



An
Bord
Pleanála

Inspector's Report ABP-301185-18

Development	Construction of 9 new dwelling houses.
Location	Lands at Lynwood 144, Silchester Park, Glenageary, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/1103
Applicant(s)	Soco Partners
Type of Application	Permission
Planning Authority Decision	
Type of Appeal	First Party
Appellant(s)	Soco Partners
Observer(s)	(1) Eve McMullan (2) Jennifer & C.P. O'Gara (3) John N. White (4) Damien Keating on behalf of the Silchester Park Residents Association

- (5) Geraldine Plunkett
- (6) Gary Scully
- (7) Des & Carol McGarry

Date of Site Inspection

30th July 2018

Inspector

Mary Crowley

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	6
3.1. Planning Authority Reports	7
3.2. Prescribed Bodies	7
3.3. Third Party Observations	7
4.0 Planning History.....	8
5.0 Policy Context.....	9
5.1. National Planning Policy & Guidance.....	9
5.2. Development Plan.....	10
5.3. Natural Heritage Designations	11
6.0 The Appeal	12
6.1. Grounds of Appeal	12
6.3. Planning Authority Response	13
6.4. Observations.....	14
6.5. Further Responses.....	14
7.0 Assessment.....	16
8.0 Principle.....	18
9.0 Density & Mix of House Type	18
10.0 Residential Amenity	21
11.0 Traffic Impact	22
12.0 Other Issues.....	22
13.0 Recommendation	23
14.0 Reasons and Considerations	23

15.0 Conditions 23

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.281ha is located on the southern side of Silchester Park, to the rear of the two-storey semi-detached dwellings that front onto Silchester Park, accessed via a cul de sac extension of Silchester Park that extends south west. The site is currently occupied by a two storey detached dwelling situated in the centre of the site, with a tennis court located to the rear and boundary treatment that comprises well established tree and hedgerow planting. The site is located in a well-established residential neighbourhood that is characterised by predominantly two storey detached and semi-detached dwellings. It is also noted that the site is located c760m south west of Glenageary DART Station.
- 1.2. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I would also refer the Board to the photos available to view throughout the appeal file.

2.0 Proposed Development

- 2.1. The application, submitted to DLRCC on 14th December 2017 sought permission for the following:
- Demolition of two-storey dwelling Lynwood (250 sqm)
 - Construction of 9 no. dwelling houses (4 no. semi-detached four bedroom three-storey. 3. no. detached four bedroom, three-storey, 1 no. 5 bedroom detached three-storey and 1 no. detached 3 bedroom three-storey)
 - 18 no. on curtilage car parking spaces and private amenity open space to each dwelling
 - Upgraded vehicular entrance on Silchester Park, internal roads, footpaths, shared surfaces and street lighting
 - Landscaping, tree planting and boundary treatments
 - SuDS surface water drainage, foul water potable water connections
 - All ancillary works necessary to facilitate the development
- 2.2. It is proposed to discharge the foul drainage flows from the site via a new connection to the existing combined sewer at Alt an Oir sheltered housing that abuts the eastern boundary of the subject site by way of a new foul drainage line. In terms of surface

water drainage, it is proposed to incorporate SuDS principles into the development site wherever possible.

2.3. The application was accompanied by the following documents:

- Planning Report
- Engineering Report

3.0 Planning Authority Decision

DLRCC issued a notification of decision to **refuse** permission for the following two reasons:

- 1) *The proposed residential development, at a density of approximately 33 dwelling units per hectare, is not considered to be of a sufficient density as identified in the 2016-2022 Dún Laoghaire-Rathdown County Development Plan at this location, which is within walking distance of the Glenageary Dart station and adjoining Glenageary Road Upper. In this regard, it is considered that the proposal represents an inefficient and unsustainable use of serviced, zoned land. The proposed development, therefore, materially contravenes Policy RES3: Residential Density of the 2016-2022 Dún Laoghaire-Rathdown County Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2) *Having regard to the design and layout of the proposed development that provides for nine large detached and semi-detached dwellings, it is considered that the proposed development fails to provide an appropriate mix in house type, size or tenure and would therefore fail to comply with the requirements of Policy RES7: 'Overall Housing Mix' in the Dún Laoghaire-Rathdown County Development Plan, 2016-2022. The proposed development would set a poor precedent for future development in the area and does not comply with the provisions of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022, and would therefore be contrary to the proper planning and sustainable development of this area.*

