognition of the Development Plan objective to retain trees on site.

9.26. The additional information includes a revised Arboricultural Report and attendant drawings (Tree Constraints Plan Glensavage -TCP-09-17, Tree Protection Plan Glensavage -TCP-09-17 and Tree Impact Assessment Glensavage -TCP-09-17). Relatively minor changes are proposed to the tree protection programme and the three trees mentioned in the Parks Department report, two cedar trees (numbers 484 and 528 in the schedule of trees included in the report) and a walnut tree (number 527) are proposed for felling. The Arboricultural Report describes the walnut as distorted and unbalanced and unsuitable for retention. Both cedar trees are described as suffering from storm damage and as having other problems. Cedar number 484 is not subject to a 'preliminary management recommendation' as most others on site are and the 'preliminary management recommendation' for cedar 528 is to review. The 'preliminary management recommendation' for the walnut is to remove. The Tree Protection Plan Glensavage -TCP-09-17 shows these and most other trees are proposed for felling.

9.27. The Parks and Landscape Department's second report (2nd October 2017) noted that the revisions still provided for the removal of 71% of the tree cover on site, that there

is nothing inevitable about this loss of trees and that it could be overcome by more sympathetic design/layout.

9.28. The point is made below that there is some conflict in the objective to develop the site for residential use at a reasonable density, protect the tree cover on site and respect the pattern and character of development in the wider area. There is validity to the Parks and Landscape Department's view that the design/layout has not had sufficient regard to the trees on site. Nevertheless, some improvement has been achieved through the further information submission and I agree that some of the trees on site are in poor condition. Having regard to the zoning of the site for residential development and the advice in relation to density in the Sustainable Residential Development Guidelines I conclude that development of the site at the proposed density is in accordance with the proper planning and sustainable development of the area.

9.29. Open Space

9.30. The appeal makes the point that the proposed development provides inadequate shared open space.

9.31. The initial Parks and Landscape Department report (20th June 2017) stated that there was no centrally located communal open space and that the incidental open spaces were unsatisfactory. This specific point was not raised by way of a request for further information whereas the Parks and Landscape Department's concern for tree protection was raised. In response to the appeal the applicant makes the point that the application provides a total of 1,509m² of public open space with 460m² of that total located in the central open space between house number 3 and house number 7.

9.32. The proposed open space layout is set out in drawing A-PA116 Proposed Landscape Plan submitted to the planning authority on the 2nd May 2017. The constraints on developing the site are considerable given its shape, the Development Plan objective to protect the trees on site while simultaneously developing it for residential purposes and achieving a reasonable density of development in accordance with the Sustainable Residential Development Guidelines.

- 9.33. Overall, I conclude that since the finished development will be privately managed by a management company the smaller open spaces will not pose a long-term parks management issue for the planning authority and that the quantum of communal open space and its distribution is acceptable.
- 9.34. **Foul and surface water drainage.**
- 9.35. The appeal/observations make the case that the proposed foul and surface water drainage arrangements are inadequate and may give rise to flooding on adjoining lands. The applicant makes the point that there is no history of flooding on the site or in the immediate area.
- 9.36. The slope within the site is west to east and south to north towards Avoca Road. Irish Water reported (6th June 2017) that the original foul sewer proposal may not be achievable because of gradients from the site to Avoca Road and that draining to Avoca Park on the eastern boundary should be investigated (see point 8 of the request for further information). The applicant in response did not vary the drainage layout but included an assessment from CS Consulting Engineers which concluded that effluent movement within the foul drain would achieve self-cleaning velocity and meet Irish Water standards. Appendix F of CS Consulting Report received by the planning authority on the 13th September 2017 is an email from Irish Water which appears to confirm Irish Water's agreement to this arrangement. The issue was raised again by Irish Water but the final comment from Irish Water (see report dated 22nd November 2017) following on the submission of the clarification of further information recommended permission. I conclude based on the material submitted with the application and the reports on file that foul drainage may be adequately provided from the site to Irish Water's foul sewer on Avoca Road.
- 9.37. The planning authority's Drainage Planning Section reported (dated 31st May 2017) in relation to the initial documentation submitted with the application that surface water drainage would be split between a northern element draining to Avoca Road and a southern element draining to a possibly private sewer in Linden Grove. There were two problems with this; (a) the pipes would necessarily be shallow laid and (b) with insufficient gradient thereby risking surcharging (flooding). This issue was raised at point 7 of the request for further information. The applicant revised the proposal removing the original access to a drain in Linden Grove and directing all surface

water to a connection on Avoca Road. The planning authority's drainage section reported (2nd October 2017) that the issues in relation to drainage to Linden Grove had been removed since a single outfall on Avoca Road was now proposed. The report still expressed concerns in relation to the shallow depth and low gradient of the surface water drains but, significantly, did not state that the proposed arrangements were unacceptable. The clarification of the further information request concentrated on the attenuation aspects of surface water.

