



An
Bord
Pleanála

Inspector's Report ABP-301535-18

Development	Demolition of existing 3 storey dwelling; construction of 9 no. dwellings; and relocation of existing vehicular entrance.
Location	174, Howth Road, Clontarf, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2284/18
Applicant(s)	SRM Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	SRM Developments Ltd.
Observer(s)	Bill and Elizabeth O'Meara; Ian and Sheila Barbour
Date of Site Inspection	24 th August 2018
Inspector	Una O'Neill

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.2. Dublin City Development Plan 2016-2022	7
5.3. Natural Heritage Designations	7
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Planning Authority Response	10
6.3. Observations.....	10
6.4. Further Responses.....	12
7.0 Assessment.....	12
8.0 Recommendation.....	21
9.0 Reasons and Considerations.....	21

1.0 Site Location and Description

- 1.1. The subject site is located on the eastern side of Collins Avenue East, just north of the junction with Howth Road and Killester neighbourhood centre, to the northeast of Dublin City Centre. The site is bounded to the north by the DART rail line and Killester DART station is approx. 400m east of the site. The site is also well served by bus routes.
- 1.2. The site, which has a stated area of 0.24ha, comprises a three storey detached Edwardian house, with a street frontage of approx. 40m and a site depth of approx. 35-90m. The dwelling is set back approx. 20m from the street edge and aligned with the neighbouring dwelling, positioned at a slight angle to the road/neighbouring property.
- 1.3. This eastern section of Collins Avenue East, between the DART line and the junction with Howth Road, comprises seven dwellings, including the detached appeal dwelling and three sets of semi-detached dwellings. The neighbouring properties have elongated back gardens (60-100m long) and the subject site, being the last dwelling before the rail line, comprises a large rear and side garden, with the rear garden being shorter at 30-40m long. On the western side of the street, opposite the appeal site is Killester College of Further Education, which is a two storey flat roofed building, 40m wide, set back approx. 15m from the street.

2.0 Proposed Development

- 2.1. The proposed development is for the demolition of one detached dwelling and the construction of nine dwellings, comprising three floors of accommodation, with the third floor within the roof level:
 - 3 x 3-4 bed terraced dwellings along the southern section of the site, backing onto Collins Avenue East and set forward of the building line of the existing dwelling, accessed from a new vehicular entrance and a new internal street within the scheme.

- 6 x 3 bed (plus study) terraced dwellings, and 1x 4 bed (plus study) detached dwelling along the northern boundary of the site, backing onto the existing railway line, accessed via a new vehicular entrance and internal street.
- The overall height of the proposed terraced dwellings adjoining the rail line is 10.68m. The detached dwelling is 9.8m high. The terraced dwellings adjoining Collins Avenue East are 10.09m.

- 2.2. It is of note that the block of 3 terraced dwellings along the southern section of the site have been amended as part of the grounds of appeal. In the original layout these dwellings has a staggered layout, were accessed off the new internal access street with their backs to the existing street of Collins Avenue East, and the third storey design comprised a flat roof dormer projection from the pitched roof profile. The dwellings are now re-orientated fronting onto Collins Avenue East, backing onto the new internal street, and the three dwellings are aligned with each other. They have been redesigned with a gable fronted projection, similar to the roof design of the neighbouring dwellings.
- 2.3. The application is accompanied by an AA Screening Statement, Ecology Report, A Tree Survey and Inventory and a Drainage Report.

3.0 Planning Authority Decision

3.1. Decision

Permission REFUSED for the following reasons:

R1: The proposed development by reason of the proposed layout would result in a serious breach of the established building line on Howth Road, and the rear of several units and their rear gardens backing onto the main road, resulting in a development that would be visually incongruous and which would have a negative impact on the streetscape. The proposed development would therefore seriously injure the amenities of the area and depreciate the value of properties in the vicinity and hence be contrary to the proper planning and sustainable development of the area.

R2: The proposal, by reason of excessive overlooking of the rear gardens of the adjacent dwellings at 176 / 178 Howth Road would seriously injure the residential amenities of these dwellings and depreciate their value and hence would be contrary to the proper planning and sustainable development of the area.

