



An
Bord
Pleanála

Inspector's Report ABP-300573-18

Development

Demolition of bungalow and shed and construction of 2 three-storey blocks consisting of 12 apartments, communal parking for 12 cars, revised car parking for existing office block with new boundary wall, associated site works and landscaping.

Location

Lands adjoining 'Somerton',
Ballyboden Road, Rathfarnham,
Dublin 14

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD17A/0360

Applicant(s)

Ray Goggin & Tony Brew

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Pascal Comerford

Observer(s)

14 observers listed below.

Date of Site Inspection

19th April 2018

Inspector

Colin McBride

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1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.168 hectares, is located c. 7.5 kilometres south of Dublin City Centre and c.1km south of Rathfarnham Village. The site is relatively flat, irregularly shaped, and located on southern bank of the Owendohr River (a tributary of the Dodder) and defined by the latter along its north western boundary and by Ballyboden Road along its south eastern boundary. There is an existing single-storey dwelling (Somerton) on site currently in office use, a single-storey shed and a two-storey office block (Riverbank House). There are a trees along the Owendohr river bank which form a green corridor extending along both sides of the river.
- 1.2 The site has a hardstanding surface and is currently in use as a builder's yard. The site itself contains a number of mature trees. The wider area has an established low density residential character. Dwellings to the south east on the opposite side of Ballyboden Road comprise gable fronted detached units dating from the 60s/70s. Houses to the north east on Willowbank Drive comprise semi-detached units oriented towards the site. The junction of Ballyboden Road and Ballyroan Road to the southwest of the site is signalised and there is a bus land Ballyboden Road adjacent to the site.

2.0 Proposed Development

- 2.1. Permission is sought for demolition of a single-storey dwelling and shed and construction of 2 three-storey blocks consisting of 12 apartments, communal parking for 12 cars, revised car parking for existing office block with new boundary wall, associated site works and landscaping. The two blocks which are identical house 12 two bed apartments (6 in each block). Each unit is 75sqm in floor area. The two blocks feature a pitched roof with a ridge height of 12m and external finishes consisting of smooth render, timber cladding and stone walls with a zinc roof. Each apartment has a balcony/terrace on the north western elevation. 12 car parking

spaces are provided between the two block with a new vehicular entrance off the Ballyboden Road. There are open space areas provided to the south west and north west of the apartment blocks.

- 2.2. The appeal site includes the office development located to the north east (indicated as being under separate ownership). The existing dwelling on site is in commercial use as two separate offices. At present there is no defined boundary between the two-storey office block and the existing single-storey structure on site. The proposal entails provision of a boundary wall between the office and the site of the apartments and a defined parking layout (no markings at present).
- 2.3. The site currently has two vehicular entrance points, one serving a builders yards on the southern portion of the site and a second entrance further north serving the single-storey structure and two-storey office block. It is proposed to close the entrance to the builder's yard and provide a new vehicular entrance further north to the serve the apartment blocks. It appear that the existing entrance serving the office development is to be closed also and relocated further north to provide sole access to the existing two-storey office block.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 23 conditions, of note are the following conditions...

Condition 2: Amendments to be agreed including screening to the north east.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Reports (28/11/17): The proposal was considered acceptable in regards to design, scale, visual and adjoining amenities, traffic impact, and to be in accordance with the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

Water Services (13/11/17): No objections subject to conditions.

Irish Water (14/11/17): No objection.

3.3. Third Party Observations

A number of submission were received.

The issues can be summarised as follows...

- Excessive scale, adverse visual impact, adverse impact on residential amenity.
- Adverse traffic impact, inadequate parking.
- Impact on adjoining river, wildlife and mature trees.
- Planning history of the site.

4.0 Planning History

4.1 PL06S.246067: Permission granted for demolition of an existing shed and construction of 3 no. detached dwellings and associated site works.

4.2 PL06S.244493: Permission granted for demolition of an existing shed and construction of 3 no. detached dwellings and associated site works.

4.3 PL06S.240664: Permission refused for demolition of an existing shed and construction of 4 no. semidetached dwellings and associated site works.

- 4.4 SD11A/0046: Permission refused to demolish existing shed and construct 4 no. semi-detached dwellings.
- 4.5 PL06S.232349: Permission refused for demolition of an existing dwelling and construction of 4 no. terraced houses, 2 no. garages and a two-storey extension to an existing office building.
- 4.6 S94A/0071: Permission granted for a two-storey office building on the adjacent site to the north east.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The relevant development plan is the South Dublin County Council Development Plan 2016-2022

The site is zone RES with a stated objective 'to protect and/or improve residential amenity.'

