



An
Bord
Pleanála

Inspector's Report ABP-300812-18

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| Development | Construction of 3 no. 2-storey dwelling houses comprising 1 no. detached house (c.210sq.m) 2 no. semi-detached houses (c.213sq.m each) and associated site development works |
| Location | Lands at The Barn, Riversdale Avenue, Bushy Park Road, Dublin 6 |
| Planning Authority | Dublin City Council Sth |
| Planning Authority Reg. Ref. | 3943/17 |
| Applicant(s) | Insignia Investments Ltd |
| Type of Application | Permission |
| Planning Authority Decision | Grant Permission |
| Type of Appeal | Third Party |
| Appellants | Michael McKenna Aisling Harrison, Bart Casella & others |
| Observer | John Morrissey |
| Date of Site Inspection | 21/06/2018 |
| Inspector | Dolores McCague |

1.0 Site Location and Description

- 1.1. The site the subject of this application is located at the end of a cul-de-sac, Riversdale Avenue, off Bushy Park Road, Terenure, Dublin 6. Riverside Avenue is a short, narrow cul-de-sac 5 or 6 metres wide with a footpath along the eastern side. It is about 140 metres in length with a small turning circle, before a gateway. The eastern side of the road is fronted by two storey dwellings. The western side is bounded by a strip of grass crossed by a single vehicular access serving a dwelling. At the junction of Riversdale Avenue with Bushy Park Road a two storey dwelling stands immediately adjoining the western side of the road. From historic OS mapping this appears to have once been a gate lodge at the entrance to Riversdale Avenue which was then a tree lined entrance (western side only) to the riverside property known at various times as River Dale or Riverview. The former gate lodge is now 75A Bushy Park Road.
- 1.2. At the southern end of Riversdale Avenue there is a gated entrance to a shared access into the three existing (built) properties at The Barn, Riversdale and Riversdale House (a Protected Structure). This historic entrance has wrought iron gate piers and a gate.
 - 1.2.1. Riversdale, constructed in the 1960s and recently extended and renovated, is attached to Riversdale House, it is to the north of Riversdale House towards the entrance gateway, Riversdale House to the south, is located above the steep banks of the River Dodder which it overlooks. A weir on the River Dodder, east of the house also appears on historic OS mapping. A zone of archaeological potential for several recorded monuments, extends along the river bank.
 - 1.2.2. The private access at the end of Riversdale Avenue serves the subject site which is located partly to the east of the private access and partly to the east of Riversdale Avenue (i.e. part is north of the entrance gateway). The application indicates that the landownership includes land to the west of the access driveway, occupied by the building known as The Barn, originally part of the Riversdale House complex. Both The Barn and the subject site are separated from Riversdale House, the historic building with which they were formerly associated by Riversdale, the mid 20th century dwelling.

- 1.2.3. The site adjoins No 9 Riversdale Avenue which is to the north. The converted garage of the dwelling forms the boundary within which several windows have been placed. The site bounds the rear of residential properties in Laurenton to the east. To the south the boundary is undefined where it bounds the gardens associated with Riversdale and Riversdale House.

2.0 Proposed Development

- 2.1.1. The proposed development is the construction of 3 no. 2-storey dwelling houses comprising 1 no. detached house (c.210sq.m) and 2 no. semi-detached houses (c.213sq.m each). All associated site development works, services provision, access, car parking, landscaping and boundary treatment works

- 2.1.2. The application is accompanied by several reports:

- A Planning Report which includes in Table 1 a comparison between the 2006 application, the 2016 application and the current application. In a footnote to the table it is stated that the 2006 site included a sliver of disputed land of c95 sq m which gave a total site area of 1,300 sq m / 0.13ha by comparison with the current site area of 0.12ha.
- An Infrastructure Design Report – which includes that, in relation to the foul sewage, due to the shallow nature of the receiving sewer network located in Riversdale Ave, it is proposed that all foul water generated by each house will discharge by gravity to a foul water pumping station located within the boundary and will be pumped to the required depth and will discharge to a final stand-off manhole containing an interceptor trap within the site boundary before discharging by gravity by a new 150mm sewer to the existing 225mm combined sewer on the eastern side of Riversdale Ave. The proposed pump sump has been designed to provide 24 hour storage of foul effluent in the event of pump failure. The pump sump is designed to retain 4.0m³ of foul water effluent with the system, provided with both duty and assist pumps and an appropriate alarm system and ventilation. The monitoring and maintenance of the pumping station will be undertaken by a nominated management company for the development.

