



An
Bord
Pleanála

Inspector's Report ABP300519-17

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| Development | Development to the rear of existing dwelling comprising 6 no. terraced three bedroom dwellings, 12 no. car parking spaces, revised entrance arrangement to Dundrum Road and all associated works. |
| Location | Chandos, Dundrum Road, Dublin 14 |
| Planning Authority | Dun Laoghaire Rathdown County Council |
| Planning Authority Reg. Ref. | D17A/0873 |
| Applicant(s) | Independent Trustee Co. Ltd. |
| Type of Application | Permission |
| Planning Authority Decision | Refuse Permission |
| Type of Appeal | First Party v. Decision |
| Appellant(s) | Independent Trustee Co. Ltd. |
| Observer(s) | Claire O' Neill and John Clarke |
| Date of Site Inspection | 4 th April 2018 |
| Inspector | Erika Casey |

1.0 Site Location and Description

- 1.1. The subject site is located on the western side of the Dundrum Road and currently accommodates a large detached two storey dwelling. There is an extensive garden to the side and rear of the dwelling. There are two existing vehicular entrances from the Dundrum Road and the site is bound by a stone wall to the front.
- 1.2. St Luke's Crescent is located to the north of the site and comprises a small cul de sac of two storey dwellings centred around an area of open space. There is a large area of public open space located to the west of the site that connects to the Dodder Valley. To the south, the site is bound by residential gardens of dwellings fronting Dundrum Road. Development in the vicinity of the site is primarily residential, low density and suburban in character. The site is well served by public transport and is served by a number of Dublin Bus routes. Miltown Luas is located c. 800 metres from the site.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a residential infill development to the rear of an existing dwelling known as Chandos on a site of 0.231 ha. The dwellings are arranged in a terrace running north to south. The development comprises:
 - The construction of 6 no. three bedroom dwellings with accommodation at ground, first and dormer level (including private terraces to the rear at dormer level). The areas of the residential units range from 159 to 161 sq. metres. Materials comprise off white render and natural slate roof.
 - To the rear of each dwelling a private rear garden ranging in size from 37 to 47 sq. metres is proposed. At third floor level, each dwelling is served by a private terrace ranging from 23 to 28 sq. metres.
 - 12 no. car parking spaces are provided, 1 serving each dwelling and 6 additional spaces arranged in two separate parking areas. A bin store (12.8 sq. metres) and 16 cycle parking spaces are also proposed. A communal hard landscaped area is proposed to the front of the dwellings. Landscape proposals

provide for the planting of 4 new trees, 3 of which are native birch semi mature trees with a minimum planting height of 3 m.

- Revised entrance arrangements onto Dundrum Road serving the new development are proposed which incorporates signage, a new wall and a new entrance gate within the site for the existing dwelling and all associated boundary, landscaping and site development works.

2.2 The existing dwelling – Chandos is retained. This will be served by a large private garden to the rear with an area of 275 sq. metres. The distance between the retained dwelling and the proposed houses ranges from 26 to 30 metres.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To Refuse Permission for 2 no. reasons:

1. *The proposed development would provide a density of 30.3 dwellings per hectare. This is considered to represent an inefficient and unsustainable use of serviced lands, land that is within walking distance of many amenities and public transport infrastructure. The proposed density would therefore materially contravene 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 (DoEHLG 2009). The proposed development is therefore contrary to the proper planning and sustainable development of the area.*
2. *The proposed development represents a poor form of development by way of its layout and configuration, with the proposed terrace abutting both northern and southern boundaries of the subject site and inadequate rear garden depth (contrary to section 8.2.3.4 of the Dun Laoghaire Rathdown County Development Plan 2016-2022). The proposed development would therefore seriously detract from the visual and residential amenities and would depreciate the value of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Report (23.11.2017)

- The site is located approximately 500 metres from the Milltown Luas Stop and the site is located on a well serviced bus route. As such, the higher density of 50dhp would be applicable on this site.
- There are concerns with regard to the overall layout of the new development in relation to the siting of the dwellings. The proposed dwellings are positioned in a crescent shape to the rear of the site. There are concerns that the development will be built up to the shared boundary of the neighbouring sites at 23/25 St. Luke's Crescent and 1 Dundrum Road to the south of the site.
- The layout represents a poor form of development as the applicant is benefitting from the surrounding extensive rear garden depths by constructing up to the boundary; this is further exacerbated by the presence of terraces associated with the proposed dwellings.
- The proposed dwellings are set to the rear of the plot, with rear garden depths varying from 5.9 to 8.6m. The County Plan requires rear garden depths of 11 metres.