- 9.38. The application proposes that surface water flows from the site are to be limited to greenfield rates through, *inter alia*, employment of SUDS and drainage to an attenuation tank. The details of the location/size and construction of the attenuation tank (the response to the request for clarification proposes a single surface water attenuation tank is proposed in place of an original 2 tanks) is set out in drawings B068-003 Revision A (for location) and drawing B068/013 (for construction details) both submitted to the planning authority on the 13th September 2017. The planning authority's drainage section reviewed the FI and the Clarification of Further Information and reported (3rd November 2017) acceptance of the arrangements as proposed.
- 9.39. Having regard to the details submitted with the application and further information, to the reports of the planning authority and Irish Water on file and, in particular, to the location of the proposed attenuation tank at a reasonable distance from the site boundary and neighbouring property I conclude that the overall surface water drainage regime is acceptable and may be carried out without unreasonable risk to the stability of site boundary walls or flooding of adjoining property.
- 9.40. The planning authority raised the issue of boundary treatment at point 5 of the request for further information and the appeals make reference to potential impacts on the boundary and flooding of adjoining property from redirected surface water following on development. The amendments to the application set out in the further information and clarification of further information are significant in this regard and in particular the points in relation green roofs, opportunity for infiltration, the provision of attenuation and eventual drainage to a public system. The application also includes a flood risk assessment (FRA) (appendix E in the RFI received by the planning authority on 13th September 2017) which finds that the site is in a Zone C for the purposes of FRA where the probability of flooding is low (1:1000 years).

9.41. I conclude that the pattern of rainfall within the site and adjoining area will not be affected by the proposed development and the surface water management measures included in the application are sufficient to adequately mitigate any risk of flooding.

9.42. **Traffic Safety.**

9.43. The appeal makes the point that the proposed development will contribute to traffic volumes on the adjoining road network and may endanger public safety.

9.44. Avoca Road/Avoca Avenue link the site to Blackrock to the east whereas Grove Avenue and Stillorgan Park link the site to the N11/Stillorgan Road to the west. The roads in the area are two lanes, of good standard with footpaths on both sides. The speed limit is 50kms/h. The planning authority's transport planning section reported no objection on the grounds of inadequate network. Having regard to these factors and the modest scale of the proposed development I conclude that the proposed development does not have the capacity to materially impact on the traffic patterns on the local road network and that the proposed development is acceptable in terms of traffic safety and convenience.

9.45. **Pedestrian Access.**

9.46. The appeal makes the point that a new access from the proposed development through Linden Grove will negatively impact on the residential amenity of houses on Linden Grove.

9.47. The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DOEHLG 2009) make the point that connectivity and permeability within and between areas in cities and towns should create routes which are accessible to everyone and that 'gated estates' should be discouraged. The proposed development is a very modest scale, single use development which will generate a modest additional footfall through adjoining established residential roads/streets. I conclude that the pedestrian access to Linden Grove will not injure the amenity of houses in Linden Grove.

9.48. **Parking Provision.**

9.49. The appeal makes the case that the proposed development provides insufficient parking on site.

9.50. Table 8.2.3. of the County Development Plan sets out the parking provision standards for residential development. Two spaces should be provided for three bed houses which 1.2 spaces should be provided for 2 bed room apartments. The planning authority's transport planning section reported on the application (13th June 2017) and did not comment adversely on the proposed car parking provision although it required the provision of cycle parking.

9.51. Each of the one bed houses has a single car parking space, each of the two bed houses has two spaces and there are 18 spaces for the 14 one/two bed apartments. I conclude that parking space provision is adequate and meets the development plan standards.

9.52. It may also be noted that cycle spaces were provided for in the additional information submission made 13th September 2017 in accordance with the planning authority's requirements.

9.53. **Appropriate Assessment**

9.54. The application includes an appropriate assessment screening report. The report identifies the European sites within 15kms of the application site. These are;

- South Dublin Bay SAC (000210)
- Rockabill to Dalkey Island SAC (003000)
- North Dublin Bay SAC (000206)
- Howth Head SAC (000202)
- Knocksink Wood SAC (000725)
- Wicklow Mountains SAC (002122)
- Ballyman Glen SAC (000713)
- Baldoyle Bay SAC (000199)
- Bray Head SAC (000714)
- Ireland's Eye SAC (002193)
- Glenasmole Valley SACX (001209)

- South Dublin Bay and Tolka River Estuary SAC (004024)
- Dalkey Islands SPA (004172)
- North Bull Island SPA (004006)
- Wicklow Mountains SPA (004040)
- Howth Head Coast SPA (004113)
- Baldoyle Bay SPA (004016).

9.55. South Dublin Bay SAC (000210) and the South Dublin Bay and Tolka River Estuary SAC (004024) are 1.5kms and 1.2kmns distant from the application site respectively. The screening report identifies surface water and foul water entering Dublin bay as a potential impact arising from the proposed development. The screening report concludes that there will be no significant adverse impacts for any European site arising from the proposed development having regard, *inter alia*, to the on-site attenuation and infiltration of surface water, the capacity of the Ringsend WWTP to treat foul water arising from the proposed development and the employment of best practice construction techniques to limit run off during the development phase of the proposed development.

9.56. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the South Dublin Bay SAC (000210) and the South Dublin Bay and Tolka River Estuary SAC (004024) or any European site in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

10.0 Recommendation

10.1. Having regard to the foregoing I recommend refusal for the reasons and considerations set out below.

11.0 Reasons and Considerations

It is the policy of the planning authority as set out in the Dun Laoghaire Rathdown County Development Plan in relation to buildings of heritage interest to retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment. The application site includes 'Glensavage' a house which is a habitable dwelling dating from the first half of the early 19th century and formerly named 'Landsend'. The Board is not satisfied on the basis of the information provided in the application and appeal that the demolition of 'Glensavage' is justified. The proposed development would, therefore, materially contravene an objective set out in the County Development Plan and be contrary to the proper planning and sustainable development of the area.

Hugh Mannion

Senior Planning Inspector

3rd May 2018