5.2. **Natural Heritage Designations**

None in the vicinity.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.2 A third party appeal has been lodged by Hendrick W van der Kamp on behalf of Ballyboden Road Cottages Residents. The grounds of appeal are as follows...

- The site area does not include the adjacent office block despite the stated area being 1680sqm when it is 1100sqm and based on actual size of the site would result in a density of 109 units per hectare. It is noted this density is excessive in the context of Department Guidance (Sustainable Residential Development in Urban Areas). It is noted that the nature of the area would mean family dwellings would be more beneficial than old people's accommodation.
- The height of the development is excessive in relation existing development in the vicinity.
- The proposal is piecemeal development and premature in the context of the lack of a plan for the adjoining office site, which it is speculated may be changed to residential development in the future.
- The proposal is unsympathetic to the streetscape and the historic importance of the existing road, lack a sympathetic approach to existing stone walls on the site and does not integrate well with the river.
- It is noted that the Board has refused permission for a smaller development on the grounds of traffic concerns (close proximity to a busy junction). It is noted that the location of the proposal in close proximity to the junction of the Ballyboden Road and Ballyroad Road would endanger public safety by reason of obstruction of other road users.

6.2. Applicant Response

Response by CDP Architecture on behalf Ray Goggin & Tony Brew.

- It is noted that all previous reason for refusal relating to historic applications on site have been taken into account and dealt with.
- It is noted the density of development within the redline boundary is 71 units per hectares and the appellants are incorrect in their estimation of density. It is noted that density proposed is acceptable and the type of development is consistent with Development Plan objectives.

- It is noted that height of the proposed blocks are similar in ridge height to adjoining development and adequate separation distance is provided from existing development.
- The applicants note they have no future proposals for Riverbank House (existing office block) with the proposal a comprehensive development proposal for the site. It is noted the proposed development would be acceptable in regards to visual amenity.
- The proposed entrance is an adequate distance from the junction with adequate sightlines demonstrated. An engineer's report indicates notes that there is already commercial use on site and that the traffic volumes proposed and new entrance arrangements would be better in term of traffic safety.

6.3. Planning Authority Response

6.3.1 Response by South Dublin County Council.

- The Planning Authority confirms its decision and note that the issues raised in the appeal have been covered in the planning report.

6.4. Observations

6.4.1 14 observations have been received from the following...

Fonthill Residents Association

Paul Maher, 2 Willowbank Drive, Rathfarnham, Dublin 14.

Elizabeth Moore, 27 Willowbank Drive, Rathfarnham, Dublin 14.

Ballyroan Boys National School.

Butterfield District Residents Association.

Pat Kelly, 24 Willowbank Drive, Rathfarnham, Dublin 14.

Rosemary & Paul O'Sullivan, 229 Ballyroan Road, Rathfarnham, Dublin 16.

Joseph Maher, 29A Willowbank Drive, Rathfarnham, Dublin 14.

David Mannion, 21 Willowbank Drive, Rathfarnham, Dublin 14.

Sean Creedon, 13 Willowbank Drive, Rathfarnham, Dublin 14.

Bairbre Brennan, 10 Willowbank Drive, Rathfarnham, Dublin 14.

Teresa Cooney, 22 Willowbank Drive, Rathfarnham, Dublin 14.

Daniel Shanahan, 23 Willowbank, Rathfarnham, Dublin 14.

Michael Langan, 7 Willowbank Drive, Rathfarnham, Dublin 14.

The issues raised in the observations are similar in nature and can be summarised as follows...

- The proposal is overdevelopment of the site and is excessive in density and height impacting adversely residential amenities of adjoining properties (overlooking and overshadowing).
- The proposal is out of character and scale with existing development in the area and does not have adequate regard to existing attractive features in the area (existing river and stone walls).
- The proposal is in close proximity to a busy junction with concerns regarding the potential for the proposal to be a traffic hazard.
- Parking proposed on site is inadequate with concerns parking will overspill onto the road as well as concerns regarding construction traffic management.
- The suitability of the site for old person's accommodation is questioned in regards to lack of adequate public transport, its proximity to a school.
- Adverse impact on existing trees and wildlife along the river.

6.5. Further Responses

Response by lodged by Hendrick W van der Kamp on behalf of Ballyboden Road Cottages Residents.

