



An  
Bord  
Pleanála

## Inspector's Report ABP-301581-18

### Development

Permission for: A. Demolition of existing outhouses and domestic garage. B. Site clearance of selected trees and associated site works. C. Removal of existing vehicular entrance and construction of new relocated vehicular entrance into site from Brennanstown Road. D. Removal of existing boundary wall and fence and replacement with new boundary fence setback from road verge by two metres along Brennanstown Road. E. Construction of 1 no. two-storey dwelling house with pitched roofs.

### Location

Glenheather, Brennanstown Road, Carrickmines, Dublin 18.

### Planning Authority

Dun Laoghaire Rathdown County Council

### Planning Authority Reg. Ref.

D17A/0859

### Applicant(s)

Mr & Mrs A Jones

### Type of Application

Permission

**Planning Authority Decision**

Grant subject to Conditions

**Type of Appeal**

Third Party

**Appellant(s)**

Damian & Linda Loscher

**Observer(s)**

None

**Date of Site Inspection**

21<sup>st</sup> August & 11<sup>th</sup> September 2018

**Inspector**

Mary Crowley

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## 1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.43 ha is located on the southern side of the Brennanstown Road close to the junction with the Glenamuck Road North, Claremount Road, and Brighton Road, Carrickmines, Co. Dublin. The appeal site contains an existing two storey detached dwelling, Glenheather. There are also a number of outbuildings, sheds and a garage on the site which it is proposed to demolish. There is substantial mature tree coverage on site and in the general vicinity. The Brennanstown Road is relatively narrow at this location with a footpath on the opposite side of the road. The site is located in close proximity to the LUAS line and appears to be well served by Dublin Bus. A set of photographs of the site and its environs taken during the course of the site inspection is attached.

## 2.0 Proposed Development

2.1. The planning application submitted to DLRCC on the **25<sup>th</sup> September 2017** at "Glenheather", Brennanstown Road, Carrickmines, Dublin 18 comprised the following:

- demolition of existing outhouses and domestic garage (98sqm)
- site clearance of selected trees and associated site works
- removal of existing vehicular entrance and construction of new relocated vehicular entrance into site from, Brennanstown Road
- removal of existing boundary wall and fence and replacement with new boundary fence setback from road verge by two metres along Brennanstown Road and
- construction of 1 no. two-storey 4 bed dwelling house with pitched roofs (404 sqm)

2.2. The application was accompanied by the following:

- Letter of consent from landowners to apply for planning permission
- Part V Exemption Certificate

2.3. The following **further information** together with revised public notices was submitted on the **8<sup>th</sup> January 2018**:

- The land between Brennanstown Road edge and the proposed set back from treatment will be reserved free from development and is agreed to be taken in charge by the Planning Authority for road improvement works
- EIR plant alteration request
- Arboricultural Assessment

2.4. The following **clarification of further information** was submitted on the **21<sup>st</sup> March 2018** as summarised:

- It is the applicant's desire is to have a dual access to the proposed properties which will be far safer than their existing vehicular access which from experience of accessing the site is dangerous in its present location.
- Impact on the Sylvan character is addressed with the additional trees proposed and the access route to both properties. Vehicular routes within the existing site were chosen so as to cause minimum impact to the existing environment.
- The existing fence line is the legal boundary line of the property and the verge from the existing fence to the roadside kerb is outside of the applicant's ownership.
- Proposed landscaping plan

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

3.1.1. DLRCC granted permission subject to 17 no conditions. Conditions may be summarised as follows:

- Condition No 1 – Compliance with plans and particulars submitted with the application as amended by Further Information submitted on 8<sup>th</sup> January 2018 and by way of Clarification of Further Information on 21<sup>st</sup> March 2018
- Condition No 2 – Depth of rear first floor element shall be reduced by 7m
- Condition No 3 – Entrance and Boundary