3.1. **Planning Authority Reports**

3.1.1. Planning Reports

3.1.2. The **Case Planner** in their report of 16th February 2018 recommended that permission be refused for two reasons. The notification of decision to grant permission issued by Dun Laoghaire Rathdown County council reflects this recommendation

3.1.3. Other Technical Reports

3.1.4. **Water Section** (24th January 2018) – No objection subject to conditions relating to construction waste management and waste management.

3.1.5. **Transportation Planning** (14th December 2017) – Further information requested in relation to car parking, STOP signage, cycle parking, pedestrian footpaths, entrance to the development, street lighting, Construction Management Plan and public lighting.

3.1.6. **Drainage Planning** (8th February 2018) – Further information requested in relation to accurate location of the sewer, taking in charge of surface water pipe, limit of surface water discharge and SUDs.

3.1.7. **Parks & Landscape** (14th February 2018) – No objection subject to conditions including the engagement of an Arboricultural Consultant.

3.2. **Prescribed Bodies**

3.2.1. **Irish Water** (7th February 2018) – Further information requested in relation to an alternative foul sewer connection in the public road.

3.3. **Third Party Observations**

3.4. There are multiple observations recorded on the planning file from (1) Ian Scott, (2) Anna Kinsella, (3) Eileen & James Ryder, (4) Teresa Muller, (5) Colm Hughes & Majella Blaney, (6) Des & Carol McGarry, (7) Peter & Patricia Morgan, (8) Philip Smith, (10) Robert Murphy & Joanne Archer, (11) Jennifer & C.P. O’Gara, (12) Claire Walsh & Gary Fitzgerald, (13) June Roberts, (14) Richard & Eve McMullen, (15) John Jennings, (15) Caroline Veling & David O’Connor, (16) Tim Skye’s & Ross

Millaney, (17) Rachel Nally & Andrew Westbrook, (18) John N. White, (19) Silchester Residents Association, (20) Roland Budd on behalf of Silchester Park Residents Association, (21) Mary Mitchell O'Connor TD, (22) Barry Murphy & Claire Linehan, (23) Trevor Dobbin, (24) Conor Murphy, (25) Aileen Collins, (26) Gary Scully, (27) Dan & Leonie Henson, (28) Annemarie Carney & Ben Crowe, (29) Liz Kelleher, (30) Michelle Neary & John Croake, (31) Ian Carney, (32) Geraldine Plunkett, (33) Des Carney, (34) Eoghan de Bhulbh, (35) Rachel & Anthony Hoban, (36) Peter Oakes Architects on behalf of Dublin Central Mission DAC (Ailt an Oir Sheltered housing), (37) Liam Quinn & Linzi Sayers, (38) Rosemary B Gibbons and (39) Roland & Rosemarie Budd.

- 3.5. The issues raised relate to overdevelopment, traffic impact, traffic safety, scale relative to surroundings, visual impact, overshadowing and loss of light, drainage, overlooking, negative impact from additional street lighting, height, street light and noise pollution, insufficient car parking provision, increase risk of flooding by reason of run off, inadequate drawings and information submitted, existing trees and shrubs, asbestos survey required, construction impact, lack of open space, loss of value to property, boundary treatment, management of common areas, loss of amenity, separation distances, waste collection, increased opportunity for crime, proximity and impact to pedestrian right of way, invalid application and that the scheme is contrary to the principles of sustainability,

4.0 Planning History

- 4.1. There is no evidence of any previous appeal on this site. There was a previous planning application on this site that may be summarised as follows:

- **Reg Ref D14A/0741** – DLRCC granted permission in June 2015 for the construction of one two-storey detached house to the east (rear) of the existing house (area of existing tennis court), including the provision of 2 no. car parking spaces and the replacement of the entrance gate on Silchester Park with a new double gates, associated access roads and site works Lynwood, Silchester Park, Glenageary, Co Dublin subject to 11 conditions.