Surface water drainage is to be discharged to the combined existing 225mm diameter Dublin City Council / Irish Water combined sewer on Riversdale Ave,

attenuated to discharge at a maximum rate of 2l/s. A capped surface water connection will be provided in the event that an independent surface water sewer is constructed in the future.

- An Ecological Impact Assessment report, and
- A Conservation Impact Assessment.

2.1.3. The site is given as c 0.12ha.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to grant permission subject to ten standard conditions.

3.1.2. The decision was in accordance with the planning recommendation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. There are two planning reports on the file. The first states that the proposal for dwellings at this location is considered to be acceptable in principle and per the Roads & Traffic Planning Division advice, recommends requesting information on 3 points, which request issued, querying:

1) That the access road for the development is outside the red line boundary but within the blue line ownership boundary; and requesting clarification of the arrangements to be put in place to ensure future long term use of this space to access car parking for the proposed development.

2) Requesting the applicant to demonstrate how the proposed development meets the access requirements for emergency and fire tender vehicles.

3) Requesting the submission of a preliminary CEMP having regard to the particular location and access arrangements for the site and considering the points raised in the objections on file.

3.2.3. The second planning report:

- Refers to the responses to the further information request:
 - Referring to the response to item 1, it states that the response has been reviewed by the Roads & Traffic Planning Division which states the following:

In response to item 1 the applicant confirms that they are the owner of the access road, lands at The Barn and the subject site. The applicant also confirms in the cover letter that the owners/occupants of the dwellings on the subject site will be granted permanent legal right of way over the roadway to access the three dwellings and car parking spaces. The cover letter notes a similar arrangement is in place for existing properties at Riversdale and Riversdale House. They find the response acceptable.
 - Referring to the response to item 2 it states that the Roads & Traffic Planning Division have reviewed the response and states 'the applicant supplied an autotrack drawing illustrating a fire tender vehicle driving into the site, reversing into the area associated with the Barn site and driving out again onto Riversdale Avenue. The applicant states this arrangement is acceptable as The Barn site is owned by the applicant. They find the response acceptable.
 - Referring to the response to item 3 it states that the Roads & Traffic Planning Division have reviewed the response and state 'the applicant has submitted a preliminary Construction Management Plan (MP) and drawing. The applicant provided details for construction stage in the CMP and the accompanying cover letter'. The applicant's responses are acceptable.
- The report concludes that having regard to the nature and scale of the proposed development, it is considered that the proposed development would not adversely affect the character and setting of the area and would not seriously injure the amenity of property in the vicinity and recommends permission.

3.2.4. Other Technical Reports

Engineering Department – Drainage Division: conditions.

Roads & Traffic Planning Division (initial report):

The site is located in Area 3 of Map J; table 16.1 details a maximum of 1.5 car spaces per dwelling in zone 3, max of 5 spaces. The application drawings detail 6 spaces. It is assumed that there are 2 spaces per dwelling. The application drawings include autotrack drawings detailing a car accessing and egressing from the car space to the south of the site. The details note, due to the scale, that the development will generate low levels of traffic and will have negligible impact on traffic volumes or traffic movements in the wider area. Roads & Traffic Planning Division are satisfied with the quantum of car parking. Noting objections, they recommend that additional information be requested on three points, which request issued.

Roads & Traffic Planning Division second report:

Responses to the further information request are acceptable; recommending permission subject to conditions: construction management plan; two car parking spaces permanently allocated to each unit; all costs incurred by DCC to be at the expense of the developer; and compliance with the code of practice.

Waste Regulation Section – Waste Management Division – recommending conditions, including:

Construction and Demolition Waste Management Plan,
Consultation with Waste Regulation Unit of DCC, and
Compliance with the waste management requirements.

