



An
Bord
Pleanála

Inspector's Report ABP-301074-18

Development	Modification to Harrow House including partial demolition of house, 2 storey rear extension and construction of 3 no 2 storey, 4 bedroom detached dwellings.
Location	Site of c.0.48 ha at Harrow House, Church Road, Killiney, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/1054
Applicant(s)	Hamilton Harrow Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Hamilton Harrow Developments Ltd.
Observer(s)	<ol style="list-style-type: none">1. Catherine Carey and others2. Brian Homan3. Eamon Dolan and others

4. Paul O' Connor and Alyson
Donnelly

Date of Site Inspection

13th June 2018

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The appeal site is located on the eastern side of Church Road/ R118, Killiney, Co. Dublin.
- 1.2. The site is occupied by an existing two storey detached period dwelling (Harrow House), which is served both by a gated entrance onto Church Road and a pedestrian entrance onto Balure Lane. Balure Lane runs along the northern boundary of the site and serves a number of detached dwellings as well as a recently constructed housing development to the north of the site. To the east of the site is Harrow Cottage, which is a two storey dwelling and is located directly adjacent to the site boundary and accessed from Balure Lane. To the south of the site is the housing development of Coudon Court which consists of two storey detached dwellings with a number backing onto the southern boundary of the site. Boundary treatment on site consists of a tall stone wall along the roadside boundary, a block wall along the southern and eastern boundaries, and a stone wall along the northern boundary.

2.0 Proposed Development

- 2.1. Permission is sought for modifications and extensions to Harrow House and the construction of 3 No. additional four bedroom dwellings.
- 2.2. The modifications to Harrow House provide for partial demolition, new two storey modern extension to the rear and internal reconfiguration and associated works.
- 2.3. Permission is also sought for the closure of the existing vehicular entrance on Church Road and for a new access from Balure Lane to the north. A new pedestrian access is proposed from Church Road.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission refused for 4 No. reasons relating to the following:

- Proposal premature pending the determination of a road layout for the area. (objective set out within Policy ST12 to provide a bus priority scheme along Church Road.)
- Traffic Safety having regard to additional traffic turning movements on the heavily trafficked Church Road, a very important link road between Dun Laoghaire Town Centre and the M50/N11.
- Density too low.
- Inadequate housing mix.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- Considered that there may be overlooking within the development. Refusal recommended for 4 No. reasons.

3.2.2. Other Technical Reports

Transportation Planning - Refusal recommended on grounds of prematurity and traffic safety.

Drainage Planning – seeks further information.

3.3. **Prescribed Bodies**

- No reports received.

3.4. **Third Party Observations**

- 3.4.1. A total of 12 No. observations were submitted. The issues raised are similar to the issues raised in the observations submitted at appeal stage.

4.0 Planning History

- 4.1. D16A/0334/ ABP 06D.247005: Permission refused for modifications to Harrow House and construction of 14 No. new residential units. Closure of access on Church Road, new access from Balure Road, new internal access road, car parking, landscaping, boundary treatments, site development works and services. Refused by Planning Authority for 4 No. reasons based on traffic grounds, unacceptable housing density, inadequate open space and impact on residential amenities.
- 4.2. D15/0655: Permission refused for 1. Modifications to Harrow House including demolition of rear return and non-original southern wing and construction of 2-storey extension to rear. 2. Construction of 9 no. 4-bedroom 3-storey detached dwellings. 3. Closure of existing vehicular entrance and opening of new vehicular entrance to Church Road. 4. New internal access road, car parking, landscaping, boundary treatments, site development works and services. Refused based on traffic grounds, unacceptable housing density and overlooking of adjoining properties.
- 4.3. D94A/0321: Permission granted for a change of use of part of Harrow House from residential use to a nursing home.

Relevant cases on sites in the vicinity.

- 4.4. PL06D.244195: Permission refused for demolition of 'San Michele' and 'Arranmore' and construction of 8 houses, alterations and extension to no 19 Watson Road, replacement of 3 accesses with 1 access and all site works. Refused based on one reason...

- 1. It is considered that the additional traffic turning movements generated by the proposed development onto the heavily trafficked Church Road, which provides an important part of the link road between Dun Laoghaire Town Centre and the M50/N11, would endanger public safety by reason of traffic hazard and would have a seriously adverse impact on the carrying capacity of the link road. It is also considered that the proposed*

development, if granted, would set a precedent for further multiple dwelling access points with consequent implications for public safety and the carrying capacity of the road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.5. PL06D.244194: Permission refused for demolition of 'Smallacre' and 'Woodlawn' and construction of 8 no. houses, alterations and extension to 43 Watson Road, replacement of 2 no. existing accesses with a single access. Refused based on reason...