- The appellant note that density proposed is significantly higher and excessive at this suburban location.
- The overall design and scale is out of character with the existing pattern of development.
- The development is noted as piecemeal development with concerns regarding the lack of a comprehensive proposal for the site.
- The heritage value of the existing boundary wall was not taken into account.
- The proximity to the junction and traffic impact is noted as being a major concern.

Response from Inland Fisheries Ireland

- Inland Fisheries Ireland have reviewed the proposal and are satisfied with the conditions attached to the grant of permission and note that any works directly affecting the river and riparian zone must be first submitted to the IFI for assessment.

6.6 Further correspondence

Further correspondence was received from the following observers

Fonthill Residents Association

Ballyroan Boys National School Parents Association

Elizabeth Moore, 27 Willowbank Drive, Rathfarnham, Dublin 14.

Butterfield District Residents Association.

Pat Kelly, 24 Willowbank Drive, Rathfarnham, Dublin 14.

Joseph Maher, 29A Willowbank Drive, Rathfarnham, Dublin 14.

Sean Creedon, 13 Willowbank Drive, Rathfarnham, Dublin 14.

Bairbre Brennan, 10 Willowbank Drive, Rathfarnham, Dublin 14.

Teresa Cooney, 22 Willowbank Drive, Rathfarnham, Dublin 14.

Michael Langan, 7 Willowbank Drive, Rathfarnham, Dublin 14.

- I would note that no new issues were raised in this correspondence.

7.0 Assessment

7.1. Having carried out a site inspection and examined the documents associated with the appeal, the following are the relevant issues.

Principle of the proposed development

Density

Development control standards

Design, scale, visual and adjoining amenities

Traffic

Trees/wildlife/ecology

Appropriate Assessment

Other Issues

7.2 Principle of the proposed development:

7.2.1 The appeal site is zoned 'RES' with a stated objective 'to protect and/or improve residential amenity. The site currently is in commercial use (builders yard), with the proposed use being residential. The proposal use is consistent with the zoning objective for the area. The proposal replaces an existing commercial use that is more compatible with the residential objective at this location.

7.2.2 The development is for 12 apartments and is described as being old person's accommodation (not in the public notices). The appeal submission and observations indicate that the pattern and forms of development is inappropriate at this location given the pattern of existing development (dwellings), the need for more family dwellings, the proximity to a school and the lack of good public transport. I would consider the provision of old persons accommodation at an established residential suburban location such as this to have some logic and benefits. The provision for such accommodation in an established area such as this may provide the opportunity for older residents who wish to downsize but remain in the area and free up existing housing stock for family units. I would consider that the principle of such development is acceptable.

7.2.3 The applicant reference to old person's accommodation is not included in the development description in the public notices. Although such type of development can be confined to use by older persons the proposal sought is for an apartment development and should be assessed on its merits regardless of whether it used for old person's accommodation or for the general population and in this regard there should be no reduction in standards considered.

7.3 Density:

7.3.1 The proposal entails the provision of 12 apartment units on a stated as being 0.168 hectares. The site does include an existing office block and associated car park that is to be separated from the residential development by new boundary treatment. The appellants note that the density is 109 units per hectare based on a site size of 0.11 hectares relating to the proposed apartment block. The applicants in their response note that the land on which the office block is located is on the site and that the density is 71 unit per hectares based on a site size of 0.168 hectares. The applicant also noted that the residential component is on a site of 0.132 hectares giving a density of 90 and not as high as noted by the appellants. The first point I would note is that despite it's inclusion in the site boundary and the fact that alterations are proposed, the proposed curtilage of the office block should not be taken into account in calculation of residential density. This office block is being separated from the

residential proposal with the residential property a completely separate entity with its own curtilage and in this regard density should be calculated only based on the size of the curtilage of the apartment development. Having inspected the plans I would accept that the size of the site associated with the residential development is approximately 0.132 hectares and the density of residential development proposed is 90 units per hectare.

7.3.2 The density of residential development proposed is significantly higher than the prevailing density on surrounding sites with the area characterised by a suburban pattern of development. National guidance under the Sustainable Residential Development in Urban Areas includes a section regarding appropriate location for increased densities. In regards to inner suburban/infill sites, which is the most relevant section, it is noted that “potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The local area plan should set out the planning authority’s views with regard to the range of densities acceptable within the area. The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc.”.