3.3. **Third Party Observations**

3.3.1. Third party observations have been read and noted.

4.0 Planning History

PL29S.247870, PA Reg Ref 3014/16 an appeal against the planning authority's decision to grant permission for: the partial demolition, repair and extension of the existing dwelling house (known as The Barn) to provide a 2-storey detached dwelling house (c 424 sq. m) with east facing balcony and car port (c25 sq. m) and construction of 2 no. 3-storey detached dwelling houses (c.443 sq. m and 446 sq. m). All associated site development works, site services, access, car parking, landscaping and boundary treatment works; refused by the Board.

PL29S.221716 PA Reg Ref 3954/06, an appeal against the planning authority's decision to grant permission for: the demolition of The Barn; and the construction of four new dwellings and gardens around a central hard landscaped courtyard; granted by the Board subject to conditions which limited the permission to three houses and required that the coach house be retained, (site area 0.248 hectares). 3954/06/X1 – Granted: extension of permission (3954/06) until 10 October 2017.

ABP-300487-17 PA Reg Ref 3998/17 an appeal against the planning authority's decision to grant permission for: two new plastered concrete piers with wrought iron gates and associated site and landscaping works. The erection of the gate piers, and gates is to be across the driveway in front of Riversdale and Riversdale House and at the rear of "The Barn". The appeal is currently before the Board.

PL29S.246746, PA Reg Ref 2580/16 permission granted for extensions to Riversdale.

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan, 2016 – 2022 is the operative plan. Relevant provisions include:

The site is zoned Z1 – To protect, provide and improve residential amenities.

Relevant policies and standards of the Dublin City Development Plan 2016-2022 include:

- Policy CHC2 - To ensure that the special interest of protected structures is protected.
- Section 11.1.5.3 - protected structures
- Section 16.2.1 Design Principles
- Section 16.2.2.2 Infill Development
- Section 16.10.2 Residential Quality Standards – Houses– sets out standards to be achieved in new build houses
- Section 16.10.3 Residential Quality Standards – Apartments and Houses
- Riversdale House is included on the record of protected structures.
- The location adjoins the zone of archaeological constraint for several recorded monuments.

5.2. Natural Heritage Designations

- 5.2.1. The South Dublin Bay SAC site code 000210 and South Dublin Bay and River Tolka SPA site code 004024, are the nearest Natura sites, located c 8.5km away.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Three third party appeals were submitted against the decision to grant permission. One has since been withdrawn
- 6.1.2. Michael McKenna 75A Bushy Park Road has submitted an appeal, supported by a report from MSW & Associates Ltd (Consulting Engineers).
- 6.1.3. Stephen Little & Associates chartered Town Planning and Development Consultants have submitted an appeal on behalf of:

Aisling Harrison, Bart Casella, Riversdale House, 75 Bushy Park Road, Rathgar;

Ann Lynch, Riversdale, 75 Bushy Park Road, Rathgar;

Aoife Ryan, 18 Westbourne Road (owner of 14/14a Westbourne Road);

Elizabeth Ryan 14a Westbourne Road;

Julia Cullinan and Miriam Kent, 10 Riversdale Avenue, Bushy Park Road, Rathgar;

Neville Russell, 10a Riversdale Avenue, Bushy Park Road, Rathgar;

Geraldine and Derick Breen 8 Riversdale Avenue, Bushy Park Road, Rathgar and

Brigid Doyle, 12 Laureton, Bushy Park Road, Rathgar.

6.1.4. The grounds includes:

- Structural impacts on 75A Bushy Park Road. The CEMP (including the Traffic Management Plan) should address:
 - A schedule of dilapidation photographic survey to be carried out by a Chartered Consulting Engineer.
 - The installation of temporary protection of the gable wall and underlying structure with a temporary hoarding or other proprietary protection system to act as a buffer zone, to be installed 600mm (minimum) from the face of the gable along its length to mitigate the risk of large construction traffic from coming in contact with the gable of the dwelling and also using the setback distance to mitigate the repetitive vibration impact to the underlying foundations of the dwelling.
 - A Traffic Management Plan should document a buffer zone of 0.6m (minimum) wide from the gable wall. Included in the Traffic Management Plan should be an agreed daily time window for construction vehicles (i.e. 10.00am-12.00 noon) and the use of a 'banksman' to coordinate and guide the construction vehicles at this difficult junction throughout this construction vehicle access window.
- Layout and design is the same as 247870.
- Site coverage has reduced by just 1% from c31%to 30%.
- Comparatively larger dwellings and smaller gardens than those at Riversdale Avenue.