R3: The proposed development would result in the demolition of a habitable house which makes a positive contribution to the character, appearance and quality of the streetscape and the sustainable development of the city. The applicant has failed to make a sufficient justification for its demolition and hence the proposal would contravene paragraph 16.10.17 of the City Development Plan (Retention and Re-use of Older Buildings of Significance which are not protected). Therefore, the proposed development would be contrary to the policy and provisions of the Development Plan, contrary to the amenities of the area and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority. The following is noted from the planner's report:

- While a brownfield site this close proximity to a DART station and local village area could expect a higher density scheme (37.5 units per hectare proposed) it is noted that the development at least represents an increase upon the existing density – with the applicant indicating that the scheme could facilitate the urban consolidation of adjoining sites.
- No public open space is being provided for the 9-unit housing scheme – and it is agreed that the site as configured is of limited size would have difficulties in accommodating open space that would be accessible to the public.
- There is potential overlooking of the southern Type A units' private open space by No.176 Howth Road.

- The A1 type unit breaks the building line as established by No.174.
- The rear Type C unit will potentially prejudice the backland development of No.176 and would be premature until at least there is some certainty how the adjoining backlands will be more comprehensively developed.

3.2.2. **Other Technical Reports**

Roads and Traffic Planning Division: No objection subject to conditions. One condition states that in order to improve the road layout in the vicinity of the site a set-back may be required along the southern boundary of the site to the rear of house type A. Liaison with the Environment and Transport Department is required.

3.3. **Prescribed Bodies**

Iarnrod Eireann: Report sets out requirements when developing proximate to a railway line.

3.4. **Third Party Observations**

A number of third party submissions were received, the contents of which are largely covered in the grounds of appeal and observations to the appeal.

4.0 **Planning History**

None.

5.0 **Policy Context**

5.1. **National Policy**

- Project Ireland 2040 National Planning Framework (2018)
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (DEHLG 2009) and the accompanying Urban Design Manual: A Best Practice Guide (DEHLG 2009)
- Design Manual for Urban Roads and Streets (DMURS) (DECLG and DTTS 2013)

5.2. Dublin City Development Plan 2016-2022

- Zoning objective Z1, the objective for which is ‘to protect, provide and improve residential amenities.’
- Chapter 5: Quality Housing.
- Section 16.5, Plot Ratio: Indicative plot ratio 0.5-2.0 for Z1, with a higher allowance in certain circumstances.
- Section 16.6, Site Coverage: Site Coverage- 45-60% for Z1, with a higher allowance in certain circumstances.
- Section 16.10.2, Residential Quality Standards, Houses.
- Section 16.2.2.2 and 16.10.10, Infill Housing.
- **Policy SC13:** To promote sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city, which are appropriate to their context ... having regard to the safeguarding criteria set out in Chapter 16 (development standards)...and for the protection of surrounding residents, households and communities.
- **Policy QH1:** To have regard to the national guidelines relating to residential development...
- **Policy QH8:** To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.

5.3. Natural Heritage Designations

The nearest Natura sites are the South Dublin Bay and River Tolka SPA (004024), approx. 1.3km south and separated from the site. North Dublin Bay SAC (000206), and the North Bull Island SPA (004006) are approx. 2km to the south west and separated from the site.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has appealed the decision of Dublin City Council to refuse permission. The grounds of appeal is summarised as follows:

- The context of the site has resulted in the design approach taken. An apartment scheme would not be appropriate as it would appear incongruous with the surrounding environment and the potential requirement for a basement level may potentially have an impact on the adjoining railway line.
- Terraced houses are proposed to maximise the densification of the site in an appropriate and sensitive manner.
- The layout of the scheme would facilitate future access to the rear of the adjoining properties and would not impact on their future development potential.
- An amended design has been submitted to address the planning authority's reasons for refusal:

Refusal Reason 1

- It is considered that there is no clearly established building line. The existing building line is considered to take the form of a crescent, with the existing dwelling already located closer to the road and the start of this crescent. The building line has however been amended with the staggered approach omitted and the buildings set back further than originally submitted.
- The applicant does not propose to omit one dwelling from the terrace as suggested by the planning authority given the implications for density and resulting less efficient use of land.
- The layout and design of the three dwellings on the southern section of the site has been amended so that they front onto the street, instead of backing onto it, thereby increasing passive surveillance. The dwellings fronting the street have been redesigned to reflect the design of neighbouring dwellings.