7.3.3 Although the density of the development is significantly higher than that on adjoining sites, the acceptability of such is contingent on a number of factors. The proposal must meet minimum development control standards under the County Development Plan such as provision of public and private open space, and car parking. The overall design and scale is also a factor. These aspects of the proposal are to be assessed later in this report so the density proposed is not out of the question and is contingent on these issues being satisfactory. I would not consider that fact that the density of the development is significantly higher than that of existing development of

the area is solely a reason for precluding the proposed development with the other factors a consideration. I would note that the site is not a location that would necessitate a higher level of density due to its suburban location and the fact that public transport infrastructure is not well developed at this location.

Notwithstanding such, this is not a factor that would preclude the density proposed and such is contingent on overall physical impact, development control standards and quality of development.

7.4 Development control standards:

7.4.1 The proposal provides for 12 no. two bed apartment units. Each apartment unit has a floor area of 75sqm and a balcony/terrace area of 7sqm on its western elevation.

The County Development Plan does specify space standards for apartment developments that refer to those set down under the Sustainable Urban Housing: Design Standards for New Apartments. I would note that the dimensions and layout of the proposed apartment is consistent with the standards set down under the County Development Plan and the Sustainable Urban Housing document including room dimensions, storage space and amenity space provisions. In addition all apartments are dual aspect and are of reasonable standard in terms of quality.

7.4.2 The proposal provides for three areas of public open space. The largest area is to the south of the site and is 185sqm in size. There are also two areas on the western side of the blocks and located along the boundary with the Owendohr River (59.8 and 85.7sqm) giving a total of 330.5sqm. Under Section 11.3.1 of the County Development Plan the requirement for apartment developments is 10% of the site area. The proposal provides for in excess of the minimum required standard for public open space.

7.4.3 The proposal provides for 12 car parking spaces between the two apartment blocks. Table 11.24 of the County Development Plan sets out maximum parking standards for residential development. The site is located on Zone 1 with a maximum standard of 1.25 space per two bed apartment unit giving a maximum standard of 15 spaces. This is a maximum standard with the provision of at least 1 space per apartment unit

a reasonable standard in normal circumstances for apartment developments of this type. I would consider that the issue of parking provision requires further exploration under the section regarding traffic impact.

7.4.4 The proposal provides for a development that is consistent with development control standards and national guidelines. The overall design and quality of the proposal although not of exceptional architectural merit, is of a reasonable quality. I would consider that having regard such the proposal is not overdevelopment of the site.

7.5 Design, scale, visual and adjoining amenities:

7.5.1 The proposal provides for two blocks consisting of three-storeys with a ridge height of 12m. The appeal site is in an established residential area with the predominant pattern of development being two-storey dwellings. The site is relatively isolated from adjoining development being located between Ballyboden Road and the Owedorhr River as well as being defined by the Ballyroan Road to the south west and an existing office block to the north east of the proposed residential development. Despite the fact the nature of development proposed on site is different from the established residential development, the isolated nature of the site does allow for a different form of development. I would consider that the overall scale design scale of the proposal would not be significantly out of character at a residential location such as this. The proposal is for two apartment blocks, which have a ridge height that is not excessive relative to existing development in the area. I would consider that the overall visual impact of the development when viewed from the public areas to be satisfactory.

7.5.2 The proximity to the river along the western boundary is noted with impact on visual amenity and the attractive character noted. The proposed apartment blocks are located set back from the western boundary with open space areas to the rear of the site adjoining the river. The existing site is in commercial use with an existing retaining wall in place along the eastern bank of the river. I do not consider that the proposed development is likely to significantly alter the character of this location or have a significant physical impact on the river with no trees (apart from a few ont the

site) or vegetation likely to be affected due to the fact the site is already fully in commercial use.

7.5.3 The appeal the site is separated from most of the adjoining uses due to being defined by existing roads to the east and south, the Owendorhr River to the west and an existing office block to the north. The nearest residential development to the site are the two-storey dwellings in Willowbank Drive to the west. Although the proposed apartment block provides a significant level of glazing and balconies on the western elevation, there is a significant level of separation between the western elevation and the front elevation of the existing dwellings in addition to existing screening along the Owendorhr River. The same is the case in relation to the dwellings to the east on the opposite side of the Ballyboden Road. I am satisfied that the design, scale and orientation of the proposal has adequate regard to the amenities of adjoining properties.

7.6 Traffic:

7.6.1 The proposal provide for a new vehicular entrance off the Ballyboden Road. The site currently has a two vehicular entrance points, one serving builder's yard and the other serving an existing two-storey office block and a single-storey building split into offices. It is proposed to retain an existing access serving the two-storey office block (altered layout and location), close the existing access serving the builder's yard and provide a new vehicular access to serve the two apartment blocks located centrally in the frontage of the site.