- Ridge height Riversdale House & Riversdale 52m, The Barn c 51m House 1 - 54m and Houses 2 & 3 – 54.54m, the previous refused application - Houses 2 & 3 - 54.050m.
- No material change in the scale of development.
- Omission of The Barn is piecemeal. With the development of The Barn it would amount to that previously refused.
- Impact on The Barn.
- Impact on Riversdale House, a Protected Structure
- Impact on No 9 Riversdale Ave (this is not supported by the owner who has withdrawn a separate appeal). The proposed development does not address reason No. 2 of the previous refusal.
- Impact on gardens of Riversdale House. Offset from the boundary of Riversdale House of 1.5m is requested.
- Impact on properties in Laureton.
- The proposed development does not address reason No. 1 of the previous refusal.
- Access & parking – width of the road is insufficient for reversing cars.
- Narrowness should be considered in the context of future development of The Barn.
- Turning manoeuvres re. house no 3 is not credible. Hazard for Riversdale House & Riversdale where there are small children.
- Houses should be set back to allow for safe turning.
- A pedestrian path should be provided to connect to the existing path.
- Inadequate access for Fire Tender/ Refuse trucks.
- Refuse collection arrangements are currently substandard
- Inadequate sight lines/vehicle manoeuvring will result in safety issues.
- Turning circles encroach onto rights of way.

- Construction traffic needs to be appropriately managed to protect residential amenities. Conditions 5-8 are welcomed. RoW should be kept clear at all times and kept clean.
- Suggested design amendments are listed:
 - 19.2m turning circle
 - Eaves height of 5.4m, reduced roof pitch to 22⁰
 - Building depth more characteristic of area, more appropriate roof volume
 - Setback of No 3 from Riversdale House property by a minimum of 1.5m
 - Retention of The Barn
 - Retention of the entrance wall and gates
- Submissions in relation to the previous appeal re 247870 are attached for the Board's consideration.

6.2. **Planning Authority Response**

6.2.1. The Planning Authority has not responded to the grounds of appeal.

6.3. **Applicant Response**

6.3.1. McGill Planning, Chartered Town Planners, have submitted a response to the appeals on behalf of the applicant. The response includes:

- The appeal by Ms Morrin No 9 Riversdale Av. was withdrawn. Ms Morrin now supports the application.
- The proposal fully addresses the concerns raised with the previous scheme in relation to scale, mass, bulk and extent of site coverage.
- The proposal is more in keeping with the character of the area.
- It is both architecturally sympathetic to the existing built form and makes further improvements to the permitted scheme PL29S.221716.
- Residential amenities including those of No 9 are further protected.

- Re repetitive construction traffic – the property is located over 120m from the site and refers to common law matters, in which the Board has no role to play, and which lie outside the consideration of the Planning and Development Acts. The road is taken in charge. Any concerns regarding the road during the construction period should be addressed to the Council’s road maintenance department. The Roads & Traffic Planning Division were satisfied with the further information response.
- A Traffic Management Plan is not required, any traffic considerations will be contained in the CEMP per condition no. 3.
- Refuse and delivery vehicles access via this road to serve approx. 15 dwellings; and construction vehicles for the recent extension to Riversdale, which was permitted without any objection by the first party.
- The construction period will be approx. 12-18 months, during normal working hours. Heavy truck movements will be infrequent and low numbers.
- The following additional safety measure is offered – enhanced signage to promote speed reduction and traffic calming along Riversdale Avenue and at the junction with Bushy Park Road and Riversdale Avenue.
- Re. the impact on Riversdale House, a protected structure, and the character of the area. The report of Mr Robin Mandel, Conservation Architect which was submitted with the application and as part of a response to a request for further information ref. 3014/16 is attached with the note that Mr Mandel prepared the independent report that led to the inclusion of Riversdale House in the record of protected structures. Riversdale House is approx. 29m from house No 3. The treatment of the side elevation combined with the proposed planting on the southern boundary will militate against any potential negative or physical impact to the character of the protected structure. Further reductions in scale, form and massing are now included, further reducing any potential impact to the House, its curtilage or setting.
- Re. the scale, layout and detailed design – the re-designed proposal has remedied the previous reasons for refusal relating to the scale, mass, bulk, site coverage, overbearing impact and overdevelopment. Reduced from 3 storeys to 2 storeys; the perceived scale is significantly reduced. Two