- 4.2. It is noted that there was a planning appeal on an adjoining property that may be summarised as follows:

- **APB 249147 (Reg Ref D17A/0518)** – DLRCC refused permission for 8 no. dwelling houses, new access road and entrance, parking and other works at Arva, Glenageary Rd Upper, Glenageary Co. Dublin for 2 reasons relating to density and inadequate provision of public open space. The decision was appealed by the applicant. An Bord Pleanála refused permission for the following 4 reasons as summarised:
 - 1) Inadequate density having regard to 1km proximity to Glenageary Dart station, where densities at a minimum of 35 dwelling units per hectare are encouraged
 - 2) Inadequate provision of public open space
 - 3) The site is subject to an objective identified on Map 7 of the development plan to protect and preserve trees and woodlands. The proposed development would militate against the protection of trees on the site
 - 4) The Board was not satisfied that the proposed development would not give rise to flooding of adjacent lands.

5.0 Policy Context

5.1. National Planning Policy & Guidance

5.1.1. The following is a list of Section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design manual) (2009)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated technical Appendices) (2009)
- Framework and Principles for the Protection of the Archaeological Heritage (1999)

- Architectural Heritage Protection Guidelines for Planning Authorities (Revised 2011)

5.2. Development Plan

5.2.1. The operative plan for the area is the **Dun Laoghaire Rathdown County Council 2016 – 2022**. The site is zoned **Objective A** which seeks *to protect and / or improve residential amenity*. Land uses that are considered to be “permitted in principle” in Zone A include the following:

“Assisted Living Accommodation, Open Space, Public Services, Residential, Residential Institution, Travellers Accommodation”

5.2.2. Policies relevant to this scheme are set out as follows:

5.2.3. **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. 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 Adaptation Framework - Building Resilience to Climate Change’ (DoECLG, 2013).

5.2.4. The Plan also states that, as a general rule, the minimum default density for new residential developments in the County shall be 35 units per hectare. It is acknowledged that 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. Further Section 2.1.3.3 states that in relation to proximity to public transport:

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.

5.2.5. **Policy RES4** - 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.

5.2.6. **Policy RES7** - It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.

5.2.7. **Policy OSR5: Public Open Space Standards** - It is Council policy to promote public open space standards generally in accordance with overarching Government guidance documents 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' (2009) and the accompanying 'Urban Design Manual - A Best Practice Guide'.

5.2.8. **Public/Communal Open Space –Quality** - Where any open space is to be provided on foot of a planning permission, the space in question should be well overlooked and designed and located to sympathetically complement the layout of the development and should be visible from, and accessible to, the maximum number of dwellings.

5.2.9. **Trees and Hedgerows** - New developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerow

5.3. **Natural Heritage Designations**

5.3.1. The site is not located within a designated Natura 2000 site.

6.0 The Appeal

6.1. Grounds of Appeal

6.2. The first party appeal, submitted on the 15th March 2018 has been prepared and submitted by Hughes Planning & Development Consultants on behalf of the applicant, Soco Partners, and may be summarised as follows:

- The subject site is zoned 'A', the objective of which is 'To protect and/or improve residential amenity'. Residential development is permitted in principle in this zone.
- The proposed development has been designed to provide its occupants with a high standard of residential amenity in the context of an established urban setting, while safeguarding the residential amenity of adjoining residents.
- The proposed development, in terms of built form and scale is consistent with the character of the area, representing efficient use of zoned and serviced land.
- The provision of 9 no. dwellings on the application site would result in a residential density of c.33 no. dwellings per hectare, which represents an efficient use of this residentially zoned backland, while preserving the amenities of surrounding properties.
- The development is compliant with Policy RES 3 in the development plan which states that '*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*'.
- The proposed development is consistent with the various quantitative standards set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022.
- The proposed development complies with the proper planning and sustainable development of the area, and complies with the Regional Planning Guidelines and the Sustainable Residential Development in Urban Areas.
- The proposed development complies with principles outlined in the Project Ireland 2040 – National Planning Framework, including contributing to the target for at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites; and