3.2.2. Other Technical Reports

Transportation Planning (09.11.2017): Recommended 11 points of Further Information to include:

- Submission of a Transport Impact Assessment to assess the impact of the development on the surrounding road network.
- Provide a single 'IN' and 'OUT' arrangement to access/egress the proposed development. Speed survey to be submitted to establish if achievable sightlines are acceptable in relation to existing traffic speeds on Dundrum Road.
- Detailed plan of proposed vehicular entrance to existing dwelling.

Drainage Planning (16.11.2017): Notes serious concerns regarding the principles of proposed surface water drainage design. Recommended Further Information relating to:

- Appropriate protection of properties for flood events.
- Connection to the culvert should not be built over which may result in the loss of 1 unit.
- Run off calculations should be calculated for the entire site. Attenuation storage should be provided inline. Revised design required whereby the attenuation storage serves the entire proposed development and has an appropriate flow control device.
- Revised proposals should include more methods of infiltration/reuse of surface water runoff within the site.

Parks and Landscape Services (22.11.2017): No objection. Notes that the removal of existing trees is justified and concur with the arboriculture assessment and landscape consultant's proposed new planting, as part of an overall package of landscape proposals.

3.3. Prescribed Bodies

Irish Water (23.11.2017): No objection.

3.4. Third Party Observations

3.4.1 A number of third party observations were made in relation to the application. Issues raised overlap and can be summarised as follows:

- Concerns regarding the loss of trees and hedgerows on the site, particularly 100 year old Copper Beech and impact on visual amenities and ecology of the area.
- Impact on residential amenities and privacy in terms of overlooking, overshadowing light pollution and noise intrusion.
- Consider that the scale, height and design of the dwellings is out of character with the area and will have an overbearing impact.
- Object to the density of the development and that it represents the overdevelopment of the site.

- Concerns that the development will exacerbate existing traffic congestion in the vicinity.
- State that there are concerns how the existing sewerage system in the area will function with the additional loading from the development.
- Construction phase impacts.

3.4.2 There was one observation in support of the development from the occupants of the existing dwelling – Chandos. The submission supports the development as it will improve the access to the site and is a high quality design. It notes that the existing garden is underutilised and the development of the site will ensure that the retained garden is of sufficient size and more manageable. It is stated that the development will provide an improved sense of community and increased safety and security.

4.0 Planning History

4.1 There is no recent planning history pertaining to the site. There are historic planning permissions dating back to the 1980's for outline permission for 19 apartments. No other relevant planning history in the vicinity of the site.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan for the area is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The subject site is zoned Objective A: *To Protect and/or Improve Residential Amenity.*

5.5.2 An Area of Archaeological Potential is located to the north of the site.

5.1.3 Relevant policies and objectives include:

Section 8.2.3.4 (vii) Infill: *“New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.”*

Section 2.1.3.4 Existing Housing Stock Densification: *“Encourage densification of the existing suburbs in order to help retain population levels - by ‘infill housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc.*

In older residential suburbs, infill will be encouraged while still protecting the character of these areas.”

Policy RES 3: *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.*

Where a site is located within 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities of 50 units per hectare will be encouraged.

As a general rule the minimum default density for new residential developments in the County (excluding lands on zoning objectives ‘GB’, ‘G’ and ‘B’) shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to greenfield sites of larger ‘A’ zoned areas.

Section 8.2.3.2 of the Plan set out quantitative standards for residential development.