drawings are reproduced for the Boards consideration fig 2 the front elevation from reg ref 3014/16 and the current front elevation. The plot ratio has been reduced from c.0.61 to 0.52. The gross floor area has been reduced by c 42%. Comparative tables have been provided. Re ridge height, the ridge height has been reduced from 10.8m to between 9.4m and 9.9m and is more in keeping with the overall ridge height of c9.6m submitted at further information stage, reg. ref 3014/16. Re height differences compared to Riversdale House & Riversdale, both are at a sufficient distance. House no. 3 is c 16.5m from Riversdale and 28.5m from Riversdale House. House no. 3 is c 27m from The Barn and c 11m from the bungalow adjoining The Barn. Height difference is negated by separation distance.

- Orientation, siting of secondary rooms at first floor and proposed landscape treatments on the boundary perimeter, ensure the residential amenity and privacy of adjoining residents. Re. alleged disproportionate size vis a vis rear gardens, the rear gardens are 165 sq m, 170 sq m and 155 sq m whereas 80 sq m is required. There is a variety of plot, house and garden size in the surrounding area. Dwellings fronting Bushy Park Gardens and Laurelton comprise very large houses with rear gardens of approx. 100 sq m area. The proposal is therefore appropriate and in accordance with development management standards.
- Variations of hipped and dormer roofs are found on Riversdale Ave and Westbourne Road while Laurelton is characterised by gable roofs.
- Some degree of design flexibility should be afforded.
- Re. request to simplify the design, the design is reasonable within the context and represents a sensitive infill. The render wall finish combined with simple fenestration and subtle stone detailing is considered appropriate.
- Re. negative impact of car parking location on Riversdale House, when viewed from Riversdale Ave; the proposed car parking will not be visible from Riversdale Ave and only comes into view on entering the subject site.
- Responding to the comment that with the development of The Barn the development would amount to that previously refused; this application should

be considered on its own merits and the ground of appeal should be set aside.

- Re. amenity of No 9; Ms Morrin supports the application and it is unreasonable and potentially vexatious for the other appellants to make claims in relation to that property.
- In section 3.12 of the Planning Report submitted with the application, it is pointed out that house no 1 has been carefully designed to mitigate against any potential undue overshadowing, loss of light and residential amenity to No 9. A separation of c4.55m is achieved between first floor levels of House No 1 and No 9 Riversdale Ave. The north facing window of House No 1 serves an en-suite bathroom and is obscure glazed.
- Re. the 2 storey element of House 1 extending c4m beyond the rear building line of No 9; in fact it extends only c 1.5m beyond and was so intentionally designed to reduce impact. The proposed footprint improves upon the previously permitted footprint (3954/06) as illustrated in Fig 6 of the submission.
- Re. loss of light – the south facing windows of No 9 appear to serve secondary windows/rooms. The front and rear windows will continue to receive good daylight and sunlight throughout the year, see shadow analysis submitted with the application.
- The ridge height of House 1 and No 9 are 54.0m, to achieve continuity and a subtle transition between dwellings on Riversdale Avenue and the subject site. The Board is requested to set aside the claims re No 9.
- Approach to development – the site is zoned; development management standards have been adhered to; the density is approx. c 25 units per ha.
- Scale, mass and bulk have been reduced. Plot ratio and site coverage have been reduced.
- The set-back of House No 1 and the siting and treatment of side windows using obscure glass, will negate against any negative visual/privacy impact on No 9. Side boundary treatments will comprise a 2m high block wall with capping for privacy and amenity.