7.6.2 The appellants note concerns regarding traffic impact due to proximity of the site to a busy junction as well as noting that permission has been refused for residential development on the site on the basis of traffic hazard. The appellants raise concerns regarding inadequate parking with concern that parking would overspill onto the public road. The proposal is for an infill residential development of 12 apartment units on a site that is in existing commercial use with use as builder's yard and use of a single-story building for office use. The proposal provides for two vehicular

entrances (there are two existing entrances) with provision of a new separate access to the existing office block and provision for an entrance serving the apartment development. The proposal is in close proximity to a busy junction and the proposal entails a significant intensity of new development over and above what was previously permitted on site or existing commercial activity on site. As noted above the site is in an area that is not well developed in terms of public transport infrastructure with the likelihood of a high reliance on vehicular traffic. The existing junction leads to queuing on the Ballyboden Road with concern about the level of traffic generated and turning movements proposed in close proximity to the existing junction. The proposal also entails provision of access to the existing office development and such turning movements are also a consideration in terms of traffic and its interaction with the entrance to the apartment development despite being an existing development on the site. I would consider that the traffic movements generated at the proposed entrances, having regard to the scale of new development proposed and the likely reliance on vehicular traffic located in close proximity to a busy junction to the south of the site would endanger public safety by reason of obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.6.3 As noted above the proposal provides for 12 car parking spaces for the apartment development with at least one space per unit. As noted above this does not meet the 'maximum' standard of 15 spaces set down under Development policy. Were the site to be better served by public transport or located in closer proximity to a town centre then a standard of 1 space per unit would be more than ample. Given the location of the site and its proximity to a busy junction, I would have concerns that there would be possible issues regarding overspill of parking onto the public road and that such would lead to a traffic hazard having regard to its location along a busy road and in close proximity to a busy junction.

7.7 Trees/wildlife/ecology:

7.7.1 The appeal submission and observers raise concerns regarding the impact of the proposal in terms of tree loss, on wildlife and ecology and the amenity and character of the river located along the western boundary of the site. I would note that the existing site is in commercial use and is not a greenfield site. The existing development on site occupies the whole site and does include a retaining wall along the eastern bank of the river. I would note that the development proposed, although providing for increased floor space on site, does not encroach any further into the river corridor area. There are some existing mature trees on site and a tree survey has been submitted with the application (located in the southern portion of the site currently in use as a builder's yard). The tree survey identifies trees on site as well as trees along both side of the river and classifies them in terms of condition and value. The tree survey identifies that majority of trees are to be retained and provides details of tree protection measures for those on the site to be retained. It is proposed to remove 3 no. threes as part of the development. In the overall scale of things the level of trees to be removed is not excessive with the majority of existing trees to be retained.

7.7.2 As noted above the site is fully in use for commercial development, is zoned land and the new development proposed does not encroach into the river corridor to the west. I would am satisfied that having regard to such facts and taken in conjunction with adequate construction management, the proposal would have no adverse impact on wildlife or the ecological status of the river corridor to the west of the site. It is noted that Inland Fisheries Ireland submitted a response noting no objection to the proposal.

7.8 Appropriate Assessment:

7.8.1 Having regard to the nature and scale of the proposed development and its proximity 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.

7.9 Other Issues:

7.9.1 The alteration of the existing stone wall and railings is noted as being a concern as it is of architectural heritage value. I would note there is an existing stone wall and iron railings along the road frontage, off which a large section is to be removed to facilitate the proposal. I would note there are no protected structures on site and the overall design and scale of the development is considered to be acceptable. I am satisfied that the alterations proposed to the existing wall are acceptable and that the proposal would be acceptable in regards to visual amenity and they character of the area.

8.0 **Recommendation**

8.1. I recommend refusal of permission based on the following reasons.

9.0 Reasons and Considerations

1. Having regard to the scale of new development proposed and the likely reliance on vehicular traffic at this location, it is considered that the traffic turning movements generated at the proposed entrances located in close proximity to a busy junction to the south of the site would endanger public safety by reason of traffic hazard due to obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the suburban location of the site and the likely high reliance on vehicular traffic at this location and the failure to meet maximum car parking standards for residential development in Zone 1, there are concerns about the potential for car parking to overspill onto the heavily trafficked Ballyboden Road and in close proximity to a busy junction to the south of the site. The proposed development would endanger public safety by reason of traffic hazard due to obstruction of road users and would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector

17th May 2018