



An
Bord
Pleanála

Inspector's Report ABP-300874-18

Development	Construction of 1 no. two storey, 3 bedroom detached house.
Location	Rose Cottage, 63 New Vale Cottages, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0019
Applicant(s)	Clare Percy
Type of Application	Permission
Planning Authority Decision	To Refuse Permission
Type of Appeal	First Party v. Decision
Appellant(s)	Clare Percy
Observer(s)	No observers
Date of Site Inspection	29.05.2018
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject corner site has an area of 0.0689 ha and is located in an established suburban area characterised by low density semi-detached bungalows. The subject site forms the side garden of a site occupied by an existing semi-detached bungalow with pitched roof. The existing dwelling at no 63 is served by a vehicular entrance from the north from New Vale Cottages and has a generous rear garden. There is a further detached bungalow located to the south of the site. There is a mature hedgerow running along the perimeter of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a new split level, single storey over basement, 3 no. bedroom detached dwelling to the west of no. 63. The dwelling will have an area of 146.15 sq. metres. The proposed vehicular entrance to the dwelling is from west with an additional pedestrian entrance to the north. The dwelling has a flat roofed contemporary design.
- 2.2. The primary private open space serving the dwelling is to its western side and will have an area of 127 sq. metres. The dwelling is also served by a rear courtyard of 30 sq. metres and a first floor courtyard of 17.5 sq. metres.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.2 To Refuse Permission for 1 no. reason:

“Having regard to the location and layout of the site and the proposal, it is considered that the proposal would lead to endangerment of public safety as a result of the substandard sightlines when exiting the proposed new vehicular entrance, with regard to the existing traffic speeds on New Vale Cottages. Therefore, the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise.”

3.2. Planning Authority Reports

3.2.1. Planning Reports (06.03.2017 and 11.01.2018)

- The proposed private open space provision is acceptable in principle and consistent with the quantitative requirements of the County Development Plan.
- It is noted that the proposed retained hedge is shown to be relatively high (c. 3.5 m) and retained on both the north and south boundaries (notwithstanding a set back on the south side for road entrance sightlines). It is considered that it would, if retained, screen much of the proposed house from views along the streetscape.

3.2.2. Other Technical Reports

Transportation Planning (22.02.2017 and 12.12.2017): Recommend refusal for 1 no. reason relating to substandard sightlines having regard to the existing traffic speeds on New Vale Cottages.

Drainage Planning (20.02.2017 and 19.12.2017): No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water (21.02.2017 and 19.12.2017): No objection.

3.4. Third Party Observations

Ian and Julie Macdougald, 26 New Vale Cottages, Shankhill

- No objection to principle of development but request that existing hedging surrounding the site is retained. A condition should be imposed stipulating a permanent hedge at this location.
- Request further clarity regarding finishes and materials and position and function of side entrance.

4.0 Planning History

Planning Authority Reference D08B/0110

Permission granted in April 2008 for the construction of extensions with a floor area of 120 sq. metres including a rear extension to existing dwelling.

Planning Authority Reference D99B/0276

Permission granted in for a single storey side extension.

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 subject site is zoned Objective A: *‘To Protect and/or improve residential amenity’*. 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.*

Policy RES 4: *It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of*

existing established residential communities and to retain and improve residential amenities in established residential communities.

Section 8.2.3.4 (v) Corner/Side Garden Sites: This section of the plan sets out a number of criteria to consider including:

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Development Plan standards for existing and proposed dwellings including car parking and private open space.
- Building lines followed where appropriate.
- Side/gable and rear access/maintenance space.
- Level of visual harmony, including external finishes and colours.
- Appropriate boundary treatments should be provided.

Section 8.2.3.2 of the Plan sets out quantitative standards for residential development. **Section 8.2.4.5** provides car parking standards and **Section 8.2.8.4** provides standards for private open space.

Section 8.2.4.9 of the Plan addressed vehicular entrances and hardstanding areas and states:

“Proper provision shall be made for sightlines at the exit from driveways in accordance with the requirements in DMURS and as appropriate to the particular road type and speed being accessed.”

5.2. DMURS

5.2.1 Section 4.4.4 of the guidelines address forward visibility and Table 4.2 sets out stopping sight distances based on design speeds within cities, towns and villages.

5.3. Natural Heritage Designations

5.3.1 The nearest Natura 2000 site is the Rockabill to Dalkey Island SAC located c. 3 km to the north east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- The speed limit on the local urban road serving the site has recently been reduced to 30 km/hour. Section 4.4.5 of DMURS sets out the relevant design standards for urban roads. It allows for a reduced set back of 2.0 metres (x distance - set back from the road edge) where vehicle speeds are slow and flows are low on the minor arm. As this access will serve only 1 dwelling, a 2.0 metre set back has been used.
- Previous surveys undertaken at Further Information stage established northbound and southbound vehicle speeds. An additional speed survey carried out on the 2nd of February 2018 in support of the appeal, indicated that westbound vehicles on New Vale Cottages heading towards the T junction also had low volumes of traffic and speeds less than 20 km per hour.
- The 85th percentile speed is the design speed limit in terms of DMURS. Based on the speed surveys carried out, a northbound sightline of 22 metres and southbound sightline of 23 metres is required. Revised drawing submitted with appeal which shows a revised access location which provides sightlines that accord with these distances. A 23 metres sightline is also available to traffic approaching the T junction.
- The existing boundary is to be removed to provide these sightlines. A new boundary is to be provided to the left of the new exit behind the sightline. To the right, a low wall with high visibility railing is proposed which will allow inter-visibility between an exiting vehicle and vehicles approaching this T Junction. Notes that this approach was previously accepted by DLRCC under application D15A/0325. It is submitted that these revisions overcome the reason for refusal by the Council.
- The proposed dwelling is to provide a family home and is not for material gain.

