



An
Bord
Pleanála

Inspector's Report ABP-300676-18

Development	Outline Permission for the demolition of existing detached dwelling and garage & construction of 3 no. detached 2-storey dwellings with access for house no. 1 through existing vehicular entrance which is to be improved, together with a proposed combined vehicular entrance to serve house nos. 2 & 3.
Location	Caldragh, Saval Park Road, Dalkey, Co Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0938
Applicant(s)	Simon Batt
Type of Application	Outline Permission
Planning Authority Decision	To Refuse Permission
Type of Appeal	First v. Decision
Appellant(s)	Simon Batt
Observer(s)	No observers
Date of Site Inspection	18 th April 2018
Inspector	Erika Casey

1.0 Site Location and Description

1.1. The subject site has an area of 0.2482 hectares and is located in the mature residential suburb of Dalkey. It currently accommodates a 2 storey detached dwelling known as 'Caldragh' with a stated area of c. 200 sq. m. There are mature trees and hedgerows along all of the boundaries. Access to the site is via an existing entrance from Saval Park Road. The general character of development in the vicinity is low density suburban housing. To the north and south of the site are further large detached dwellings in their own grounds. To the west, is Springfield Park which is characterised by two storey semi detached properties.

2.0 Proposed Development

2.1. Outline permission is sought for the demolition of the existing house on the site and the construction of 3 no. detached, 2 storey dwellings. Access for house 1 is through the existing vehicular entrance which is to be improved. A combined vehicular entrance to serve house 2 and 3 is proposed. Each dwelling will be served by a rear garden with private open space of over 300 sq. metres. The gross floor area of area of the three dwellings is stated to be c. 2,500 sq. metres. Off street parking for at least 2 vehicles is proposed for each dwelling.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To Refuse Permission for 1 no. reason:

"Having regard to the size of the site and the quantum of development proposed, the resultant residential density of 12 dwellings per hectare is not considered to be of a sufficiently high density as set out in Policy RES 3: 'Residential Density' in the Dun Laoghaire Rathdown County Development Plan, 2016-2022. The proposed development would therefore materially contravene a development objective set out within the Dun Laoghaire Rathdown County Development Plan, 2016-2022 and would be contrary to the proper planning and sustainable development of the area."

3.2. Planning Authority Reports

3.2.1. Planning Report (13.12.2017)

- The proposed development seeks to demolish the existing dwelling and provide 3 no. new residential units on a site that would essentially become an infill brownfield, vacant site rather than a side garden as would have been the case under the provisions of Reg. Ref. D10A/0648. In this regard, it is considered reasonable that any proposed development, subsequent to the demolition of the existing dwelling, should comply with the minimum density requirements within the Dun Laoghaire Rathdown County Development Plan 2016-2022.
- The proposed residential development of 3 units on a site of 0.2482 hectares results in a residential density of 12 units per hectare. This resulting density is significantly below the minimum requirement of 35 units per hectare that would potentially yield 8 no. residential units within the subject site.
- It is considered that the size of the subject site has the potential to provide for an appropriately designed residential scheme that would accommodate smaller units and in turn offer house types that are not available in the area.
- It is considered that a more innovative design response on site may be capable of integrating the retention of more trees on the site.

3.2.2. Other Technical Reports

Drainage Planning (27.11.2017): No objection subject to conditions.

Transportation Planning (22.11.2017): No objections subject to conditions.

Parks and Landscape Services (15.11.2017): Notes some concerns regarding the protection of trees during demolition works and recommends conditions to address tree preservation and protection. Suggests that given the loss of trees, that it is vital that any eventual final development involves compensatory mixed planting for amenity, biodiversity and screening purposes.

3.3. Prescribed Bodies

Irish Water (27.11.2017): No objection.

3.4. Third Party Observations

3.4.1 2 no. third party observations were made. Issues raised can be summarised as follows:

- Request that individual entrances to each dwelling be provided.
- Concern regarding removal of trees along the northern boundary and requests that if removed, that suitable replacement trees should be provided.
- Notes absence of dimensions or levels on the application drawings and raises concerns regarding the height and proximity of house no. 3 to the boundary with 'Balholm' to the north.
- Requests that no transparent windows overlook 'Balholm'.
- Notes inconsistencies in the site location map.

4.0 Planning History

4.1 There has been one previous application on the site.

Planning Authority Reference D10A/0648

Outline permission granted in January 2011 for a dormer dwelling with access through existing vehicular entrance and provision of a new vehicular entrance.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned objective A – *to protect and/or improve residential amenity.*

5.1.2 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.*

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 sets 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.

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.

Section 8.2.3.4 (Xiv) Demolition and Replacement Dwellings

“The Council will sometimes state a preference to retain existing houses that, while not Protected Structures, do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character and/or accommodation type.”