- Condition No 4 – Proposals to retain trees within the revised site boundary as required under Condition No 3
- Condition No 5 – Engagement of a qualified arborist
- Condition No 6 – External finishes
- Condition No 8 – Construction works
- Condition No 9 – Surface water
- Condition No 10 – Water harvesting
- Condition No 11 – Soakaways
- Condition No 12 – Hardstanding designed as a permeable paving stone / asphalt system
- Condition No 13 – Development Contribution €235.27 (surface water)
- Condition No 14 - Development Contribution €5,387.87 (roads)
- Condition No 15 - Development Contribution €3,497.40 (community & parks)
- Condition No 16 – Payment of Development Contributions
- Condition No 17 – Supplementary Development Contribution €43,936.57 (Luas Line B from Sandyford Depot to Cherrywood, namely Luas Line B1)

### 3.2. **Planning Authority Reports**

#### 3.2.1. **Planning Reports**

3.3. The **Case Planner** in their first report considered the principle of a dwelling at this location to be acceptable. The Planner recommended that further information be sought in relation to roadside set back, its reservation free from development, consent to relocate electricity pole, road edge details, submission of a comprehensive tree report and the consideration of alternative front boundary treatment that is in keeping with the character of Brennanstown Road. Further information was requested on the 13<sup>th</sup> November 2017.

3.3.1. The **Case Planner** in their second report and having considered the further information submitted recommended that clarification of further information be sought in relation to roadside set back and treatment and that a proposed landscaping plan be submitted as the Planning Authority has concerns relating to the

loss of trees and the loss of sylvan character of Brennanstown Road. Clarification of Further Information was requested on the 1<sup>st</sup> February 2018.

3.3.2. The **Case Planner** in their third report and having the clarification of further information submitted recommended that permission be granted subject to conditions. The notification of decision issued by DLRCC reflects this recommendation.

### 3.3.3. **Other Technical Reports**

- **Transportation Planning** (3<sup>rd</sup> November 2017) – Requested Further Information in relation to the reservation of area of land between the existing Brennanstown Road edge and front boundary free from development and its taking in charge by the Council, the relocation of the electricity pole and detailed plans showing a maximum width of 6.0m for the dishing on the area of land between the existing Brennanstown Road edge and the front of proposed shared lay-by.
- **Transportation Planning** (18<sup>th</sup> January 2018) – Having considered the Further Information requested Clarification of Further Information in relation to reservation and treatment of area of land between the existing Brennanstown Road edge and front boundary.
- **Transportation Planning** (5<sup>th</sup> April 2018) – Having considered the Clarification of Further Information no stated objections subject to conditions relating to road side edge to be conceded to the Council, road side between boundary and road edge to be dished and strengthened, relocation of electricity pole, proposed new shared vehicular entrance shall be 5.0m, SuDS and construction works.
- **Surface Water Drainage** (31<sup>st</sup> January 2018) – No comments on Further Information received.
- **Surface Water Drainage** (6<sup>th</sup> April 2018) – No comments on Clarification of Further Information received.
- **Drainage Planning** (3<sup>rd</sup> November 2017) – No objection subject to conditions relating to surface water and hardstanding areas.



### 3.4. Prescribed Bodies

3.4.1. Irish Water – No objection

### 3.5. Third Party Observations

3.5.1. There are several observations recorded on the appeal file from (1) Embassy of the Republic of Korea, (2) Damian & Linda Loscher and (3) Brian & Paula Harrison,

3.5.2. The issues raised relate to local area objectives, scale of the project, traffic impact, visual impact, any proposed road widening scheme along Brennanstown Road that would interfere with the property of the Seoul Embassy would not be legally permissible, loss of trees and hedgerows, current scheme is not materially different from previously refused scheme, sightlines are not achievable, double entrance would damage the unique streetscape and that the dwelling is too close to mature trees.