Section 8.2.8.4 sets out standards for **Private Open Space**. For 3 bed units a minimum of 60 sq. metres is required. It is noted that in instances where an innovative design response is provided on site, a relaxation in the quantum of private open space may be considered on a case-by case basis.

With regard to separation distances, the plan states that a minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, normally resulting in a minimum rear garden depth of 11 metres. However, this may be reduced to 7 metres for single storey dwellings - subject to the maintenance of privacy and protection of adjoining residential amenities.

Section 8.2.8.6 addresses **Trees and Hedgerows** and states that Arboricultural Assessments carried out by an independent, qualified arborist shall be submitted as part of planning applications for sites that contain trees or other significant vegetation. The assessment shall contain a tree survey, implications assessment and method statement.

5.2. Natural Heritage Designations

- None applicable.

6.0 The Appeal

6.1. Grounds of Appeal

- To address the reasons for refusal, revised plans are submitted which propose a number of alterations to the scheme. These can be summarised as:
 - The terrace of dwellings has been offset further by a distance of 1.25 – 1.73 metres from the southern boundary and by 1.25 to 1.4 metres from the northern boundary.
 - The access has been revised to a single entrance point, thus increasing sightline visibility. The wall adjacent to the entrance has been reduced to a height of 1 metre on each side.
 - The proposed rear gardens to the development have been reconfigured.
 - Revised drainage layout is proposed.

Density:

- The application site comprises the entire site, including the existing dwelling. Excluding the existing dwelling, the site area of the proposed development is 0.157 ha. The proposed development of 6 dwellings, therefore, constitutes a density of 38.2 dph. This is the net density which is considered the most appropriate method to calculate density. It is considered that the density of the scheme has been incorrectly calculated in the Planning Authority Planner's Report.

- Reference made to the guidance set out in the Sustainable Residential Design in Urban Area Guidelines, the Quality Housing for Sustainable Communities and the Development Plan. It is apparent that the density standards set out in these policy documents are guidelines and targets. There are exceptions set out in each document to allow for discretion on a site by site basis. It is considered that the development complies with the Policy RES 3 in relation to Housing Density.
- Notes three relevant precedent decisions. Under Planning Authority Reference D14A/0282/ABP Ref. PL06D.243686 permission was granted for an infill development with a density of 37 units per hectare. The Board noted in their decision the limited area of the site and the existing pattern of development in the vicinity and in this context that the density of the development and house types proposed were satisfactory.
- Under Planning Authority Reference D13A/0490/Appeal Reference PL06D.242786, the Board granted permission for an infill development of 30 dwellings with a density of 30 units per ha. The decision noted that whilst a higher density of development might have been preferred, having regard to the scale and setting of the site, the small number of additional units that might be potentially achieved did not merit a refusal of permission.
- Under Planning Authority Reference D14A/0440/ABP Ref. PL06D.243937, the Board granted permission for an infill scheme of 10 units with a density of 20 units per ha. The Inspector's Report noted that it was unlikely a higher density development would be accommodated at this site without compromising the residential amenities of adjoining and future residents.
- Notes that the layout of the scheme had regard specifically to Section 8.2.3.4 (xiv) of the County Development Plan and the desire to retain the existing dwelling. The proposal has been designed taking into consideration the surrounding area, the house on site and the amenities of neighbouring properties. It is considered that the existing density is appropriate for the site and its setting.

Amenity:

- In terms of amenity, the scheme has been redesigned so that the terrace now sits away from both boundaries. Screening is proposed to each terrace adjacent to the site boundaries to prevent overlooking.
- The amenity space serving each dwelling is in excess of the development plan standards. Garden depths range from 5.7 to 8.9 metres. Reference is made to the development plan guidance which states private open space standards may be relaxed and will be assessed in a case by case basis. A number of precedent permissions are cited where reduced garden depths have been approved by the Board including ABP Ref. PL06D.239442 and ABP Ref. PL06D.242201.
- Notes that the 11 metre distanced set out in the Development Plan arises from a 22 metre proposed separation distance from directly opposing rear elevations. As the site backs onto Windy Arbour Park, it is extremely unlikely that dwellings will be constructed to the rear of the scheme. The development plan does not state that the distance of 11 metres is a measure of good private amenity space.
- It is considered that the proposed development does not detract from the visual and residential amenities of the area and would not depreciate the value of property in the vicinity.