5.2. Natural Heritage Designations

5.2.1 The nearest Natura 2000 sites are the Dalkey Islands SPA and the Rockabill to Dalkey Island SAC, located c. 1.5 km to the east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed development is of a scale and density consistent with the character of Saval Park Road which is characterised predominantly by detached and semi-detached dwellings on generous plots. There are a number of recent permission along Saval Park Road for developments consistent with the proposal.
- Contends that development would protect the residential amenities of the area and that the building line and set back from the public road, separation distances from adjoining boundaries and mass and scale is consistent with the general character of the area.
- Notes that the Planning Authority Planner's Report suggests that Policy RES 8 which supports the development of independent/assisted living for older people and people with disabilities would be applicable to the subject site. States that the site is not necessarily appropriate for this type of development as it is not well served by social infrastructure and public transport.
- An alternative sketch proposal is submitted with the appeal submission indicating a site layout with 5 no. units and a density of 20 units per hectare. Notes that this density would be far in excess of residential densities in the area. Acknowledges that An Bord Pleanála cannot adjudicate on a revised scheme but requests that if the Board deem the 3 unit proposal unsatisfactory, that they provide comment on the suitability and appropriateness of the proposal for 5 no. units.
- Also request that if neither the 3 unit nor 5 unit proposal is acceptable that the Board comment on the suitability of an 8 no. unit scheme or an apartment development. Notes that such a proposal would require the development of the

backland area of the site which may raise concerns regarding the impacts on the residential amenities of adjoining properties.

6.2. **Planning Authority Response**

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. **Observations**

- No observations.

7.0 **Assessment**

7.1 The main issues in this appeal are those raised in the grounds of appeal. 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:

- Principle of Development and Density.
- Appropriate Assessment.

7.2 **Principle of Development and Density**

7.2.1 The subject development comprises an infill residential scheme of 3 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. It is noted that it is proposed to demolish the existing house on the site. The dwelling is not a protected structure and is not considered to be of any particular architectural merit. In this regard, I have no objection to its demolition to facilitate an appropriate infill scheme.

7.2.2 The Council 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 35 dph would be applicable at this site. This would

equate to a development of approximately 8 no. dwellings and would facilitate the provision of smaller units suited to a range of household sizes and needs.

7.2.3 Policy RES 3 states that for new residential development, densities shall be 35 units per hectare. It notes however, that such densities may not be appropriate in all instances but will serve as a general rule.

7.2.4 In considering the appropriateness of this higher density for the subject site, regard must be had to the general character and prevailing pattern of development in the vicinity of the site. Adjacent development comprises low density suburban housing. To the north and south are large detached dwellings on extensive plots, whilst to the west, are finer grain 2 storey semi-detached dwellings. 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.

7.2.5 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. In this context, I consider that given the suburban character of the site and proximity to shared boundaries with adjacent residential dwellings, a density of 8 no. units may be difficult to achieve without compromising the residential amenities of adjacent dwellings and impacting negatively on the character of the area.

7.2.6 Notwithstanding this, the proposed development comprises just 3 dwellings on a site area of 0.2482 which equates to a density of 12 units per hectare. The gross floor area of the three dwellings is stated to be 2,500 sq. metres and each dwelling will be served by an extensive rear garden of 300 sq. metres. Whilst I acknowledge the applicant's comments that the proposed development is consistent with the scale and character of development in the vicinity, I am not satisfied that the development as currently proposed would represent the optimal use of these serviced lands having regard to the guidance set out in the Development Plan and national guidance as per the Sustainable Residential Design in Urban Areas Guidelines. The proposed dwellings are exceptionally large and served by extensive rear gardens. I

consider that a greater quantum of development and range of house types and sizes could be achieved on the site.

- 7.2.7 The applicant has submitted a revised layout plan indicating a proposal for 5 units and invites comments from the Board as to the appropriateness of this layout if the proposal for 3 units is considered unacceptable. The Board are also invited to comment on the appropriateness of 8 no. units or an apartment complex. It is considered outside the scope of this assessment to provide guidance to the applicant as to the optimal form and scale of development proposed on the site, particularly in the absence of detail regarding access, design, house type etc.
- 7.2.8 Notwithstanding this, the proposal for 5 no. units as submitted clearly demonstrates that the site has the capacity to absorb additional houses and is appropriate for a higher density of development. This layout indicates that a broader range of house types can be achieved on the site in a form and layout that would protect the amenities of adjacent dwellings and ensure that existing mature vegetation along the western boundary can be retained in order to provide appropriate screening between the proposed development and the properties to the west along Springfield Park.
- 7.2.9 In conclusion, I am not satisfied that the development as proposed makes the best use of this zoned serviced land and I consider that the site has the capacity and potential to accommodate a higher density development. The proposal is therefore, considered to be contrary to the proper planning and development of the area.

7.3 **Appropriate Assessment**

- 7.3.1 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 refused permission for the reason set out below.

9.0 Reasons and Considerations

Having regard to the proposed density of the development, at 12 dwelling units per hectare, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the urban infill location of the site and to established social and community services in the immediate vicinity. It is considered that such a low density would be contrary to Policy RES 'Residential Density' in the Dun Laoghaire Rathdown County Development Plan 2016-2022 and contrary to the guidance set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May, 2009, issued to planning authorities under Section 28 of the Planning and Development Act. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Erika Casey
Senior Planning Inspector

19th April 2018