## 4.0 Planning History

4.1. There was a previous appeal on part of this site that may be summarised as follows:

**PL06D.245031 (Reg Ref D15A/0035)** – In 2015 DLRCC refused planning permission for (a) demolition of existing outhouses and domestic garage, (b) site clearance of selected trees and associated site works; (c) construction of new vehicular entrance from Brennanstown Road including new boundary wall and automatic gates; (d) construction of 1 No. dwelling house with pitched roofs; (e) new boundary fence between new and existing dwelling, all at site adjacent to Glenheather, Brennanstown Road, Carrickmines, Dublin 18 for one reason (inadequate sight lines) as follows:

- 1. Sightlines to the east traverse land outside the control of the applicants and there are visual obstructions to a height of 1.04 metres. Sightlines to the west require the set back of the adjacent roadside boundary and the removal of mature trees in an area outside of the identified site boundary. To permit the development as proposed would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise and*

*would be contrary to the proper planning and sustainable development of the area.*

4.2. The decision was appealed by the first party. In 2015 the Board refused the scheme for the following two reasons:

1. *Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2010-2016, to the pattern of development in the vicinity and to the scale, size, bulk, and massing of the proposed dwelling on this site of limited width, and in particular the length and design of the eastern gable, it is considered that the proposed detached dwelling would constitute significant overdevelopment of this restricted site and would undermine the character and visual amenities of the area. The proposed development would, therefore, seriously injure the amenities of the area and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.*
2. *It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a heavily trafficked road at a point where sightlines are restricted. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

## 5.0 Policy Context

### 5.1. Development Plan

5.2. The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is **zoned Objective A** where the objective is *to protect and/or improve residential amenity.*

5.3. **Local Objective 130** states that is an objective *to limit development along Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendation implemented.*

## 5.4. Natural Heritage Designations

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

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The third party appeal was prepared and submitted by Damien Loscher & Linda Walsh, Coolgreen, Brennanstown Road (adjoining property the and may be summarised as follows:

- **History** – The Board is asked to review the extent to which the proposed dwelling sufficiently addresses the Board initial concerns regarding scale, size, bulk and massing of the proposed dwelling, with particular reference to the repositioning and redesign of the property which has resulted in it being more, not less, visible than the 2015 application
- **Scale** - Such a significant and sizeable building, three storeys in height at the gable point and positioned far beyond the rear building line, is hugely damaging and represents over development of the site. Requested that a condition be attached prohibiting the addition of 40sqm at the rear without planning permission.
- **Coolgreen Trees** – In the Arborist report details are provided regarding how tree should be protected. Trees to be protected on Glenheather are shown with protective fencing but no such fencing is shown around the root protection zones of the 2 no trees located in Coolgreen, adjacent to the boundary but roots extend to the appeal site.
- **Glenheather Trees** – Requested that the trees to the front of Coolgreen that have roots and canopies extending into Glenheather be included in the list of trees to be monitored by an Arborist during construction.
- **Location of Services** – Noted that the Arborist Report requires that services not be located on the east side of the new dwellings as this would further impact the root zones of trees to be protected. Requested that this be made a condition.

- **External Finishes** – As this is an architecturally sensitive area, with the proposed dwelling to be located between two early 1900s Arts & Crafts style home it is asked that the Board go beyond the requirements to “harmonise”. A design perfectly in sympathy with Coolgreen or Glenheather is entirely achievable.
- **Rear Building Line** – Asked that the rear building line of both properties not be broken in the interest of maintaining the amenity of properties on both sides of the proposed dwelling.
- **South Korean Embassy Observation** – Share the objections raised in these observations in relation to any future road widening as it would mean that trees fronting onto Coolgreen would have to be removed.
- **Traffic Safety** – Concern raised that regarding public safety in relation to the proposed entrance. Reference is made to the previous refusal issued by both DLRCC and the Board.
- **Conclusion** – Support a modest, sympathetic and unobtrusive dwelling. Requested that permission be refused unless conditions can be attached that ensure amenity is preserved and safety is given full consideration.

## 6.2. Applicant Response

6.2.1. The first party response to the third party appeal has been prepared and submitted by Brock McClure and may be summarised as follows:

- **DLRCC** - The Planning Authority has fully addressed all matters relating to impact on third parties in this case and a balance has been struck with regard to providing for an appropriate development of an acceptable density, whilst protecting established levels of residential amenity in the area at this valuable site. DLRCC has granted permission for the current proposal.
- **Planning Policy** - Sensitive infill proposals such as that proposed should be favourably considered as they contribute to the overarching strategic development goals of the Development Plan namely to promote higher residential densities.
- **Condition No 2** – Requested that this condition, requiring the depth of rear first floor element be reduced by 7m be omitted as the dwelling as designed

is appropriate to the site and surrounds. A reduction at first floor would not materially alter any impact on the neighbouring property but would compromise the layout of Bedroom No 1. If this condition is attached submitted that a further condition prohibiting exempted development (as requested by the appellant) would be wholly unwarranted.