- As an alternative option, and for the consideration of the Board, a revised design has been prepared as part of this appeal. This alternative design is as follows:
 - a) Pedestrian pathway has been moved to the other side (north) of the access laneway and widened to 1.8 metres. This has also resulted in a revised entrance to the site.
 - b) House No. 1 at the entrance has been repositioned, moving car parking spaces into the scheme and increasing the private open space and distances to House Nos. 2 and 3.
 - c) An additional unit is provided on the site, increasing the number of units on site to 10. This results in a density of 37 units per hectare. Stated that the subject site currently has an approved density of 7 no. units per hectare.
- It is submitted that the proposed development is in accordance with the proper planning and sustainable development of the area and as such we request that An Bord Pleanála overturn the decision of Dún Laoghaire-Rathdown County Council and grant permission for the proposed development.

6.3. Planning Authority Response

6.3.1. DLRCC in their response to the appeal set out the following as summarised:

- Zoning objective for the site, development description, reasons for refusal and modifications submitted with the appeal
- The modifications are noted and welcomed including the provision of 2 no apartments, No's 9 and 10 in lieu of one proposed detached dwelling
- Concern is raised with respect of the proposed open space serving House No 1 which is considered unacceptable.
- Submitted that there is an opportunity to provide a high quality residential development on the subject site and therefore the density and mix of units in particular should be increased / revised in order to achieve same.
- The mix of units proposed could be improved further in terms of form and layout, which would increase the density and would provide an attractive high quality residential infill development for this site.
- The development does not provide an appropriate and sustainable use of serviced, zoned land and is considered unacceptable

- It does not comply with the policies and provision of the current Development Plan in respect of the residential density proposed and the housing mix proposed which comprises large detached and semi-detached dwellings.

6.4. Observations

- 6.4.1. There are several observations on the appeal file from residents of adjoining properties. These include (1) Eve McMullan, 75 Silchester Park, (2) Jennifer & C.P. O’Gara, Rowan Rock, Glenageary Road Upper, (3) John N. White, 142 Silchester Park, (4) Damien Keating on behalf of the Silchester Park Residents Association, (5) Geraldine Plunkett, No 77 Silchester Park, (6) Gary Scully, 71 Silchester Park and (7) Des & Carol McGarry, No 5 Altadore.
- 6.4.2. The issues raised relate to overdevelopment, loss of privacy, loss of light, disturbance of mature hedging, traffic congestion, parking, capacity of exiting infrastructure, sewage and drainage problems, proposed height relative to adjoining properties, residential amenities, lighting impact, surface water drainage, waste collection, health and safety.

6.5. Further Responses

- 6.5.1. Further to the modifications proposed as part of the appeal submission together with DLRCC Drainage Planning dated 8th February 2018 requiring the location of a 300mm diameter surface water public sewer in the east side a memo dated 18th October 2018 was prepared requesting that further information be sought in this regard from the applicant. In accordance with Section 132 of the Planning and Development Act 2000 (as amended) a further information request was issued by An Bord Pleanála to the applicant on the 26th October 2018.
- 6.5.2. A response to this request was received from Hughes Planning & Development Consultants on behalf of the applicant Soco Partners by email on 21st November 2018 and by post on 22nd November 2018. The response may be summarised as follows:
- Elevational drawings for Unit 9 & 10 (apartments) as amended. Stated that the length of Unit No 9 was reduced by 600mm in order to accommodate a 3m wayleave for a surface water pipe

- Revised plans and elevations for Unit No 1
- Detailed plans and elevations for Units No 5, 6, 7 and 8
- Location of surface water pipe and 3m wayleave either side of the centreline of the pipe identified. Stated that this resulted in an amendment to Unit No 9 as noted above.

6.5.3. Having considered the submission the Board requested, under Section 142(4) of the Planning and Development Act 2000 (as amended) that the applicant publish revised public notices. New revised notices were received on 4th December 2018 indicating that the **scheme had increased from 9 units to 10 units with units 9 and 10 now being apartments**. In accordance with Section 131 of the Planning and Development Act 2000 (as amended) the revised proposals were cross circulate to relevant parties. The last day for submissions was 9th January 2019. The following submissions were received. Additional comments are summarised.