- The layout allows for further backland development of neighbouring properties, therefore it will not result in a depreciation of property values.
- The existing dwelling can accommodate 2-3 cars and the proposed three houses which will access the original entrance can only accommodate 1 space each, therefore there will be no intensification of use of the existing entrance. Cars will also be able to turn on site.

Refusal Reason 2

- The applicant refutes the planning authority's assertion that house type B2, B3 and C would overlook the rear gardens of houses 176 and 178. Opaque glazing on the side first floor bay windows could be accommodated if required by the Board. There is no potential overlooking from House Type C and this house is not directly to the rear of these properties and cannot therefore directly overlook these properties.
- To prevent overlooking from no. 176, the private open space for house type A3 has been relocated to the north of the house. Appropriate landscaping and screening will prevent overlooking.
- A new boundary wall is proposed which would provide improved screening and privacy to house 176. The existing boundary is poor and offers no screening.
- The provision of an access road which could potentially open the rear gardens of the other dwellings on this street would improve the development potential and property values in the area.

Refusal Reason 3

- ARC and William Hastings (Grade 1 Conservation Architect) has prepared a building heritage assessment report.
- The report states the house is hidden from view in both winter and summer by extensive tree and shrub hedging, therefore it cannot be considered to make a significant contribution to the streetscape.

- The report states the external appearance of the building is bulky and ungainly and externally would not be regarded as one of the most attractive buildings of its period.
- The house is not protected, is not in an ACA and is not listed on the NIAH's survey. The conservation officer of DCC did not object to the proposal.
- Section 16.10.17 seeks to retain older buildings only where it is deemed appropriate. The dwelling is poorly laid out and insulated by modern standards and to retrofit the existing dwelling for family living and to become more energy efficient would be costly. Such works would have a significant impact on the character and detail of the existing house.
- One dwelling on this site represents an inefficient use of vitally scarce zoned and serviced land that is 350m from a DART station.
- Precedent for demolition of older buildings which are not protected exists, with ABP granting permission for development under PL29N.243648 and PL06D.246953.

6.2. Planning Authority Response

None.

6.3. Observations

Two observations were received, which are summarised as follows:

- The first party appeal contains material changes that vary significantly from the original application and contravenes the planning application process. The applicant should re-apply for permission in the normal way and allow stakeholders to review the amended plans.
- Proposed development is excessive in terms of bulk, height and scale.
- Proposal will have a serious adverse impact on no. 176 Howth Road, the neighbouring property and will negatively impact property values.
- The design is visually incongruous with the area at this visually prominent location.

- Proposed development will result in serious overlooking of no. 176 and no. 178.
- The amended design and orientation of the terrace of three dwellings remain problematic. They are significantly larger in height, scale and mass in comparison to the other dwellings and detract from the streetscape. The ridge line is proposed to be in line with the chimney pots of the existing dwelling of no. 176 and no. 178 rather than the existing ridge height. The increased height of 1.4m will be overbearing and result in an unbalanced appearance.
- As per the original objection to Dublin City, the existing dwelling on site is not in poor condition as claimed by the applicant. The dwelling and the neighbouring dwellings were constructed in Edwardian style by master builder William Maxwell Thompson in 1913. The house on the appeal site was built larger as it was intended to be occupied by the master builder himself.
- The existing dwelling to be demolished makes a positive contribution to the area even with the landscaping impacting views.
- It is accepted that infill development is desirable and reasonable on a zoned plot of land. However the extent and proximity of the development of 5 x 2 storey terraced houses and 1 x angled detached house to the neighbouring boundary/properties will result in loss of residential amenity, arising from overlooking, overbearing, proximity and overshadowing and in its design, fails to integrate into this prominent streetscape. The proposed is contrary to the zoning objective and the proper planning and sustainable development of the area.
- A development approach based on retaining and restoring the original house and increased separation from the common boundary would represent a more balanced approach.
- Retaining the existing access for use by three dwellings, as is now proposed in the grounds of appeal, will result in a traffic hazard. This entrance is on a hazardous bend close to the junction of two heavily trafficked roads.
- The new entrance has to cross a pathway between a bus stop and traffic lights and will result in a traffic hazard.

- The allocation of one parking space per large family dwelling is unrealistic.
- No visitor parking is proposed.

6.4. Further Responses

None.