- 1. It is considered that the additional traffic turning movements generated by the proposed development onto the heavily trafficked Church Road, which provides an important part of the link road between Dun Laoghaire Town Centre and the M50/N11, would endanger public safety by reason of traffic hazard and would have a seriously adverse impact on the carrying capacity of the link road. It is also considered that the proposed development, if granted, would set a precedent for further multiple dwelling access points with consequent implications for public safety and the carrying capacity of the road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

4.6. D09A/0357: Permission granted for construction of 6 no. detached 6 bedroom, 2-storey houses with developed roof-space, including modifications to the existing house to be retained on site, all associated infrastructure, landscaping, boundary treatment and site development works. Vehicular and pedestrian access to the proposed development is provided via the relocation and modification of an existing entrance from Balure Lane connecting to Church Road.

5.0 Policy Context

5.1. Development Plan

The relevant plan is the Dun Laoghaire Rathdown County Development Plan 2016 - 2022.

The site is zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenity'.

5.2. Policy RES3: Residential Density (Section 2.1.3.3)

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. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:

- Sustainable Residential Development in Urban Areas (DoEHLG 2009)
- Urban Design Manual - A Best Practice Guide (DoEHLG 2009)
- Quality Housing for Sustainable Communities (DoEHLG 2007)
- Irish Design Manual for Urban Roads and Streets (DTTaS and DoECLG, 2013)
- National Climate Change Adaption Framework-Building Resilience to Climate Change (DoECLG 2013).

5.3. Under Section 2.1.3.3 on Residential Density the following is also noted...

Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged. As a general rule the minimum default density for new residential developments in the County (excluding lands on zoning

Objectives 'GB', 'G' and 'B') shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to 'greenfield' sites or larger 'A' zoned areas.

6.0 The Appeal

6.1. Grounds of Appeal

The first party appeal can be summarised as follows:

- The proposed Phase 1 Harrow residential development will have no impact on the future layout of the proposed bus priority scheme.
- A separate engineering response is attached to the appeal to address the first two refusal reasons.
- The proposed scheme would have very little impact on existing volumes on Church Road and the upgrade of the Balure Lane priority junction to a LI/LO junction will have a positive impact on public safety.
- The current proposal is for Phase 1 only. It is proposed to develop the western portion of the site in time following finalization of the Bus Scheme design and clarity on its impact.
- A draft design is attached to the appeal for Phase 2.
- In relation to housing mix and low density, the Board should access the current application on the net density and as it is presented in the application- the first of a two phase redevelopment of the site, which once the Bus Priority Scheme is finalised, can accommodate a sustainable density, and a mix of 14-15 residential units with apartments and own door houses.

6.2. Planning Authority Response

- The Board are requested to uphold the decision of the Planning Authority, and the reasons set out within the detailed Planning Report.

6.3. Observations

Four observations have been submitted as follows:

- Paul O' Connor and Alyson Donnelly
- Eamon Dolon and others
- Brian and Margaret Homan
- Catherine Carey and others

The main grounds raised in the observations include the following:

- Concerns regarding traffic safety.
- Harrow House does not have existing access onto Balure Lane which is a private laneway. Over the years the residents of Balure Lane have funded the maintenance and upkeep of this lane.
- Inadequate separation distance between No. 2 and No. 4.
- Nos. 2 and 4 would be extremely overbearing to the dwellings on the northern part of Coundon Court.
- Concerns regarding overlooking.
- Proposed Phase 2 would constitute piecemeal development and it is considered more appropriate to develop an overall integrated approach to the site.

7.0 Assessment

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

- Traffic Issues
- Impact on Residential Amenity

- Density

7.2. Traffic Issues

- 7.2.1. The main traffic issues relate to prematurity pending the determination of the road layout for the area and traffic safety.
- 7.2.2. The only reason the Board refused the recent history application on the site was as follows:
- 7.2.3. 'Having regard to the Dun Laoghaire- Rathdown County Development Plan 2016-2022 and to the objective to provide a Bus Priority Scheme along Church Road (part of the route from Cherrywood to Blackrock), it is considered that the provision of the said scheme, would entail a significant alteration of the existing road layout for the area. It is therefore considered, that the proposal would be premature pending the determination of the road layout for the area and the detailed design for the proposed Bus Priority Scheme. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.'
- 7.2.4. The first reason for refusal by the Planning Authority is similar to the Boards reason to refusal.
- 7.2.5. Section 4 of the appeal response taken together with a separate engineering response deals with this issue. The main case made in the appeal response is that this is only the first phase of development and a further phase will be developed once the land take for the bus priority scheme is determined.
- 7.2.6. The traffic engineers letter (O' Connor Sutton Cronin- OCSC) states that they were appointed by Dun Laoghaire Rathdown County Council to undertake its design in 2008. The design of the scheme was completed and a preliminary design and report was delivered to the Council in May, 2010. This scheme included for the geometric design of the road and the junctions, land acquisition, signage and delineation, etc. The layout of the Bus Priority Scheme along Church Road, adjacent to the subject site, was designed to provide bus lanes in both directions with a central median. It did not require any third party acquisition. However, in the event that an exceptional requirement such as a bus stop beside the application site necessitates the acquisition of some of the applicant's land, the current proposal ring-fences a 5m set back from the property boundary to be kept free of development.