6.5.4. **DLRCC** (3rd January 2019) – The Board is referred to the previous Planners Report. 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.

6.5.5. **John N White** (4th January 2019) – None of the information provided addresses any of the observations raised (142 Silchester Park).

6.5.6. **Eve McMullen x 2** (9th January 2019) – Due to its size, shape and position relative to the observers house (No 75 Silchester Park) the plot of proposed House No 4 and No 1 is inadequate to accommodate a house, particularly one of the scale proposed. Extensive overshadowing of the neighbouring private open space will occur with significant negative impacts on residential amenities. A verifiable shadow analysis is required. In addition the proposed development would provide limited amenities in the form of public / communal open space to the occupants of the scheme.

6.5.7. **Buchan Kane & Foley on behalf of Des & Carol McGarry** (9th January 2019) – Visual impact of a large gabled structure (Unit 9 & 10) on the McGarry property (No 5 Altadore) to the east. Further concern raised that the attic space is large enough to provide a habitable room in the future. A modest hipped roof as previously proposed is preferable. Requested that the following conditions are attached as summarised:

- Roof over Unit 9 & 10 should not exceed a pitch of 30 degrees and the east and west facing gable in Units 9 & 10 be finished with a hipped roof.
- Any flat roof shall not be used as a roof garden or balcony.
- Velux style roof lights in the rear of each of the house should have a maximum overall size of 750 x 600mm.
- Requested that the developer agree with the McGarrys a scheme for dealing with existing these trees and shrubs along the eastern and southern boundary
- Asbestos survey required
- Regulation of the hours of work, control during construction of noise, dust, dirt on roads, hours of deliveries to site etc required

6.5.8. **Silchester Park Residents Association** (9th January 2019) – Maintain the view that a refusal of planning permission is justified. Submitted that if permission is granted then, a subsequent planning application will be submitted seeking amendment to return the 2 no apartments to a single dwelling house. The Board should refuse the proposed development as there is the potential of health hazard due to pollution and flood risk due to the constraints on the existing network. The Board is asked to refuse the appeal for reasons of unsympathetic design in this established sylvan neighbourhood and proximity to the boundaries that would cause an overbearing aspect, serious overshadowing and overlooking of adjacent properties.

7.0 **Assessment**

7.1. Soco Partners submitted a planning application to DLRCC on the 14th December 2017 seeking permission for the demolition of two-storey dwelling; Lynwood and the construction of 9 no. dwelling houses, upgraded vehicular entrance on Silchester Park together with all ancillary works necessary to facilitate the development. DLRCC issued a notification of decision to refuse permission for two reasons relating to (1) insufficient density and (2) inappropriate mix of house, type, size and tenure. The decision was appealed by the first party on the 15th March 2018. As part of the appeal, the applicant modified the scheme as follows:

- New entrance design, road widths and footpaths etc have been altered to match that as required in the DLRCC Case Planners report

- Change in layout and position of House No 1 providing a deeper rear garden with the proposed car parking relocated to the rear
- 2 no apartments, No's 9 and 10 in lieu of one proposed detached dwelling (formerly No 9). The roof profile has also been lowered to reduce impact.
- Amendments to layout of dwellings No 5 to No 10.

7.2. On the 26th October 2018 a further information request was issued by An Bord Pleanála to the applicant in accordance with Section 132 of the Planning and Development Act 2000 (as amended) requiring further details in relation to the above proposed amendments together with the requirement to identify the location of a 300mm diameter surface water public sewer within the site. A detailed response was received by email on the 21st November 2018. Revised public notices were submitted on the 4th December 2018 stating that the scheme had increased from 9 units to 10 units with Units No 9 and 10 now being apartments.

7.3. Accordingly this assessment is based on the plans and particulars submitted to DLRCC on **14th December 2017** as amended by further plans and particulars submitted to the Board on the **15th March 2018, 21st November 2018** and **4th December 2018**.