Traffic and Drainage:

- A revised Traffic Report is submitted with the appeal which addresses the issues raised in the report of the Transportation Planning Department of the Council. Key points include a revised entrance arrangement with only one access point, improved sightlines, relocation of the ESB pole, new stop sign, public lighting and a construction management plan.
- Revised drainage proposals are also submitted including the alteration of the point of discharge to the north west corner of the site.

6.2. Planning Authority Response

- The applicant has submitted revised plans and provided further information on drainage and transportation matters. In addition, the applicant has included revised plans that now includes a separation from the northern and southern boundaries. Notwithstanding the revisions made to the proposed layout, the Planning Authority maintains that the development represents a poor form of development by way of its layout and inadequate provision of private amenity space.
- The Planning Authority maintains the view that the proposed development of 7 units on a size of this site within close proximity to services and public transport would represent an inefficient use of zoned suburban lands where a density of 50 dph as set out within the County Development Plan RES3 should be achieved.

6.3. Observations

Claire O' Neill and John Clarke, 24 St. Luke's Crescent, Milltown, Dublin 14

- Separation distances proposed are inadequate and the proposed 10.5 m gable wall directly south of their property will have an overbearing impact. Concerns raised regarding potential overshadowing. The development will negatively impact on their residential amenity.
- The development does not respect the historic character of the area. The development adjoins St. Luke's Crescent which is of social and historic importance. The height of the development will impact negatively on surrounding properties. The design, including the dormer windows is inconsistent with prevailing building heights. Consider that development should be subsidiary to the main dwelling house.
- Concerns regarding loss of trees and in particular 100 year old Copper Beech and the destruction of a field boundary hedge located to the back of gardens 24-30 St. Luke's Crescent. Consider that proposed 2 metre boundary wall will damage the root system of hedge and that the finish and height of wall is unacceptable.

- Object to potential traffic impacts, conflicts with cyclists and consequential noise and air pollution. Note concerns regarding potential light pollution.

7.0 Assessment

7.1 The main issues in this appeal are those raised in the grounds of appeal and observation. Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Density
- Private Open space and Amenity
- Impact on Residential Amenity.
- Traffic and Drainage.
- Appropriate Assessment.

7.2 Density

7.2.1 The subject development comprises an infill residential scheme of 6 dwellings. The subject site is zoned objective A: *To Protect and/or Improve Residential Amenity*. Having regard to the zoning objective pertaining to the site and national guidance which promotes the consolidation of well serviced urban land, the principle of the development is acceptable at this location.

7.2.2 The Council however, have refused the development on the basis that the density is considered too low and would materially contravene Policy RES3 of the County Development Plan. It is further detailed in the Planning Authority Planner's Report that a density in the order of 50dph would be applicable at this site.

7.2.3 Policy RES 3 states that for new residential development, densities shall be 35 units per hectare. It notes however, that such density may not be appropriate in all instances but will serve as a general rule. It further details that within 1km of a Luas line, higher densities at a minimum of 50 units per hectare will be encouraged.

7.2.4 It is detailed by the applicant in their appeal that the area of the site within the red line boundary is 0.231 ha. However, the site of the actual development is 0.157ha.

Having regard to this latter area, the density of the development is 38.2 dph. It is stated that this is the net area of the site, which is the correct method for calculating residential density. It is noted that the Sustainable Residential Design in Urban Areas Guidelines 2009 state that net density is the most appropriate and commonly used approach for defining density. It states:

“A net density measure is a more refined estimate than a gross site density measure and includes only those areas which will be developed for housing and directly associated uses.”