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 proposed development comprises a contemporary infill residential dwelling in an established suburban area. The principle of the densification of existing serviced lands is endorsed at both a national and local level and in this context, I am satisfied that the infill dwelling at this location is acceptable. The dwelling has a contemporary design and whilst different in architectural character to the prevailing pattern of development, I consider it an appropriate design response to the site. The dwelling is compliant with all relevant qualitative and quantitative standards for residential development. Initial concerns raised by Irish Water and the Drainage Planning Department were resolved satisfactorily at Further information Stage. I therefore, consider, that the principal issue to consider in this assessment is that of access. Appropriate Assessment also needs to be addressed.

7.2. Access

7.2.1 Vehicular access to the site is proposed from western boundary. Concerns were raised at Further Information stage regarding the access arrangements to the site and the applicant was requested to submit a speed survey of the existing road to determine if the sightlines for exiting vehicles from the proposed development are acceptable, noting that hedging and high boundary walls may need to be removed to achieve same. The Further Information also requested that the applicant demonstrate the usability of the private open space due to the potential removal of the existing hedgerows to facilitate sight line requirements.

7.2.2 In response to the Further Information Request, a speed survey was submitted. The survey indicated that the maximum speed of northbound vehicles was 37 km per

hour and that of southbound vehicles was 32 km per hour. The response also noted that to achieve sightlines commensurate with these speeds, some adjustment to the existing hedge was required in accordance with DMURS. A revised drawing was submitted indicating the sightlines achievable.

- 7.2.3 The Transportation Planning Department were not satisfied with the submission. Their report dated 12.12.2017 noted that based on the 85th % percentile, a northbound sightline of 22 metres and a southbound sightline of 23 metres were required to accord with the guidance set out in Table 4.2 of DMURS. The layout plan submitted and entrance arrangement only indicated achievable sightlines of 19 metres in both directions, and on this basis, the application was refused.
- 7.2.4 To address this issue, the applicant as part of their appeal response have submitted a revised access arrangement. The entrance is proposed to be relocated slightly north of its previously proposed location. This amendment is based on the previous traffic speed surveys, augmented with an additional survey carried out in support of the appeal submission.
- 7.2.5 The revised access arrangement now provides for a southbound sightline of 22 metres and a northbound sightline of 23 metres from a set back distance of 2 metres. To facilitate this, it is proposed to amend the boundary treatment to the south of the entrance and set it back so that it outside of the visibility splay. To the north of the entrance, part of the existing landscaped boundary is to be removed and replaced with a new low level wall (400mm high) with high visibility railing.
- 7.2.6 I am satisfied, that based on this the revised technical details and drawing submitted that adequate sightlines can be achieved on the site in accordance with the standards and criteria set out in DMURS. Given the low traffic flows indicated in the traffic speed surveys, I would concur that given the low volume of traffic likely to be utilising the entrance, that a set back 'x' distance of 2 metres is acceptable. It was observed on site that a northbound sightline of 23 metres and southbound sightline of 22 metres is likely to be achievable. In this context, the development will not give rise to a traffic hazard.
- 7.2.7 It is noted to facilitate the revised access arrangements, part of the boundary existing treatment will need to be removed and replaced with a low level wall and railing. I note that no detailed drawing of this boundary treatment has been submitted with the

appeal documentation. I consider however, that this issue can be addressed by way of condition. A previous application permitted under D15A/0325 adopted a similar approach and the applicant was conditioned to remove existing landscaping and provide a new low level wall plus railing to provide improved inter-visibility. Similarly the boundary to the south of the revised entrance will need to be set back and appropriately landscaped to ensure the visibility splay is not impacted on. A revised landscape plan can be submitted by way of condition. I note that the Planning Authority had some concerns regarding the usability of the private open space if the boundary treatment was significantly amended to achieve the required sightlines. Whilst there will be some loss of privacy due to the replacement of existing landscaping and hedgerow with a railing, I am satisfied that as the house will be served by two further separate courtyards at ground and first floor level, that it will have a sufficient level of amenity in terms of private open space.

7.2.8 Having regard to the foregoing, I conclude that the development overcomes the reason for refusal by the Council and will provide an appropriate infill residential dwelling on this well serviced urban site.

7.3 Appropriate Assessment

7.3.1 Having regard to the nature and scale of the proposed development, a dwelling house 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

9.1 Having regard to the provisions of the current Dun Laoghaire Rathdown County Development Plan 2016-2022, the character and low traffic volumes on the local road and sightline distances achievable, it is considered that, subject to compliance

with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience 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 on the 6th day of December 2017 and the plans and particulars submitted to An Bord Pleanála on the 7th day of February 2018 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 attenuation and 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 and to ensure a proper standard of development.

3. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual and residential amenity.

4. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining property in the vicinity.

5. 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 measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, noise management measures and off-site disposal of construction/demolition waste.

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

6. a) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide details of the screen planting along the perimeter boundary of the site as well as full details of the proposed height and materials of the proposed boundary and wall and railings as detailed in the submission to An Bord Pleanála on the 7th day of February 2018. The planting, and boundary wall and fence shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.

(b) 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 order to screen the development and in the interest of visual amenity.

7. 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

30th May 2018