7.0 Assessment

- 7.1. The proposed development is for the demolition of a detached dwelling and construction of 9 dwellings on a site adjoining the DART line, 400m west of Killester DART station, north of Dublin City Centre. The applicant in their grounds of appeal has responded to Dublin City Council's decision to refuse permission by amending the design and layout of a section of the scheme. The amended design, which comprises the same number of units, includes the re-orientation of three of the dwellings on the southern section of the site to front onto the adjoining street with a revised house design. In addition it is proposed to maintain the existing entrance alongside the creation of a new entrance.
- 7.2. The observations submitted consider the changes in the layout and design of the scheme vary significantly from the original application and contravenes the planning application process.
- 7.3. I note the amended design has been circulated to all parties who have been given an opportunity to comment. I consider the proposed amendments can be accepted as part of the grounds of appeal and I am assessing this application de novo on the basis of the revised design submitted by the applicant.
- 7.4. The subject site is located within zoning objective Z1, the objective for which is 'to protect, provide and improve residential amenities'. The provision of residential development is considered acceptable in principle within the zoning objective for the area.
- 7.5. The primary issues for assessment include:
- Density
 - Layout

- Impacts on Amenity of the Area
- Demolition of Existing Dwelling
- Traffic and Vehicular Access/Egress
- Appropriate Assessment

Density

- 7.6. The applicant in the grounds of appeal contends the context of the site has dictated the design approach of houses and states that apartments would not be appropriate at this location as they would appear incongruous with the surrounding environment. It is stated that an apartment scheme could also impact negatively on the adjoining railway line.
- 7.7. The observations submitted argue the proposed housing would be visually incongruous with the area at this visually prominent location and the extent and scale of the dwellings is excessive.
- 7.8. The section 28 Ministerial Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the Dublin City Development Plan 2016-2022 seek to increase residential density in settlements in order to achieve the best use of serviced urban land, to reduce reliance on the private car, to maximise the use of public transport infrastructure and to facilitate sustainable urban development patterns and sustainable neighbourhoods. The guidelines recommend that increased densities should be promoted along public transport corridors, particularly within 1km of a light rail stop or a rail station. Minimum net densities of 50 dwellings per hectare should be applied, subject to appropriate design and amenity standards. The Design Guide for Apartments (2018) indicates appropriate locations for apartments, specifically sites within reasonable walking distance (i.e. up to 10 minutes or 800m-1,000m) to/from high capacity urban public transport stops (such as DART or Luas)
- 7.9. The subject site is 0.24ha in area and it is proposed to develop 9 houses, resulting in a density of 38 units per hectare. The plot ratio is stated to be 0.49:1 and the site coverage is stated to be 20%. The development plan indicates an indicative plot ratio of 0.5-0.2 on Z1 lands and site coverage of 45-60% on Z1 lands.

- 7.10. The site is a serviced site, bounded by existing dwellings on one side only, with the other boundaries addressing the rail line and street. The site is not significantly constrained by other factors and is of a sufficient scale to determine its own design and form. On the basis of national guidance, as discussed above, and given the context of the site within 400m of a DART station, I am of the view that the density proposed of 38 units per hectare is not in keeping with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) where minimum net densities of 50 units per hectare is supported. The proposed development is in my view an inappropriate use of land, which is a scarce and finite resource in the city. The arrangement of houses proposed dictates the low density nature of the site and it is my view that apartments would be a more efficient use of this land. I note there are apartments further west of the site adjoining the rail line at a backland location. I do not accept the applicant's assertion that constructing apartments at this location has the potential to damage the DART line.
- 7.11. While the applicant has referenced other sites where An Bord Pleanála has accepted lower densities and demolition of an old house, each site is assessed on its own merits and each site context is unique. Given the specific site circumstances in this instance, I am of the view that a higher density proposal is warranted and I consider the proposed development would be contrary to the proper planning and sustainable development of the area.