7.2.5 The area of the site that will be utilised and developed for housing is 0.157 ha and I am, therefore, satisfied that the density of the development is 38.2 dph and not 30.3 dph as contended by the Planning Authority.

7.2.6 In considering the appropriateness of this density for the subject site, it is considered that regard must be had to the general character and prevailing pattern of development in the vicinity of the site. As noted by the applicants, the site is well served by public transport but is almost 800 metres from the nearest Luas stop. Adjacent development comprises low density suburban housing. The Sustainable Residential Design in Urban Areas Guidelines note that in relation to suburban and infill sites in residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

7.2.7 I note that the density targets set out under RES 3 are not explicit or rigid and it is clearly detailed that they will not be appropriate in all instances. Each application must be considered on its merits and on a case by case basis. I am satisfied that in this instance due to the limited area of the subject site, the constraints posed by the retained dwelling and the character of adjacent development which is typically two storey dwellings, that the density of development is appropriate and will not undermine the policy objectives of the Development Plan. The design and layout of the development is considered to respond to the site's context, and whilst a higher density may be achievable, it would likely compromise the amenities of the existing dwelling and those adjacent to the site.

7.2.8 It is noted that the Planning Authority reason for refusal refers to the fact that it considers that the development would materially contravene the 2016-2022 Dun Laoghaire Rathdown County Development Plan. Reference is made in the reason for refusal to Policy RES 3 of the Plan. In this context, if the Board are minded to grant permission for the proposed development, Section 37(2) of the Planning and Development Act 2000 must be considered. This states that if the Planning Authority have decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in certain circumstances.

7.2.9 I am of the view that the term material contravention has been used inappropriately by the Planning Authority in this instance. The policy referred to in the reason for refusal is a general policy regarding residential density. The policy sets out general recommendations and guidance regarding appropriate densities for different types of sites. The policy however, is not prescriptive in nature and specifically notes that such densities will be encouraged and may not be appropriate in all instances. The policy is aspirational and must be considered on a case by case basis, dependent on the circumstances and character of each site. It is considered that in this instance, the term material contravention has been used by the Planning Authority erroneously.

7.2.10 Having regard to the provisions of section 37(2)(b)(ii) and (iii) of the Planning and Development Act, it is considered that the Board is not precluded from granting planning permission in this instance having regard to the established character and pattern of development in the vicinity of the site, the character of the proposed development and the infill nature of the site and the provisions of the "Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)" issued by the Department of the Environment, Heritage and Local Government in May 2009.

7.3 **Private Open Space and Amenity**

7.3.1 Concerns have been raised by the Planning Authority regarding the layout of the development and in particular the inadequate depth of the rear gardens. It is also detailed that it is considered that the development results in a poor layout as it is built up to the boundary of neighbouring properties.

- 7.3.2 As part of the appeal submission a revised site layout plan has been submitted. This amends the layout to provide a greater offset from the southern and northern boundaries that abut existing residential development. To the north, the development is set back 1.25 to 1.4 metres and to the south, it is set back 1.25 to 1.73 metres.
- 7.3.3 The site poses a number of constraints due to the retention of the existing dwelling which is considered to be of merit and the location of residential dwellings to the north and south. The positioning of the units in a terrace to the rear of the site however, is logical. This is the least sensitive part of the site as it is adjacent to an area of open space to the west, ensures that the development maintains an adequate separation distance from Chandos House to the east and is located a significant distance away from the existing dwellings to the south located along Dundrum Road and those to the north in St. Luke's Crescent.
- 7.3.4 It is noted that the development is set back significantly from adjacent dwellings due to the length of existing rear gardens. The rear garden of no. 1 Dundrum Road located to the south of the site is c. 40 metres and the development will be set back c. 29 metres from this dwelling. To the north, the development will be set back c. 21 metres from the existing dwellings.
- 7.3.5 Whilst the concerns of the local authority regarding the proximity of the development to the existing boundaries to the north and south are noted, it is considered that the revised drawings provide for an adequate set back from these boundaries. It is noted that there is no fenestration on these gable elevations. The impact of the development can be further mitigated through landscaping. This can be addressed by condition. I am satisfied that the layout of the development will have no material impacts on the amenities of adjacent properties.
- 7.3.6 With regard to the depths of the rear gardens serving the development, it is noted that these typically vary from 6 to 8 metres. In addition to the rear garden amenity area, each dwelling accommodates a terrace at second floor level. All dwellings exceed the minimum standard of 60 sq. metres of private open space required for a 3 bed dwelling.
- 7.3.7 The principal concern of the Planning Authority relates to the proposed depth of the rear gardens. It is stated that they do not comply with the policy requirement that