7.4. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Density
- Housing Mix
- Residential Amenity
- Traffic Impact
- Other Issues

8.0 Principle

- 8.1. Under the provisions of the Dún Laoghaire-Rathdown County Council County Development Plan 2016 – 2022 the appeal site is wholly contained within an area zoned Objective A where the objective is *to protect and / or improve residential amenity* and where residential development is permitted in principle. Accordingly the principle of developing 10 no dwelling units (as amended) is acceptable.
- 8.2. The proposed development also proposes the demolition of a habitable dwelling house (Lynnwood) on site. The dwelling to be demolished is not listed on the record of protected structures and is not located within a designated conservation area. Further the dwelling does not of itself have any distinctive architectural merit and does not in my view contribute significantly to the area in terms of visual amenity, character, or accommodation type. Accordingly there is no objection to the proposed demolition of this dwelling house.
- 8.3. While the proposed scheme before the Board is a clear densification (to be discussed separately below) of residential use at this location I consider the proposed demolition of the habitable dwelling together with the proposed residential development (as amended) on lands zoned Objective A to be acceptable in principle subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

9.0 Density

- 9.1. DLRCC in their first reason for refusal stated that the proposed density in the order of 33 dwellings units per hectare represented an inefficient and unsustainable use of serviced zoned land within walking distance of Glenageary Dart Station.
- 9.2. Firstly I note that there is a discrepancy in the stated area of the site. The application form accompanying the planning application to DLRCC states that the area of site to which the application relates is 0.281ha (Question No 9 refers). However the Planning Report accompanying the application and the appeal submission states that the site area is 0.27ha. It would appear that the decision of DLRCC was based on a site area of 0.27ha. While I do not consider this matter to be material to the consideration of this appeal in the interest of clarity and to avoid

any confusion this assessment is based on the site area stated in the application form i.e.0.281 ha. Therefore the development of 9 no units as originally proposed on a site area of 0.281ha gives a density of 32 units / ha and not 33 units as stated in the first reason for refusal. The scheme as amended provides an additional unit on site, increasing the number of units on site from 9 to 10. This gives an amended density of 35.6 or 36 units per ha when rounded up.

- 9.3. With regard to density it is a clear and overriding objective of the National Planning Framework Plan (2018) to promote compact growth in serviced urban areas. Policy RES 3 of the Dun Laoghaire Rathdown County Council 2016 – 2022 states that it is the *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.* The Development Plan also states that, as a general rule, *the minimum default density for new residential developments in the County shall be 35 units per hectare.* Further, Section 2.1.3.3 states that in relation to proximity to public transport:

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.

- 9.4. This aligns with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design manual) (2009) where it states that within 1km of a light rail stop or a rail station that in general *minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes.*
- 9.5. Accordingly it is generally accepted in the interests of sustainability and the efficient use of infrastructural investment that higher densities are to be encouraged in serviced urban areas. As previously stated the scheme as amended provides a density of 36 units per hectare. While this meets the minimum default density (35 units / ha) for new residential developments it also remains that the site is within 1km of Glenageary DART Station whereby a higher density should be encouraged.

- 9.6. However it is also important to note that the Sustainable Residential Development in Urban Areas Guidelines also distinguish infill residential development sites from other areas on the basis that they range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. The appeal site lies within an existing built up area and so it comes within the category of a small infill site.
- 9.7. Having regard to the constraints pertaining to this infill site within an established residential area, the restricted size and shape of the site, its distance from Glenageary DART Station and its proximity to existing dwellings that are predominantly two storey and suburban in style I consider that the density as amended at 36 units per hectare (10 units / 0.281ha) represents an efficient and sustainable use of serviced, zoned land at this location and is entirely within the recommended densities under the guidelines outlined above and the requirements of the current Development Plan.
- 9.8. On balance I am satisfied that the density proposed is in compliance with the DLRCC Development Plan 2016 - 2022 and the minimum requirements of the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' (DoEHLG, 2009). The density (as amended) is therefore considered acceptable at this location.