- Re. construction impacts – works will be temporary and likely to be 12-18 months. The construction management plan will ensure that the shared RoW through the site will be open and accessible at all times and they invite a suitably worded condition.
- Re. access and car parking. The autotrack analysis submitted was acceptable to the Roads & Traffic Planning Division.
- Re. alternative design amendments submitted with the grounds, each is responded to in turn:
 - The 19.2m turning circle is rudimentary.
 - The location of the houses makes no effort to retain the established building line with No 9. The greater set back would impact on the adjoining residents at Laurelton.
 - The turning circle would create an enormous hardstanding which would dominate the space between the subject site and The Barn and have a negative visual impact on Riversdale House & Riversdale. It also contradicts the stated concerns re. visual impact from car parking.
 - The suggested eaves height/pitch would be visually incongruous with adjoining dwelling No 9 when viewed from Riversdale Ave.
 - House No 3 is already set back from the southern boundary by c 1.3m at its nearest point, which is acceptable.
 - The Barn is not part of this application.
 - The vehicular entrance is being retained. The pedestrian gate and wall will be replaced with a rendered wall.

Attached to the response are various documents including conservation reports submitted with the application and as part of a response to a request for further information ref 3014/16.

6.4. **Observations**

- 6.4.1. An observation on the appeal has been received from John Morrissey. The concerns expressed in the observation include:

- Removal of trees on site without consent.
- Premature for any deliberation to be made on the planning application prior to the finalisation of the Enforcement Investigation.
- Impact on The Barn.
- Non-compliance with the permission.
- Ownership Issues
- Submissions in relation to the previous appeal re 247870 are attached for the Board's consideration.

6.5. **Board Correspondence**

- 6.5.1. The Board wrote to An Chomhairle Ealaíon, An Taisce and the DAU, Department of Culture, Heritage and the Gaeltacht, requesting submissions or observations on the appeal. None were received.

7.0 **Assessment**

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, the principle of the development, impact on the character and amenities of the area, impact on visual amenity and on the protected structure, access and traffic and legal issues and the following assessment is dealt with under those headings.

7.2. **Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

7.3. **Principle of Development**

- 7.3.1. Under the CDP, the site is zoned Z1. Residential is a permissible use within this zone and there is no objection in principle to the residential use of this site.

A previous permission was granted for 3 units on this site (PL29S.221716). That application was for 4 units including the demolition of The Barn. Condition 2 (a) and (b) of the Board's decision required omission of the fourth unit and retention of The Barn. The permission was not implemented and has now expired (10 October 2017).

7.4. Impact on the Character and Amenities of the Area

- 7.4.1. The site is an infill site, surrounded by established residential development.
- 7.4.2. The proposed houses are appropriately scaled, having regard to the neighbouring properties on Riversdale Avenue. The ridge height of No 1 is the same as No 9 Riversdale Avenue. The ridge heights of the other houses are broadly similar to houses on Riversdale Avenue. The overall scale of the houses while greater than that of the immediate neighbours on Riversdale Avenue, is not excessively so. A generous amount of garden space is provided to the rear of each. The proposed houses have the appearance of suburban houses and are appropriate for their context. The appearance is a contemporary interpretation of existing suburban house types predominant in the area.
- 7.4.3. The closest house to the proposed development is No 9 No Riversdale Avenue. This is referred to in the grounds of appeal, to which the owner of No 9 is not a party. The owner of No 9 submitted and later withdrew an appeal.
- 7.4.4. In my opinion there is no significant overshadowing, overlooking or other impact on the residential amenities of the area.

7.5. Impact on the Visual Amenities of the Area and the Protected Structure

- 7.5.1. Riversdale House
- 7.5.2. The large dwelling known as Riversdale separates the site from Riversdale House which is a protected structure, and dwelling No 3 is sufficiently set back from the protected structure as to ensure that there will be no significant detrimental impact. Dwelling No 3 will be visible from the garden to the east of Riversdale House and Riversdale but will be separated from the garden by a hedge, and there is sufficient

setback from the protected structure to ensure that the setting is not detrimentally impacted upon.

7.5.3. Gate

7.5.4. The historic gate and curved access driveway is part of the context of the protected structure. The site layout incorporates and retains both. The Board will note that they have before them an application/appeal for alterations to the access arrangements to Riversdale House, reg ref 300487: to provide a gateway between the subject site and Riversdale.