Layout

- 7.12. The layout as proposed comprises two entrances off Collins Avenue East, one of which is existing. The new entrance and access route/cul-de-sac serves six dwellings and the existing access serves three dwellings, which front onto Collins Avenue East and back onto the new internal street. The layout proposed does not preclude the development of adjoining lands given the location of the cul-de-sac along the adjoining boundary.
- 7.13. The layout of the three dwellings (as amended within the grounds of appeal) breaks the established building line, with the dwellings orientated at an angle to the street, resulting in house type A1 being 1.5m from the street edge at its closest point and 1.5m from the boundary with the neighbouring dwelling. I do not concur with the applicant's assertion that the building line now proposed is reflective of an existing

'crescent' arrangement with the building line improved upon. While I note the existing dwelling is at an angle to the street, it is set back 18-23m from the street. In my view, the replication of a building line does not have to be rigidly adhered to in all instances, however the replication and exaggeration of an angle in this instance to create a 'crescent' arrangement results in an incongruous layout, particularly given the scale and form of the three replacement dwellings in proximity to the boundaries. Overall I am of the view that the layout of the terraced dwellings adjoining Collins Avenue East breaches the established building line, would impact negatively on the existing streetscape and would be incongruous to the existing arrangement whereby dwellings are positioned parallel to the street.

- 7.14. Given the orientation of the garden for house type A1, a high boundary wall will be required at one side of the new entrance to the scheme and along part of Collins Avenue East to ensure the privacy of the garden area, which would in my view detract from the urban realm and result in a poor visual entrance to the scheme, with implications for sightlines and traffic safety. The proposed retention and intensification of use of the existing vehicular entrance also gives rise to traffic safety issues, which are discussed separately hereunder.

Impacts on Amenity of the Area

- 7.15. The applicant contends the amended design overcomes issues relating to passive surveillance of the street, with the amended building line in keeping with the existing building line. The applicant does not consider there will be overlooking from the detached dwelling and adjoining terrace given the design and angle of the dwellings and distance from neighbouring dwelling no.176 of 25.6m. The layout is considered to facilitate access to other backland sites along this road. The applicant states it is not proposed to omit one dwelling from the terrace as suggested by the planning authority given the implications for density and resulting less efficient use of land.
- 7.16. The observations to the appeal consider the development to be excessive in terms of bulk, height and scale and would detract from the existing streetscape and residential amenity of no. 176 and no. 178 in particular. Given the proximity to the existing neighbouring dwelling, it is contended that the proposal will result in overlooking, overshadowing and will be overbearing.

- 7.17. I consider the design and scale of the 2-3 storey dwellings generally acceptable. However, I consider the proximity of dwelling A3 to the neighbouring property would be overbearing given its proximity at 1.5m from the boundary, increased height of 1.4m and building line 1.2-2m forward of the existing dwelling, in addition to the extended angle of the terrace created.
- 7.18. The location of the private open space for dwelling A1 bounding Collins Avenue East and the entrance to the scheme, results in the requirement for a boundary wall with railings of 2.4m high along Collins Avenue East, reducing down to 1.4m adjoining the existing entrance. I note the ground levels within the site adjoining the existing entrance are higher, nonetheless the proposed boundary wall would create a solid barrier at the street edge and at the entrance which would have implications for the public realm as well as for vehicular visibility from the site entrance (which is discussed further below under Traffic and Vehicular Access/Egress). The roads division of Dublin City Council in their report indicated that in order to improve the road layout in the vicinity of the site a set-back may be required along the southern boundary of the site to the rear of house type A (which is not the front of the revised design), which could be agreed by way of condition. It is unclear what type of setback is required and given the limited distance of the dwelling from the street edge at this location (1.5m), any requirement for improvement of the road layout at this location is limited by virtue of the positioning of the dwellings on the site. The revised design submitted as part of the appeal, proposes the retention of the existing entrance to serve the three dwellings to the front of the site. The implication of this is discussed further under the heading Traffic and Vehicular Access/Egress.
- 7.19. I note that the existing rear boundary between the appeal site and the neighbouring dwelling is weak, comprising a low mesh fence in part and hedging/overgrown planting. The applicant proposes a 1.8m high wall along this boundary. This will support improved privacy between the properties.
- 7.20. House type C is designed as a detached dwelling, lower in height at 9.8m high than the other proposed dwellings within the scheme (10.6m high), and is positioned adjoining the rear section of garden of the neighbouring dwelling to the east. The potential for overlooking is reduced given no windows to habitable rooms are located on the eastern side of the front elevation and side of the proposed dwelling, with windows proposed serving bathrooms and the stairwell. Given the design and angle

of the dwelling and distance from neighbouring dwelling no. 176, I consider the issue of overlooking in this urban context is not significant. With regard to overshadowing, given the dwelling is positioned at the end of the adjoining site which comprises a long rear garden, I consider that overshadowing will be limited to the evening and given the depth of the gardens, will not impact the immediate rear private open space of the neighbouring dwelling.