- **Entrance** – The safety of the entrance and the need to tie in with any future upgrading of Brennanstown Road was given detailed assessment by the Transportation Division of DLRC in order to ensure that the new entrance will be safe and function appropriately. The applicant is happy to comply with Condition No 3. The setback and dishing arrangement are common along Brennanstown Road (photos provided). The upgrade of Brennanstown Road is a 6 year road objective in the Development Plan in order to reduce speeds and improve road safety and facilitate the development of adjoining zoned lands. A Part VIII scheme prepared in 2016 was not approved. However aspects of the scheme are being delivered in piecemeal manner by recent SHD applications. Inevitable that the full road upgrade will occur and the conditions attached will enable this entrance to function successfully within that scheme.
- **Overdevelopment** – It is a specific planning policy from national to local level that residential density must increase within established settlements proximate to public transport. Infill development is entirely appropriate and accords with these policies. There is precedents for infill development in the area.
- **Tree Protection** – The Arborist Report refers to trees at both the Coolgreen property and on Brennanstown Road. The Report states that excavating the foundations for the house would be achievable with negatively impacting on these trees at Coolgreen. Regarding the trees on Brennanstown Road a “no-dig” method for the creation of the new driveway has been proposed. Further Condition No 5 will ensure the protection of all the trees on the site that are not being removed.
- **Character** – The design of the new infill dwelling has been given detailed consideration by the project architect and will make a positive contribution to the character of the area. There is no uniform style that forms the character

of the area due to the individual nature of the original building designs which evolved over many years. Based on recent development in the area there is a mixture of styles in the area.

- **Rear Building Lines** – There is no established building line that is relevant to the siting of this dwelling. Reference is made to aerial imagery submitted with the response.
- **Conclusion** – The applicant and design team have taken every step possible to ensure that a quality dwelling is delivered at this location.

### 6.3. **Planning Authority Response**

- 6.3.1. DLRCC refers to the previous planners report and state 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.

### 6.4. **Observations**

- 6.4.1. There are no observations recorded on the appeal file.

### 6.5. **Further Responses**

- 6.5.1. There are no further responses recorded on the appeal file.

## 7.0 **Assessment**

- 7.1. The planning application was submitted to DLRCC on the 25<sup>th</sup> September 2017. Further information was submitted on 8<sup>th</sup> January 2018. Clarification of further information was submitted on the 21<sup>st</sup> March 2018. Accordingly this scheme is based on the plans and particulars submitted to DLRCC on 25<sup>th</sup> September 2017 as amended by further plans and particulars submitted on 8<sup>th</sup> January 2018 and 21<sup>st</sup> March 2018.

- 7.2. 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
- Traffic Impact
- Residential Amenity
- Tree Protection
- Other Issues

## 8.0 Principle

- 8.1. The operative plan for the area is the Dun Laoghaire Rathdown County Council 2016 – 2022. Under the provision of this Development Plan the site is zoned Objective A which seeks *to protect and / or improve residential amenity* and where residential development is permitted in principle subject to compliance, with the relevant policies, standards and requirements set out in plan.
- 8.2. The site area is made up of the front and side garden of the existing grounds of “Glenheather” which has road frontage along Brennanstown Road. The site is located within an established residential area c 500m from Carrickmines Luas stop. The appeal site features an early 1900’s two storey arts and crafts style house with two similar aged properties in neighbouring plots. Although Brennanstown Road is traditionally a low density residential area, it was evident on day of site inspection that there has been an influx of new and permitted development in recent years in the area resulting in an increase in density and a reduction in plot sizes.
- 8.3. The proposed scheme splits the existing site in two in order to retain the existing residential property (Glenheather) and develop a 1 no. two-storey 4 bed dwelling house with pitched roof to the west of the parent property. In order to facilitate the development the existing outhouses and domestic garage will be demolished. Further some of the existing trees will be removed and the existing entrance to Glenheather will be removed and replaced by a joint entrance at a more central point between the two sites that will provide access to both Glenheather and the new dwelling.
- 8.4. Having regard to the zoning objective for the site there is no objection to the principle of developing a dwelling house at this location. The outhouses and domestic garage to be demolished to facilitate this new house are not visible from the public road, are

not listed on the record of protected structures and are not located within any designated conservation area. The structures do not in my view have any distinctive architectural merits. Therefore there is no objection to the proposed demolition of these structures. Issues pertaining to loss of trees and residential impact are dealt with below.