7.5.5. With reference to the pedestrian gate into the site, and the request that a path be provided to connect to the existing path, which is raised in the grounds of appeal. The gateposts of a former pedestrian gateway alongside the vehicular gateway, ends the public path running along Riversdale Ave. This pedestrian gateway is currently blocked up and appears to have been closed for some time.

7.5.6. In my opinion, for a development of this scale, shared use of the roadway by pedestrians and vehicles is acceptable.

7.5.7. It is proposed to remove the existing low wall and piers and replace with new 1m high concrete wall rendered both sides, concrete capping with railings over to match existing period gates. A new pedestrian entrance is proposed which accesses the hard surfaced area associated with the proposed development. The proposal to utilise the pedestrian gateway as an access to the subject site will retain the feature as part of the context of the protected structure. In my opinion this is acceptable.

7.6. Traffic, access and parking

7.6.1. The site is accessed from the north via a shared entrance off Riversdale Avenue. Each dwelling has 2 no. car parking spaces. Given the relatively small scale of the proposal there will not be a material impact on traffic volumes.

7.6.2. The auto track drawing submitted indicates that manoeuvring can be carried out safely for Fire Tenders and similar vehicles including Waste Refuse Trucks. This will improve the existing situation which is referred to, in the third party grounds of appeal, as being unsatisfactory.

- 7.6.3. The owner/occupier of No. 75a Bushy Park Road has raised concerns in relation to the possible impacts of construction and potential structural impacts on his dwelling house. As pointed out by the first party in response to the grounds of appeal, the road which is at issue is a public road. Also, as pointed out by the first party, it is used by trucks of similar size on a regular basis and recently by construction traffic associated with the development of extensions to Riversdale. In my opinion it would be inappropriate to impose any conditions, other than condition no 3 of the decision, or similar, in relation to construction vehicles, having regard to these considerations. In the event of any damage arising, such would be a matter to be dealt with outside the planning code.
- 7.6.4. Third parties are concerned with the traffic implications of the proposed parking associated with the proposed development. The proposal involves three dwellings in a private area at the end of a cul-de-sac where the traffic movements will not be considerable. I do not consider that pedestrian or road safety will be compromised by vehicle movements associated with this car parking provision or as a result of the level of provision being slightly higher than the 1.5 spaces per unit set out in the development plan. Condition no 3 of the decision refers to car parking, stating that there should be 2 spaces per unit and that there should be no letting of a space. In my opinion this is acceptable.

7.7. Legal Issues / recommended conditions

- 7.7.1. The observer has raised concerns regarding the removal of trees on site without consent; that there has been non-compliance with the permission; and that it is premature for any deliberation to be made on the planning application prior to the finalisation of the Enforcement Investigation.
- 7.7.2. In relation to non-compliance with the permission, the permission was not implemented and has expired, and the issue of non-compliance does not therefore arise.
- 7.7.3. In relation to removal of trees which may be the issue referred to in relation to an enforcement investigation, there is no indication that the trees were the subject of a tree preservation order. It is worth noting that a tree felling licence is required for the

removal of a mature tree but not in the case of a tree which is within 100 feet of a dwelling, as is the case here.

7.7.4. Ownership issues are referred to, which would not come within the Board's remit.

7.7.5. The third parties have recommended conditions for the Board's consideration. I am unable to endorse any of the recommended conditions.

8.0 Recommendation

8.1. In the light of the above assessment I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations

9.1.1. Having regard to the nature and scale of development proposed and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and in particular would not detract from the protected structure, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 19th 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. Proposals for a house naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

5. During the construction and demolition phases, the proposed development shall comply with British Standard 5228 – Noise Control on Construction and open sites Part 1.

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

6.
 - a) The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.
 - b) The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining roads, the said cleaning works shall be carried out at the developer's expense.
 - c) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
 - d) Two car spaces shall be permanently allocated to each of the proposed dwellings. Car parking spaces shall not be sold, rented or otherwise sub-let or leased to other parties.

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

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

8. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing

with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

9. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

10. The developer shall pay to the planning authority a financial contribution of €54,950 (fifty four thousand nine hundred and fifty euro) 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 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. The application of any indexation required by this condition 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.

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.

Planning Inspector

13 July 2018

Appendices

Appendix 1 Photographs

Appendix 2 Extracts from the Dublin City Development Plan 2016-2022