10.0 Housing Mix

- 10.1. DLRCC in their second reason for refusal stated that the proposed development fails to provide an appropriate mix in house type, size or tenure and would therefore fail to comply with the requirements of Policy RES7: 'Overall Housing Mix' in the Dún Laoghaire-Rathdown County Development Plan, 2016-2022.
- 10.2. Policy RES7: 'Overall Housing Mix' states that *it is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.*

As set out above the amended scheme provides for 8 no. dwelling houses (4 no. semi-detached four bedroom three-storey units; 3. no. detached four bedroom, three-storey, 1 no. 5 bedroom detached three-storey and 2 apartments within a two-

storey detached unit. Overall I am satisfied that the proposed development (as amended) provides a suitable mix of housing having regard to the sites context, its restricted nature and proximity to adjoining properties. I do not consider it reasonable to refuse permission on the basis of housing mix in this instance.

10.3. In addition I am satisfied that the separation distance and car parking proposed together with the quantitative requirements for private open space are acceptable. While the scheme does not provide for communal open space within the site, I agree with the applicant that the area is well served by a number of communal open spaces and recreational sports grounds proximate to the appeal site. Further I consider that the overall building form and layout responds to its site and context and will not detract from the visual amenities of the area. Accordingly there is no objection to the housing mix, layout and design of the development proposed (as amended) at this location.

11.0 Residential Amenity

11.1. Substantial concern is raised in the third party observations to the appeal that to permit the proposed scheme will have a significant impact on the residential amenity of adjoining properties. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design manual) (2009) state that 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. Further, the design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc.

11.2. I agree with the applicant that the proposed dwellings have been designed to provide adequate levels of natural light to habitable room windows but also to maintain the privacy of existing habitable room windows and areas of amenity space of neighbouring properties. Further I am satisfied that the proposed units are appropriately located on the site to ensure that no undue overshadowing of adjoining properties takes place.

11.3. Having regard to the information and details available on file, my site inspection together with the layout and design of the scheme (as amended), I am satisfied that the development in its architectural treatment, orientation and proximity to adjoining properties strikes a reasonable balance between the protection of the amenities and privacy of the adjoining dwellings in terms of overlooking and overshadowing with the requirement to provide a higher density residential development on this zoned site. Overall the proposed scheme strikes a reasonable and appropriate balance between meeting the density requirements necessary to achieve an effective and sustainable use of serviced lands while addressing the sites constraints and the established residential character of the surrounding area.

12.0 Traffic Impact

12.1. Given the location of the appeal site together with the layout of the proposed scheme (as amended) I am satisfied that the vehicular movements generated by the scheme would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area. Overall I consider the proposal (as amended) to be acceptable and I am satisfied that the proposed development will not result in the creation of a traffic hazard.

13.0 Other Issues

13.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development, within an established urban area, and its 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.

13.2. **EIA Screening** – Having regard to the nature and scale of the proposed development comprising the demolition of a habitable dwelling and the construction of a 10 residential units in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

13.3. **Development Contributions** – Dun-laoghaire Rathdown County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 14th December 2015. The proposed development does not fall under the exemptions listed in the scheme and it is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000 (as amended).

14.0 **Recommendation**

14.1. Having considered the contents of the application (as amended), the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the reasons and considerations set out below.

15.0 **Reasons and Considerations**

15.1. Having regard to the residential zoning of the site in the Dun Laoghaire Rathdown County Council 2016 – 2022, the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009), the location of the site and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objectives for the area, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 14th December 2017 as amended by further plans and particulars received by An Bord Pleanála on the 15th March 2018, 21st November 2018 and 4th December

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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of these houses and apartments without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

3. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of residential and visual amenity

4. Details of the materials, colours and textures of all the external finishes and boundary treatments to the proposed dwellings and crèche shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. 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.

6. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

7. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

8. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

9. 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 within each house plot 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.

10. 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 offsite disposal of construction/demolition waste.

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

11. The site and construction works required to implement the development shall only be carried out between 0800 hours and 1800 hours, Monday to Friday and between 0900 hours and 1400 hours on Saturday and not at all on Sundays, Bank Holidays or Public Holidays.

Reason: To safeguard the amenities of adjoining residential properties.

12. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

13. 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 and maintenance until taken in charge of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance 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 determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

14. 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.

Mary Crowley

Senior Planning Inspector

29th January 2019