## 9.0 Traffic Impact

- 9.1. The pertinent issue, in my view, to be considered in this case is the traffic impact of the proposed scheme. The Board in their previous decision refused permission as the development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a heavily trafficked road at a point where sightlines are restricted (PL06D.245031 (Reg Ref D15A/0035) refers). It is noted that DLRCC Transportation Planning Section had no objection to the current scheme as amended.
- 9.2. The scheme before the Board creates a new shared entrance off the Brennanstown Road to provide access to the existing house; Glenheather and the new house. This double bell mouth entrance and the new front boundary of these grounds is being set back to provide for future upgrade / widening of the Brennanstown Road and it is proposed to close off the existing entrance to Glenheather due to its limited sightlines. Drg No 14-566-PA-0014 submitted by way of Clarification of Additional Information indicates a proposed 2 m wide set back levelled and grassed sterile zone to be ceded to the Planning Authority to facilitate future Brennanstown Road improvement Works.
- 9.3. I would draw the Board's attention to the recent Strategic Housing Development scheme permitted across the road from this appeal site that extended along Brennanstown Road in part to the front of this appeal site. The Board granted permission for 136 residential units (98 apartments and 38 no. 2 and 3 storey houses) subject to 25 Conditions (ABP-301614-18 refers). The proposal incorporates works to Brennanstown Road including a roundabout at the proposed new site entrance, road and footpath widening, raised tables/ramps for the purpose of traffic calming, and alterations and enhancements to the Brennanstown Road / Glenamuck Road North (R842) / Brighton Road / Claremont Road junction.



9.4. I refer to the Planning Inspectors Report pertaining to ABP-301614-18 that notes that a Part 8 proposal (PC/IC/01/16) was brought by the Council Executive before the elected members in 2017 which provided for a suite of measures along Brennanstown Road. However, in March 2017, the elected members decided not to proceed with the Part 8 and since the adoption of the new County Development Plan in 2016 the Planning Authority has not been in a position to deliver the Traffic Management Scheme for the Brennanstown Road as required under Special Objective 130 and Policy ST25.

As part of the SHD application, the applicant proposed that the development would be accessed from Brennanstown Road by a single vehicular entrance i.e. roundabout. The Design statement accompanying the application sets out that “respecting the objectives and associated design principles of the earlier DL RCC Part 8 scheme for Brennanstown Road the proposed site access junction is to be formed by way of a small roundabout”. It was submitted that in addition to providing sightlines for the development this junction arrangement provides a number of important road safety and traffic management benefits including traffic calming by influencing the speeds of traffic along the Brennanstown Road, enhancing visibility splays for private access points located opposite the subject site and to the south of Brennanstown Road, and contributing to the discouragement of rat-running along Brennanstown Road. It is further stated that similar to a previous application further along Brennanstown Road, the proposed road improvement works are not to be implemented under the Part 8 process, but rather are developer-led. The Board granted permission for this Strategic Housing Development subject to Conditions. Condition No 2 set out the following:

*Prior to commencement of development, full details in respect of the road and footpath improvement works to Brennanstown Road including measures outlined in the Quality Audit shall be submitted to and agreed in writing with the planning authority. These works shall be completed in full and to the written satisfaction of the planning authority at the expense of the developer prior to commencement of construction on any residential unit.*

*Reason: In the interests of public safety*

9.5. As documented by the previous Planning Inspector and as noted on day of site inspection (x2) the existing entrance serving Glenheather is a serious traffic hazard and it is difficult to enter and exit due to restricted sightlines and configuration of the entrance. In this context it is my view that any proposal to improve the current situation is to be welcomed. I have considered the proposed scheme as amended and given the location of the appeal site together with the layout of the proposed shared entrance 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. It is recommended that should the Board be minded to grant permission that a condition be attached requiring that the proposed roadside works shall align with the alterations and enhancements to the Brennanstown Road permitted under the Strategic Housing Development Scheme by An Bord Pleanála Reference ABP-301614-18 (S.4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016).