- 7.21. I note the concerns in relation to impact on property values and the applicant's argument in relation to the opportunity for backland development on neighbouring sites given the location of the internal street/cul-de-sac. I have no information before me to believe that the proposed development would lead to the devaluation of property in the vicinity.

Demolition of Existing Dwelling

- 7.22. The applicant considers the existing dwelling, which is blocked from views from the street by extensive landscaping, does not contribute to the streetscape and significant improvements/investment would be required to bring the dwelling up to current living standards, which is unsustainable.
- 7.23. The observations to the appeal consider the proposed development which is Edwardian in style contributes significantly to the streetscape in terms of architectural quality and the building should be retained.
- 7.24. I note the proposed dwelling is not a protected structure and it is not located within an ACA or part of the NIAH. According to third parties it was constructed by the master builder who constructed the neighbouring dwellings on this road and the subject dwelling was constructed slightly larger than the others as it was intended as a home for the builder. I note that the dwelling has been modified over the years. Given the building itself is not protected, I do not consider that sufficient evidence in terms of its architectural, historical or social significance has been presented such as would warrant its retention.

Traffic and Vehicular Access/Egress

- 7.25. The applicant in the grounds of appeal has proposed a revision to the access arrangements. AS noted above, the existing access is now proposed to be retained for use by the three dwellings to the front of the site with a new access created for the remaining six dwellings (in the location originally proposed to Dublin City

Council). The applicant considers there will be no intensification of use from the three dwellings as only one car per dwelling will be permitted and the existing dwelling has provision for 2-3 cars, therefore the same number of cars will be accommodated.

- 7.26. The observers to the appeal contend that retaining the existing access for use by three dwellings, as is now proposed, will result in a traffic hazard. The new entrance has to cross a pathway between a bus stop and traffic lights and will result in a traffic hazard. It is further considered the allocation of one parking space per large family dwelling is unrealistic and it is noted that no visitor parking is proposed.
- 7.27. The existing entrance is located on a corner, northwest of the junction with Howth Road. The entrance is recessed with high pillars on either side and the boundary comprises a wall and railings with dense/high shrubbery. I note the ground level adjoining the entrance of the site appears to be higher than the street level. The entrance at present has extremely limited visibility to the north and there is an existing pedestrian crossing just around the corner to the north of the entrance. The applicant on the site layout plan proposes the removal of existing railings on top of the existing wall for a section of approx. 11m of the boundary north of the existing entrance to increase traffic sightlines. I am not satisfied, based on the information presented, that the removal of a section of railings is sufficient to address the deficiencies in sightlines. Furthermore I do not agree with the applicant's assertion that there will be no intensification of use of the existing entrance. The proposal is for three new dwellings which will have occupants accessing/egressing at various times of the day and having a pattern of movement entirely different and more intense to what one would expect from a one family residence. The use of the existing entrance to serve three dwellings, with its limited sightlines and the intensification of use, would in my view result in a traffic hazard. The layout of the site has dictated this access arrangement, which in my view is not the optimal layout achievable on this site.
- 7.28. I note the roads section of Dublin City Council had some concerns in relation to the new access as originally proposed and noted that the boundary could potentially be set back along the southern boundary of the site to the rear of house type A, with details to be agreed by condition. It is unclear from the internal report what set back the roads section required, however, it is clear that boundary treatment is critical in

terms of sightlines and safety at this location. The revised layout has implications for sightlines in relation to the new entrance given the side and rear of dwelling A1 is now positioned at the new entrance. This will result in a requirement for an approx. 2m high boundary at the new entrance to secure the privacy and amenity of the garden area of A1, with resultant implications in terms of visibility from the new entrance.

- 7.29. The parking proposed of 1 space per dwelling is in compliance with development plan standards and there is no requirement for visitor parking.
- 7.30. Overall, I have concerns regarding the layout in terms of traffic safety, in particular the intensification of the existing entrance and the provision of a second vehicular access point in close proximity to the existing entrance, resulting in a proliferation of entrances, neither of which addresses satisfactorily issues of sightlines and traffic safety. In this regard I would consider that to permit the proposed development as it stands would result in a traffic hazard and would be contrary to the proper planning and sustainable development of the area.