rear gardens should generally be 11 metres in depth. I would concur with the statement by the applicant that such a policy derives from the requirement to have a 22 metres separation distance in instances where you have directly opposing windows and a scenario where dwellings are proposed backing onto existing residential development.

7.3.8 In this instance however, the proposed development is orientated to the west and the rear elevation faces onto the Windy Arbour public open space area. This is a dedicated open space and is zoned Objective F – *to preserve and provide for open space with ancillary active recreational amenities* under the current County Development Plan. It is, therefore, highly unlikely that it will ever be developed for housing development. In this context, I am satisfied that the depth and layout of the proposed rear gardens serving the development are adequate and that the development will provide a satisfactory standard of amenity for future residents of the individual dwellings.

7.4 **Impact on Residential Amenity**

7.4.1 Concerns have been raised by the observer regarding the potential impacts of the development on the residential amenities of adjacent dwellings. The issues raised relate to:

- Overbearing, Overlooking and Overshadowing Impacts.
- Design and Visual Impact.
- Loss of Mature Trees and Vegetation.
- Light Pollution.

7.4.2 As noted above, as part of the appeal submission, the applicant has submitted a revised layout plan which offsets the development from the northern and southern boundaries. Whilst the proximity of adjacent residential properties to the proposed development is noted, particularly no. 1 Dundrum Road and no.s 23 and 24 St. Luke's Crescent, due to the extensive depths of the rear gardens adjoining the site, the subject development is set back considerably from existing neighbouring dwellings. No fenestration is proposed on the gables of the dwellings to the north and south and the balcony walls at the boundary are 1.8 metres high to maintain privacy and prevent overlooking.

- 7.4.3 Having regard to these mitigation measures and separation distances to existing properties, I am satisfied that the development will have no material overlooking, overshadowing or overbearing impacts.
- 7.4.4 The observers raised objections regarding the height and design of the development and that it is out of character with the prevailing pattern of development. The design of the dwellings is contemporary and is generally considered acceptable. The site is not located within an architectural conservation area, nor are there any protected structures in the vicinity. I do not consider that the design is detrimental to the character of the area.
- 7.4.5 Concerns have also been raised regarding the height of the development, noting that the dwellings will be higher than Chandos House to the east. This existing dwelling has a height of c. 7.8 metres whereas the proposed development has a maximum height of 10.6 metres. However, having regard to the set back from the existing dwelling and the design of the dwellings, I do not consider that any material adverse visual impacts will occur.
- 7.4.6 The development will result in the removal of a number of trees across the site. Objections to the loss of a 100 year old Copper Beech Tree have been raised. The applicant has submitted a detailed arboricultural impact assessment. This states that all of the trees to the rear of the site will be removed to facilitate the development. The majority of the trees are considered to be of low value and it was apparent from the site visit that the area within which the trees are located is overgrown and poorly maintained. With regard to the Copper Beech, the report notes that it has extensive decay and needs to be removed on this basis. The report concludes, with the exception of 1 tree, it is not considered that the loss of trees across the site will be significant in landscape terms. The landscape masterplan submitted with the application proposes new tree planting. Mitigation measures are also set out relating to the retention and protection of 1 tree during the construction phase.
- 7.4.7 It is noted that the Parks and Landscape Section of Dun Laoghaire Rathdown County Council raised no objection to the proposed development. I am satisfied that the proposed tree removal is necessary to facilitate the development and any loss of trees will be adequately compensated for by the proposed additional planting indicated on the landscape plan.