## 10.0 Residential Amenity

I note the concerns raised by the appellant with regards to scale of the proposed dwelling proximate to their adjoining property at Coolgreen, the design of the scheme and the rear building line. It is also noted that the Board in their previous decision refused permission for over development for reasons of scale, size, bulk, and massing of the proposed dwelling and in particular the length and design of the eastern gable (PL06D.245031 (Reg Ref D15A/0035) refers).

10.1. DLRCC in their decision attached a condition requiring that the depth of the rear first floor element be reduced by 7m (Condition No 2). The applicant submits that that a reduction at first floor would not materially alter any impact on the neighbouring property but would rather compromise the layout of Bedroom No 1 in the new house. The applicant submits that if this condition is attached that a further condition prohibiting exempted development (as requested by the appellant) would be wholly unwarranted.

- 10.2. I agree with the Case Planner that the proposed development in terms of scale is smaller than that of the last application with no overlooking on Glenheather or Coolgreen. The stated floor area of the proposed two storey dwelling is 404 sqm. This is a reduction from the previous scheme where the stated floor area was 620sqm. The smaller floor area is reflected in the design and elevation treatment of the current scheme before the Board. Having regard to the mixed style of dwellings in the area and the contiguous elevations submitted, I am of the view that the front elevation design of the proposed dwelling, while offering limited overall architectural distinction, is satisfactory and that the height and style will not detract from the overall visual amenity and character of the area or the adjoining two houses at Glenheather and Coolgreen. However, I have serious concerns in relation to the scale and overbearing impact of the proposed dwelling on Coolgreen.
- 10.3. The view from the appellants dwelling will be of the gable wall of the new dwelling with a length of 20.2 metres and a ridge height of 8.4. While this is a reduction on that previously proposed (length of 28m) it remains that this is a substantial property relative to its site size and proximity to adjoining properties. Whilst there is a notable separation distance between the proposed dwelling and Coolgreen in the order of c18m, it is my view that the proposed gable would be overbearing and unduly prominent by reason of its massing and bulk as it runs almost the length of the appellant's side / rear garden.
- 10.4. As stated previously there is no objection to the principle of a dwelling at this location. However the length and bulk of the eastern elevation is unacceptable. In this regard I support the general approach of DLRCC and recommend that should the Board be minded to grant permission that a condition be attached requiring that the rear return be omitted i.e. that the depth of the rear ground and first floor element be reduced by 7m. This is a step further then the recommendation of DLRCC who only omitted the rear first floor element.

## 11.0 Tree Protection

- 11.1. I note the concerns raised by the appellant with regard to the impact of the scheme on the trees within their property at Coolgreen and the roots that extend onto the

appeal site, requirement that the scheme be monitored by an Arborist during construction and the location of services.

11.2. I have considered the Arboricultural Assessment submitted together with the Arboricultural Method Statement / Tree Protection Strategy. As documented in the report there is a wide mix of trees and shrub species within the appeal site that range in age from semi-mature to mature. To accommodate the proposed development it is proposed to remove 22 of the 34 trees tagged individually within the assessment. This is made up of the following:

- 3 no category U
- 0 no category A
- 0 no category B
- 19 no category C plus 2 hedges and a small section of shrub border No 1 and all of shrub border no's 2 and 3

11.3. It is submitted that the above loss of tree vegetation is to be mitigated with new tree, shrub and hedge planting using an array of tree / shrub sizes and species. It is noted that none of the trees on the site have been identified for protection or preservation in the current Development Plan. Having regard to the information provided I considered the foregoing proposal to be acceptable.

11.4. It is noted that the new entrance driveway to the existing house will traverse the root zones of 3 no trees. To minimise the impact the entrance will be brought in over the existing ground levels using a "no dig" method. Pruning will also be required. This proposal is considered acceptable.