- 7.2.7. The response is relying on both their previous experience and direct knowledge of designing this scheme and the fact that there will be another phase on the site which can be designed after the determination of the road layout to address this reason for refusal. I note that the provision of a 5m set back was not included in the previous scheme however notwithstanding this, I would still have concerns.
- 7.2.8. The Traffic Report states that 'Church Road is listed as a Six Year Road Objective as part of the Cherrywood to Dun Laoghaire Strategic Route (R118 Wyattville Road to Glenageary Roundabout) in Table 2.2.5 of the County Development Plan (2016-2022). Church Road is also listed in Table 2.2.3 as part of a proposed QBC along the R118 from Wyattville to Dun Laoghaire. A preliminary design and EIS has been prepared which envisages a dual carriageway on Church Road.' Refusal is recommended on grounds of prematurity pending determination of a road layout for the area and detailed design for the proposed Bus Priority Scheme.
- 7.2.9. The response to the appeal from the Planning Authority considers that 'until such time that both the detailed design of the bus priority scheme and a road improvement scheme is determined, any proposed development that will increase traffic movements onto Church Road are considered to be premature.'
- 7.2.10. I am not satisfied that the response to the appeal addresses the previous reason for refusal by the Board and consider that the proposed development would be premature pending the determination of a road layout for the area and detailed design for the proposed Bus Priority Scheme.
- 7.2.11. In terms of traffic safety the second reason for refusal by the Planning Authority considered that the additional traffic turning movements generated by the proposed development onto the heavily trafficked Church Road, would endanger public safety by reason of traffic hazard. I note that the Inspector in the history file recommended refusal on traffic safety grounds for a much larger scheme of 14 dwellings, however the Board removed this reason.
- 7.2.12. Only 3 No. additional dwellings are proposed in this scheme. The existing access on Church Road is to be closed and a new access is proposed from Balure Lane. This is a private lane according to the observations submitted and it would be the responsibility of the developer to ensure that he has a legal right of way to open a new access at this location.

- 7.2.13. The engineering response attached to the appeal concludes that the additional traffic impact (estimated at only c.4 trips in the AM and PM peak hours) on the existing traffic volumes on Church Road will be negligible and will not have any noticeable effect on the existing traffic along Church Road. I also note that the existing access is on the very busy Church Road. I consider that closing this access up will have a positive impact on traffic safety in the area.
- 7.2.14. Having regard to the low impact on traffic volumes and the small number of additional dwellings proposed under this scheme, I am satisfied that the proposed development is acceptable from a traffic safety perspective.

7.3. Impact on Residential Amenity

- 7.3.1. Concerns have been raised by observers regarding potential overlooking and overbearing impacts and the separation distances between dwellings.
- 7.3.2. Having regard to the design of the side elevations of House Nos. 2 and 4, I consider that there is no overlooking issues to the adjoining development to the south. I note that no fenestration is proposed in unit 4 and only a bathroom window is proposed in unit 2. Having regard to provision of a road and parking between the houses to the front of the site and Units 3 and 4 to the back of the site, I am not unduly concerned regarding overlooking of houses within the development.
- 7.3.3. I am satisfied that the two storey designs proposed for this site are appropriate in terms of scale. Having regard to the separation distances and existing boundary treatment, I do not consider that the proposal would have any material significant visual, obtrusive, or overbearing impacts.

7.4. Density and Housing Mix

- 7.4.1. The third and fourth reasons by the Planning Authority concern low density and absence of a housing mix.
- 7.4.2. The appeal response deals with these two issues together and asks the Board to assess the current application as it is presented in the application- the first of a two phase redevelopment of this site, which, once the Bus Priority Scheme is finalised, can accommodate sustainable density, and mix of 14-15 residential units with

apartments and own door houses, and above standard open space. Drawings are attached to the appeal for Phase 2 of the development for two apartment blocks to the front of the site following finalization of the Bus Priority Scheme.

- 7.4.3. Whilst I agree with the Planning Authority regarding the absence of a housing mix and the low density at present, this is not my primary concern. Achieving a higher density and more variety in the housing mix can be addressed in a future planning application as outlined in the appeal response. The crux of the matter is that in my view the site should be designed as a complete unit following the finalization of the Bus Priority Scheme. I note that concerns have been raised in the observations regarding piecemeal development of the site at this time and I share these concerns. The optimum way in my view to address the valid concerns in relation to density and housing mix is to design the site as a complete unit in an integrated manner following finalization of the Bus Priority Scheme.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development, a small housing development 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. I recommend a refusal of permission based on the following reasons.

9.0 **Reasons and Considerations**

1. Having regard to the Dun Laoghaire- Rathdown County Development Plan 2016-2022 and to the objective to provide a Bus Priority Scheme along Church Road (part of the route from Cherrywood to Blackrock), it is considered that the provision of the said scheme, would entail a significant alteration of the existing road layout for the area. It is therefore considered, that the proposal would be premature pending the determination of the road

layout for the area and the detailed design for the proposed Bus Priority Scheme. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.'

Emer Doyle
Planning Inspector

29th June 2018