7.4.8 Concerns regarding potential light pollution are noted. Considering the limited number of houses and distance from existing properties, this will not be a material issue. It is considered appropriate that details of public lighting can be addressed by condition.

7.5 Traffic and Drainage

7.5.1 It is noted that during the assessment of the planning application a number of points of Further Information were requested by the Transportation Department and Drainage Department of Dun Laoghaire Rathdown County Council. Concerns regarding potential traffic impacts of the development have also been raised by the observer. The applicant has submitted a detailed response to the issues raised.

7.5.2 The proposed development is for a modest housing scheme. Having regard to the limited extent of traffic generally associated with and generated by this scale of development, I am satisfied that no material adverse impacts to the surrounding road network are likely to occur. As part of the appeal submission revised access arrangements are proposed. A single 'in' and 'out' arrangement is now proposed and sightlines have been enhanced. The proposed entrance is a significant improvement on the existing access arrangement. A STOP sign is also provided for at the entrance in order to maintain pedestrian priority to the front of the development.

7.5.3 In relation to drainage, a revised drainage layout is proposed. The connection to the culvert has been amended so that it is outside the terrace at the north end and connected at an acute angle. This is considered satisfactory. It is considered that the applicant has responded appropriately to the issues raised by the Planning Authority. A decision to refuse on the basis of traffic or drainage issues is, therefore, not warranted.

7.6 Appropriate Assessment

7.6.1 A Screening for Appropriate Assessment has been submitted with the application. The site is not located within or adjacent to any Natura 2000 sites. There is, therefore, no potential for significant effects on any European Sites resulting from loss of habitats or direct loss of Qualifying Interest species during the proposed development.

7.6.2 The report notes that number of European sites in Dublin Bay lie within the potential zone of influence of the proposed development. The existing local surface water

drainage network which drains to Dublin Bay via the local combined sewer network and the River Liffey, and the discharge of treated effluent from the combined sewer network are potential pathways between the development and Dublin Bay. It is detailed however, that no significant adverse impacts are predicted due to the temporary and small scale nature of any discharges; the distance of the site to Dublin Bay; the potential for pollution to be dissipated in the drainage network; the incorporation of attenuation measures into the design of the development and the known potential for waters in Dublin Bay to rapidly mix and assimilate pollutants.

7.6.3 With regard to foul waters generated by the development, during the operational phase these will be treated at Ringsend WWTP before being discharged into Dublin Bay. It is detailed that no significant effects from the discharge are predicted.

7.6.4 The detail and conclusions of the Screening Report are considered to be robust. Having regard to the nature and scale of the proposed development, a residential infill development on serviced land within an established urban area, and the 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 It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the site as set out in the Dun Laoghaire-Rathdown County Development Plan, 2016 – 2022, to the nature and scale of the proposed development, to the configuration and infill character of the site and to the established character and pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities in the vicinity of the site, would be acceptable in terms of traffic safety and convenience, would not be

prejudicial to public health and would 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 submitted to An Bord Pleanála on the 20th day of December 2017 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. 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.

4. 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.

Reason: In the interest of visual and residential amenity.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) A plan to scale of not less than 1:500 showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
 - (ii) Details of screen planting which shall not include cupressocyparis x leylandii along the northern and southern boundaries.
 - (iii) Hard landscaping works including specification of surfacing materials.
 - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
 - (c) A timescale for implementation which shall provide for the completion of the proposed planting, required above, on site before the dwelling/building is first made available for occupation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

6. (a) The construction of the development shall be managed in accordance with a Construction Environmental 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.

(b) Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 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 the interests of public safety and residential amenity.

7. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development. The agreed lighting system shall be implemented and operational, before the proposed development is made available for occupation.

Reason: In the interests of amenity and public safety.

8. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

9. Proposals for an estate/street 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 estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

10. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of trees to be retained shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(c) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

12. 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.

Erika Casey
Senior Planning Inspector

10th April 2018