11.5. The new house has been positioned out from the eastern boundary and the crowns of trees no's 2 and 3 which are located on the adjoining property at Coolgreen. It is stated that a large percentage of the roots from these trees have been retained on the Coolgreen side of the boundary wall with only a small percentage escaping out under the boundary wall into the appeal site. It is submitted that excavating the foundations for the house should be achievable without negatively impacting on these trees. It is however recommended that the exactions for the foundations be carried out under the supervision of an Arboriculturist and if large quantities or large size roots are encountered, then an alternative foundation design will need to be put in place around the roots. This proposal is considered acceptable.

11.6. Having regard to the matters discussed above, I am satisfied that the loss of trees and vegetation will not be so significant as to merit a refusal in this instance. Further I consider the proposed mitigation measures to be acceptable. I support the approach of the Planning Authority and recommend that should the Board be minded to grant permission that a condition be attached requiring that the landscaping scheme submitted (as amended) is complied with, the mitigation measures as set out in the Arboricultural Assessment be put in place prior to the development works commencing on site and that the developer engage the services of a qualified Arborist. I also recommended that no services are located on the east side of the new dwelling.

## 12.0 Other Issues

12.1. **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.

12.2. **EIA Screening** – Having regard to the nature and scale of the proposed development comprising the construction of a detached dwelling 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.

12.3. **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).

**Supplementary Development Contributions** – Condition No 17 of the notification decision to grant permission issued by DLRCC required the payment of a Supplementary Development Contribution €43,936.57 (Luas Line B from Sandyford Depot to Cherrywood, namely Luas Line B1). The site is located in close proximity to the LUAS line and within the Section 49 Development Contributions Scheme Area for the B1 Sandyford to Cherrywood area. 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 49 Development Contribution in accordance with the Planning and Development Act (as amended).

### **13.0 Recommendation**

13.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

### **14.0 Reasons and Considerations**

14.1. Having regard to the site's location on lands with a zoning objective for residential development and the policy and objective provisions in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 in respect of residential development, the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **15.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 8<sup>th</sup> January 2018 and by the

further plans and particulars submitted on 21<sup>st</sup> March 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. The proposed roadside works shall align with the alterations and enhancements to the Brennanstown Road permitted under the Strategic Housing Development Scheme by An Bord Pleanála Reference ABP-301614-18 (S.4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016). These works shall be completed in full and to the written satisfaction of the planning authority at the expense of the developer prior to commencement of construction on site.

**Reason:** In the interests of public safety

3. The depth of the rear ground and first floor element of the proposed dwelling shall be reduced by approximately 7m. Revised drawing showing this reduction shall be submitted to the Planning Authority for written agreement before the commencement of development.

**Reason:** In the interest of the residential amenity of the adjoining property

4. 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 the house, without a prior grant of planning permission.

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

5. (a) The landscaping scheme as submitted to the planning authority (as amended) shall be carried out within the first planting season following substantial completion of external construction works  
  
(b) It will be necessary for tree protective fencing to be erected and all other

mitigation measures required as set out in the Arboricultural Assessment to be put in place prior to the development works commencing on site.

- (c) A qualified arborist shall be retained as a Arboricultural Consultant/Site Arborist for the entire period of construction. The applicant shall inform the Planning Authority in writing of the appointment and name of the Consultant, prior to commencement of development. The Consultant shall visit the site on a regular basis to ensure the implementation of the all of the arboricultural recommendations and method statements, in the submitted Arboricultural Assessment Report.
- (d) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been adequately protected. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.
- (e) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** To protect trees and planting during the construction period in the interest of residential and visual amenity.

- 6. (a) 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.

(b) No services are located on the east side of the new dwelling

**Reason:** In the interest of public health.



7. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

8. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity

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

**Reason:** In the interest of sustainable waste management.

10. 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

11. The developer shall pay to the planning authority a financial contribution in respect of Luas Line B from Sandyford Depot to Cherrywood, namely Luas Line B1 in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission

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**Mary Crowley**  
**Senior Planning Inspector**

**11<sup>th</sup> October 2018**