Appropriate Assessment

- 7.31. The nearest Natura sites are the South Dublin Bay and River Tolka SPA (004024), approx. 1.3km south and separated from the site. North Dublin Bay SAC (000206), and the North Bull Island SPA (004006) are approx. 2km to the south west and separated from the site.
- 7.32. The conservation objectives for the South Dublin Bay and River Tolka SPA are to maintain or restore the favourable conservation status of habitats and species of community interest, including Light Bellied Brent Goose, Oystercatcher, Ringed Plover, Grey Plover, Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank, Black-headed Gull, Roseate Tern, Common Tern and Arctic Tern and the wetlands which support them.
- 7.33. The conservation objectives for the North Dublin Bay SAC are to maintain or restore the favourable conservation status of habitats and species of community interest, including Mudflats and sandflats not covered by seawater at low tide, Annual vegetation of drift lines, Salicornia and other annuals colonising mud and sand, Atlantic salt meadows, Mediterranean salt meadows, Embryonic shifting dunes,

Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes), Fixed coastal dunes with herbaceous vegetation, Humid dune slacks, *Petalophyllum ralfsii*.

- 7.34. The conservation objectives for the North Bull Island Bay SPA are to maintain or restore the favourable conservation status of habitats and species of community interest, including Light-bellied Brent Goose, Shelduck, Teal, Pintail, Shoveler, Oystercatcher, Golden Plover, Grey Plover, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Turnstone, Black-headed Gull and the wetlands which support them.
- 7.35. The applicant proposes SUDS measures of permeable paving, water butts and attenuation storage and associated oil interceptor is proposed to manage surface water run off before outfalling to the public drainage network. The applicant must apply separately to any planning permission to Dublin City Council for a connection to the surface water network and in doing so must comply with the requirements of Dublin City Council in this regard, including compliance with the Greater Dublin Regional Code of Practice for Drainage works, whereby all new developments must incorporate SUDS. Any discharge will have addressed the issue of potential pollutants given best practice systems in place.
- 7.36. I am satisfied that standard construction management practices would be sufficient to avoid an indirect effect on water quality during construction. I consider that adequate attenuation is proposed within the site during the operational phase and therefore the potential for impact on the water quality within the designated sites is remote. In addition, the proposal for connection to the public foul network would ensure no potential for impacts from wastewater.
- 7.37. It is reasonable to conclude that on the basis of the information on the file, which I consider to be adequate in order to issue a screening determination that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No 000206 (North Dublin Bay SAC), No. 004006 (North Bull Island SPA), No. 0040240 (South Dublin Bay and River Tolka Estuary SPA), or any other European Site, in view of the site's conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

Conclusion

7.38. The subject site, which comprises one detached dwelling, is located adjoining the DART line, approx. 400m from Killester DART station and in close proximity to a well serviced bus route. The proposed development of nine dwellings results in a relatively low density of 38 units per hectare on what is a well serviced site. A higher density development of minimum 50 units per hectare, in accordance with Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (DECLG 2009), is warranted. Furthermore I consider the access/egress arrangements of both the new and existing intensified entrance do not meet requirements in terms of sightlines and would overall result in traffic hazard.

8.0 Recommendation

8.1. It is recommended that permission be refused.

9.0 Reasons and Considerations

1. Having regard to the location of this serviced site along a high quality public transport corridor and approx. 400m from a DART station, the proposed residential development would not be developed at a sufficiently high density to provide for an acceptable level of efficiency in the use of serviced lands and would accordingly be contrary to National Policy as set out in the section 28 Ministerial Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. Furthermore the three terraced dwellings given their layout and distances to boundaries would break the established building line and seriously injure the amenities of the area and properties in the vicinity. The proposed development therefore would not be in accordance with the proper planning and sustainable development of the area.
2. It is considered that the proposed development, which would result in the intensification of use of an existing substandard access, and creation of a new entrance with limited sightlines, in close proximity to the existing entrance, would endanger public safety by reason of traffic hazard.

Una O'Neill
Senior Planning Inspector

5th September 2018